



Maintaining Student Responsibility -

Policy and Procedures

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1. Introduction

1.1 The College is committed to a positive policy of equality and diversity and strives to support students wherever possible. It wishes to create an environment that is safe and welcoming to all students, staff and stakeholders. It aims to promote a positive culture where students are able to learn and develop in a respectful and fair environment. The College endeavours to ensure that their wellbeing and health and safety is a priority. In order to ensure this, we expect students to behave in an appropriate manner at all times; any student who contravenes this may be subject to the disciplinary procedures as set out in this document.

2. Aim of the Policy

2.1 The aims of the policy are to:

- provide a clear framework and guidelines for students, parents and carers on expectations and procedures in relation student conduct, attendance and poor academic progress and the supportive measures that can be put in place to support students through this process.
- provide clear guidelines on how staff can effectively follow up concerns around a student's conduct, attendance and poor academic progress and the supportive measures that can be put in place to support students through this process.

3. Scope

3.1 This policy applies to all students irrespective of their method of application or enrolment or their type of study including those on further education, school links/tasters and apprenticeship programmes, studying either full-time or part-time.

3.2 It applies to students on all College sites, including community and outreach venues, students on trips, or work placement. It can also include activities off site which bring the Colleges name into disrepute or which have a detrimental impact on the education or welfare of other people at the College. Where it is unclear if the College policy covers such activities, the Vice Principal Curriculum and Support can use their discretion.

3.3 The policy does not replace normal reporting mechanisms for criminal activity.

3.4 This policy does not replace good classroom management. Subject tutors should discuss classroom management concerns with the Curriculum Leaders, Curriculum Managers or Directors.

4. Reporting misconduct

4.1 In the event of alleged Misconduct or Gross Misconduct, the member of staff or student making the allegation must report it to the student's Curriculum Manager, a Safeguarding Officer or the Head of Student Services. The report must be followed up in writing on Promonitor at the earliest opportunity.

4.2 The member of staff must report the incident to their Curriculum Manager or line manager and to the Safeguarding Officer, Head of Student Services (or Director in the event of their absence) who will identify the appropriate procedure to be followed. (In the event of absence of all of the above people, a member of SLT must be consulted). The incident must be reported within 1 week to enable appropriate action to

be taken. Incidents reported outside of this time restriction will only be investigated under exceptional circumstances and is at the discretion of the Assistant Principal Student Experience and Welfare.

4.3 In determining which procedure to follow (Misconduct or Gross Misconduct) the Investigating Officer will take into account:

- The physical setting i.e. Classroom, Workshop, RWE or Areas providing a service to the public;
- The involvement of others;
- The degree of wilfulness;
- The degree of violence.

5. Selection of the appropriate procedure

5.1 Examples of Misconduct

- Disrespectful behaviour towards staff or other students
- Breach of classroom standards
- Unacceptable levels of noise and/or unruly behaviour in College, including study areas or the classrooms
- Bad language aimed at staff or other students
- Failure / refusal to comply with reasonable instructions from a member of staff
- Misuse of the computer network (including whilst accessing College WIFI on personal devices) e.g. accessing prohibited sites, use of another students password, denial of service attacks, inappropriate use of the internet, inappropriate use of social media etc.
- Smoking outside of the permitted areas, including electronic cigarettes
- Persistent failure to comply with the College's Policy on wearing the College Identification (ID) badge and lanyard at all times
- Failure to return library books
- Failure to return equipment

NB: This list is not exhaustive

5.2 Examples of Gross Misconduct

- Verbal or physical, threatening or intimidating behaviour
- Sexual violence or harassment
- Being in possession of or under the influence of substance e.g. alcohol, non-prescribed drugs, illegal drugs etc
- Carrying offensive or prohibited weapons e.g. guns, tasers, bladed articles, pornography, corrosive substances or dangerous objects
- Bullying, including cyber-bullying, e.g. any form of bullying which takes place online or through the use of electronic technology (including whilst accessing College WIFI on personal devices)
- Malicious communications through social media or electronic technology e.g. threats to harm, derogatory comments
- Wilful damage to college property
- Disregard of College Health & Safety Guidelines e.g. in workshops

- Stealing from staff, students or a member of the public whilst on college premises or on a college related activity e.g. work placement, trip
- Showing prejudice to a minority group or group with protected characteristics
- Downloading, storing, transmitting or viewing pornographic or offensive material including pornography or graphic imagery (including whilst accessing College WIFI on personal devices)
- Taking, possessing and/or circulating youth produced sexual imagery ('sexting')
- Malicious allegations against a member of staff/employer/placement provider
- Bringing the College into disrepute
- Inciting others to carry out acts of misconduct or gross misconduct
- Chemical and volatile substance attacks
- Sharing College identification badges with members of the public

NB: This list is not exhaustive.

5.3 Alcohol, Drugs and Substance Misuse

5.3.1 The College operates a 'zero tolerance' approach to alcohol and drugs.

5.3.2 The College considers that to provide a safe working environment and to comply with statutory requirements the consumption of alcohol or the use of illegal drugs while on college premises or anywhere else where students are representing the college, is unacceptable. In addition, attending college while under the influence of alcohol or illegal drugs is also unacceptable.

5.3.3 If a student is believed to be under the influence of illegal substances e.g. drugs, solvents, or alcohol, the Investigating Officer will take into account the following factors when deciding whether to follow Gross or Misconduct procedures:

- When / where the substance was consumed;
- What the alleged substance is;
- The student's behaviour.

5.3.4 Trained staff are empowered to search students who are suspected of being under the influence of or in possession of drugs or alcohol (*see Searching, Screening and Confiscating Policy*).

5.3.5 Students suspected of being under the influence of any substance can be asked to leave the College premises immediately. If a student is under 18 or they are considered vulnerable or at risk to themselves or others, the student's parent / guardian (or other appropriate person) will be informed, if the student has consented to information being shared. The usual Conduct procedures will be followed at a later date.

5.3.6 If students are found to be under the influence of illegal substances or found to be in possession of illegal substances they can be reported to the police. Where this is the case the Head of Facilities Management or Head of Student Services (DDSL) will be informed. Where appropriate advice from the Police will be sought.

5.3.7 Where a student is found to be in possession of illegal substances they will be taken from the student and held with the Head of Facilities Management until the police can be called to dispose of them appropriately. A record will be kept that the substance was held.

5.3.8 Where appropriate, students who may have problems with substance misuse can be offered support and referrals made to appropriate external agencies. This will be with the agreement of the student

but does not override the Maintaining Student Responsibility Policy (*see Alcohol, Drugs and Substance Misuse Policy*).

5.4 Prohibited Items, including Knives, Guns and Tasers

- 5.4.1 **The College operates a 'zero tolerance' approach to the carrying of prohibited items including guns, bladed items and offensive weapons** The term "offensive weapon" is defined as: "any article made or adapted for use to cause injury to the person, or intended by the person having it with him for such use".
- 5.4.2 The Offensive Weapons Bill (2018) extends the offences of possessing a bladed article or offensive weapon on school premises to cover Further Education premises.
- 5.4.3 The College believes that all students have a right to study in a safe environment, free from the threat of dangerous weapons. Knife crime and acid attacks are issues of considerable public concern. These crimes have a devastating impact on communities, not just in major cities but across the country. The Offensive Weapons Bill (2018) introduces new powers to tackle knife crime, acid attacks and the risk that criminals could obtain powerful firearms.
- 5.4.4 Any student found in possession of a knife (regardless of size), bladed article, gun or other weapon deemed to pose a potential danger will be immediately suspended.
- 5.4.5 Section 85B of the Further and Higher Education Act 1992 gives members of staff power to search students at an institute for further education for bladed and pointed articles and offensive weapons. The College has a right to carry out searches for weapons and will from time to time carry out searches, by appropriately trained staff appointed by the College or the Police.
- 5.4.6 Where there is concern or suspicion that a student may be carrying a weapon the College reserves the right to search that student or students (*see Searching, Screening and Confiscation Policy*).

5.5 Bullying / Harassment / Intimidating Behaviour

- 5.5.1 **The College will not tolerate violence, abuse, discrimination, bullying or harassment of any kind, directed towards any person, including, student, staff, visitors, members of the public etc.** This includes direct and indirect behaviour, verbal, written, cyber-bullying and sexual harassment.
- 5.5.2 Inappropriate/offensive/threatening comments on social network sites will not be tolerated. Images (including videos) of other students or staff must not be posted without the persons consent.
- 5.5.3 Students who feel they have been bullied or harassed have the right to inform the Police (*see Anti Bullying Policy*).
- 5.5.4 For reporting purposes the College will categorise bullying into categories such as physical, verbal, cyber, racist, religious, homophobic, sexist and transphobic, or disablist.

5.6 Cheating & Plagiarism

- 5.6.1 **Cheating and plagiarism is unacceptable for all course work, assignments and exams.**
- 5.6.2 Under the College's Malpractice and Maladministration Policy, any student found to be carrying out these activities will be subject to misconduct / gross misconduct proceedings.

6 Staff Safety

- 6.1 Staff must consider their own safety at all times and where appropriate should call for assistance. For more advice please see the Head of HR and Payroll or the Health and Safety Officer.

7 Misconduct Procedure

7.1 Misconduct

- 7.1.1 Where the alleged misconduct has breached the Maintaining Student Responsibility (MSR) Conduct Policy:
- a. The Investigating Officer will request a written report from the member/s of staff reporting the allegation, (this must be via logged on Promonitor as a Confidential Comment for the attention of the investigating officer at the earliest opportunity)
 - b. This must be received within one week of the incident to enable appropriate action to be taken. Only in exceptional circumstances will the Assistant Principal accept reports after this time.
 - c. Once the written report has been received the Investigating Officer will interview the student involved in the alleged misconduct (*please see notes on interviewing students 15.2*). Where the student is part of the School Links Programme, the Vice Principal, Head of Student Services, Head of Studies or the Head of Learning Support may attend the interview with the investigating officer and will liaise with the school.
 - d. If there is satisfactory evidence of misconduct a decision will be made by the Curriculum Manager as to whether a student will be issued with a formal verbal or written warning. The student is informed of the decision by the Investigating Officer and the outcome recorded on their ILP (Pro Monitor) by the Safeguarding Team. The student should be informed that any further contravention of the College MSR Conduct may result in a formal hearing and that Gross/Persistent Misconduct could result in permanent exclusion from the College
 - e. For students under 18 or those with learning difficulties, the student's parents/guardians are sent a copy of the warning via letter if consent has been given (sent by Safeguarding Team). Copies of all letters will be held on the students' ILP. The student's Progress Tutor (full time students only) will also be informed.
 - f. Where the offence is deemed as potentially serious in nature a Gross Misconduct Hearing can be called and the student suspended from college (*see 8*).

8 Gross or Persistent Misconduct Procedure

8.1 Suspension

- 8.1.1 Where the allegation is potentially Gross Misconduct (refer to list above), the following staff are empowered to suspend a student.
- A member of the Senior Leadership Team
 - Director
 - Deputy Designated Safeguarding Lead
- 8.1.2 The Investigating Officer is permitted to meet with the student to communicate the decision to send the student home.

- 8.1.3 If a student is under 18 or has a learning difficulty, the parent or guardian will be informed that the student is being sent home by the Investigating Officer (where consent has been given). Where appropriate, the student can wait in the Student Hub/Reception area (KGV) while a parent / guardian comes to collect them. For non-independent travellers or vulnerable students they will not be sent home but may be removed from class and asked to wait in an appropriate area such as Student Hub/Reception area (KGV) or the Learning Support Hub. Parents / guardians will be advised the student should not return to college until a decision regarding their suspension is made, where consent has been given.
- 8.1.4 The student is informed of the suspension by letter within 5 working days of being sent home. If a student is under 18 or has a learning difficulty, the parent or guardian is also informed (where consent is given) and sent a copy of the letter. Safeguarding Team sends all correspondence.
- 8.1.5 The student (and parents / guardians, where consent is given) will also be sent a letter from the Impartial Person appointed to the case and a summary of the procedure.
- 8.1.6 While a student is suspended from college they are not allowed on College premises or to take part in College events (trips, shows, work placements etc). The only exceptions to this are:
- To sit an exam
 - To meet, by appointment, with the Impartial Person
 - To collect work, by appointment, from the Progress/Pastoral Tutor (full time student) or Course Tutor (part time student)
 - To take part in an activity that would prevent the student from completing their course.
- 8.1.7 The above exceptions are at the discretion of Vice Principal Curriculum and Support(DSL), a Director or the Head of Student Services (DDSL). The Investigating Officer would discuss this in advance with the tutors involved and the relevant Curriculum Manager.
- 8.1.8 While suspended, students are encouraged to keep in touch with their Progress Tutor (full time students) or Course Tutor (Part time students) by phone or if acceptable by the tutor, email, in order to keep up with their studies. They will also still have access to the college's VLE such as Microsoft Teams, (unless it has been necessary to suspend the college network account).
- 8.1.9 As far as reasonably possible a student should be suspended for no more than 10 term time days before a Gross Misconduct Hearing. Occasionally, due to unforeseen, difficult or complex circumstances this may be longer. If this is the case the student will be kept informed via the Impartial Person.
- 8.1.10 If a student is also employed by the College as a member of staff, HR should be consulted.
- 8.1.11 Where the offence relates to the College computer network, College property or is a Health and Safety concern the Head of Facilities Management and or the Head of IT Services will be informed.
- 8.1.12 Where the offence is potentially of a criminal nature, the Police will be contacted for further advice.

8.2 Preliminary Procedures

- 8.2.1 The Investigating Officer will request a report from the member / members of staff reporting the allegation; this must be received within one week of the incident. This information should be recorded on Promonitor as a Confidential Comment.
- 8.2.2 The Investigating Officer will interview the student involved in the alleged misconduct. Further evidence from staff or other students will be gathered as appropriate. Background information from

either the Progress Tutor (full time students) or course tutor (part time students) may also be gathered.

- 8.2.3 Where CCTV evidence is available this must only be viewed by people relevant to the process. A transcript of the footage may be included.
- 8.2.4 If the student has an Educational Health Care Plan (EHCP) the Head of Learning Support and Inclusion must be informed and an emergency review meeting with the Local Authority must be held before a final decision takes place. The student will remain suspended pending the outcome of this meeting.
- 8.2.5 Letters are sent to the student (and parent/s or guardian/s of students under 18 years of age where consent is given), advising them of the schedule for the Gross/Persistent Misconduct hearing. This meeting should be scheduled within 10 term time days of notification (unless the incident is part of an ongoing Police investigation (in which case advice will be sought from the investigating force), unless the student has an EHCP, in which case a hearing will be held within 10 term time days of the emergency review meeting taking place. For a student under 18 years of age, where consent is given or unless living away from parents/guardians, it is recommended that one or both of the parents/guardians attend the hearing, all other students may be accompanied by a person of their choice. Safeguarding Team makes all such arrangements.
- 8.2.6 An Investigation report is compiled which:
- Outlines the allegation, including a timeline of events
 - Summarises the evidence, including statements taken from relevant staff and / or students
 - Provides background information on the student including previous conduct, attitude, attendance and progress on the course.
 - Any other relevant information
- 8.2.7 This must be posted to the student, (and parents/guardians, etc where consent has been given) prior to the hearing where reasonably possible. A summary of the procedures will also be posted to the student.
- 8.2.8 The Gross or Persistent Misconduct Panel can include:
- Chairperson – this can be either the Vice Principal, Director, Head of Student Services or the Head of Learning Support.
 - Investigating Officer
 - Curriculum Manager
- 8.2.9 Substitutions must be at the same level or higher level of seniority.
- 8.2.10 The Safeguarding Team circulates staff representatives directly with the written report no less than 24 hours before the hearing.

8.3 Role of Impartial Person

- 8.3.1 The Impartial Person must be someone who has not yet been part of the investigation.
- 8.3.2 While suspended the student can arrange an appointment to come into College to meet with the Impartial Person to discuss the process and raise any issues or concerns.
- 8.3.3 During the hearing the Impartial Person can speak for the student if the student wishes.

8.3.4 If the student is becoming upset or uncomfortable during the hearing it is acceptable for the Impartial Person to stop the hearing and take the student outside the meeting room.

8.4 The Hearing

8.4.1 The Gross or Persistent Misconduct Investigation Hearing is formal in nature and is chaired by the a Director or Senior Post Holder. An administrator notes the substance of the meeting.

8.4.2 The student, parent/s etc are introduced to the Panel and advised of the Panel's remit, the process and the terms of the right of appeal. They must also be advised, that, should a finding of Gross or Persistent Misconduct be found, the student can be excluded from the College

8.4.3 The chair ensures that everyone has read the Investigation report.

8.4.4 The Panel is invited to ask questions and explore issues to establish a fair assessment of events. Once all question have been asked, the hearing will come to an end.

8.4.5 The Panel discuss the evidence and any mitigating circumstances and reach a consensus as to whether a finding of Gross or Persistent Misconduct should be made, and if so, the appropriate action to be taken. In cases where there is not a consensus of opinion by the Panel, the chair has the final decision. In the event that the panel are unable to come to a fair decision without further information being sought, the hearing will be adjourned.

8.4.6 The Investigating officer or Impartial Person will communicate with the learner the outcome via telephone either later the same day or the following college day.

8.5 Possible Action

8.5.1 Action can include one or a combination of the following (or any reasonable action as the Panel feels appropriate):

- Exclusion from the College
- Final written, written or verbal warning
- The drawing up of a Learning Responsibility Agreement to include behaviour modification. (There should be close monitoring of the agreement by the Progress Tutor). Any attendance, non-completion of work etc (as per academic policy) must also be included in the Learning Responsibility Agreement as discussed in the hearing.
- Referral to Support Services (internal or external)
- Ban from using College resources e.g. computers
- Change of group
- Letters of apology as appropriate
- Modifications to timetables
- Payment in respect of damaged goods / property

8.5.2 The student and parents / guardians will be notified of the outcome by telephone from the Investigating Officer or Impartial Person, after the hearing finishes.

8.5.3 A confirmatory letter must be drawn up and sent to the student (and parents / guardians where consent has been given). This should be entered onto the student's records only if Gross or Persistent Misconduct was found. It will be recorded on the student's ILP by Safeguarding Team.

8.5.4 Where the panel finds 'no case to answer' the allegation and reports are removed from the students file and a letter sent to the student (and parents / guardians where consent has been given) to confirm this.

8.6 Failure to attend the Hearing

8.6.1 Where a student is unable to attend the hearing and informs the College prior to the time of the hearing, an alternative date and time will be arranged, this must be done at least 24 hours in advance of the meeting taking place.

8.6.2 Where a student fails to attend the hearing but does not inform the College the hearing will go ahead without the student present. The outcome of the hearing will be communicated to the student by letter and recorded on their ILP.

8.6.3 Where a student is under 18 and declines to attend the hearing but wishes for someone to attend in their place, for example a parent/guardian (if consent has been given), the hearing may go ahead in the presence of their representative. The outcome of the hearing will be communicated to the student by letter and recorded in their ILP.

9 Academic Performance

1.1 Where there are concerns of poor academic performance or factors that may affect academic performance a formal meeting can be called with the appropriate member of staff, if supportive interventions have not resulted in an improvement, these interventions should include where appropriate, parent/guardian contact.

1.2 The member of staff and the student meet to discuss and agree formal targets and a level of warning may be issued to the student. This meeting (with agreed targets) will be recorded on the ILP by the staff member. If appropriate, a letter will be sent home to Parents/Guardians notifying them of the meeting and the targets agreed.

1.3 The targets resulting from the meeting must run for a minimum of two weeks and a maximum of six weeks and will be monitored by the Progress Tutor who will formally review the targets with the students and record on the ILP if there is no improvement by the deadline set, further disciplinary action may be taken. This may include suspension. If appropriate, letter will be sent home to Parents/Guardians notifying them of the meeting and imposed sanction.

Level of Warnings

Level of Warning	Meeting Held by	ILP Record Type
Stage 1 – Verbal Warning	Progress Tutor and / or Course Leader	Progress Tutor/Course Leader Meeting
Stage 2 – Written Warning	Curriculum Manager	Curriculum Manager Meeting
Stage 3 – Final Written Warning	Director	Director Meeting
Suspension Hearing	Vice Principal	Suspension

1.4 All letters sent to a student with concerns over their academic progress, conduct, attendance etc. should be sent via the Student Hub to allow a record to be kept on file.

1.5 All staff must ensure they liaise with Safeguarding Officers and Learning Support to see if there are any support needs or concerns that need to be addressed or issues that may need to be taken into account such as Learning Difficulties, medical conditions or the student is part of a Vulnerable Group. Appropriate staff from Safeguarding and Learning Support may be invited to attend meetings.

1.6 Examples for calling a meeting include;

- Attendance concerns
- Where a student continually misses a specific class or doesn't attend College at a specific time (e.g. Monday mornings, theory sessions, English or maths)
- Punctuality concerns
- Behaviour – low-level classroom disruption or persistent disruption
- Attitude towards work / lack of effort which is likely to have a negative impact on the student's progress
- Outstanding / late assignments – 2 or more
- Poor performance in timed and controlled assessments
- The list above is not exhaustive

1.6.1 Where there is persistent poor academic performance (refer to list above), the following staff are empowered to suspend the student from College.

- A member of the Senior Leadership Team
- Director
- Head of Student Services (DDSL)
- Head of Learning Support
- Head of Studies

Where a student is suspended from college due to poor academic performance, the Curriculum Director will hold a review meeting to discuss permanent exclusion or return to college. The Director, student and if appropriate a parent/guardian will attend the meeting.

10 Special Consideration and Under 16s

10.1 In the case of misconduct and potential misconduct or poor academic, at the discretion of the Assistant Principal – Student Experience and Welfare special considerations may be made for students with Learning Difficulties, disabilities and for those from vulnerable groups such as Young Carers or Looked after Children or those with other significant support issues. It is recognised that in some instances a formal setting for a Gross Misconduct Hearing may not be appropriate. In these cases the Head of Learning Support and Inclusion or the Head of Student Services (DDSL) may chair the hearing. The setting and the presentation of information can also be adapted to meet the needs and understanding of the student. For students under 16, special consideration may be made.

11 Time scales – Warnings

11.1 A record of all warnings will be kept on the student's ILP and made available to course teams. They will be disregarded for the purposes of future disciplinary action as set out below:

- Stage 1 - Verbal Warning - 6 months
- Stage 2 - Written Warning - 12 months
- Stage 3 - Final Written Warning - 24 months

11.2 At the Vice Principal Curriculum and Support's discretion it can be recommended that Final Written Warnings stay on a student's file indefinitely. In this case it will be made clear to the student at the hearing. This can be reviewed at the Principal's discretion. Where a student changes course during the time span of a warning the warning will carry across to their new course.

11.3 Students moving from a Pre-Advanced Programme (Entry Level to Level 2) to an Advanced Programme (Level 3 or above) restart the MSR process. However, 11.2 remains in place.

11.4 It can be agreed as part of the process if records of the procedure will be included on future references for the student or not.

11.5 Where a student has been excluded from college a 'flag' will be put on the College MIS system which will refer the student back to the Safeguarding Team before they can enrol. The Safeguarding Officer will liaise with the Assistant Principal – Student Experience and Welfare regarding enrolment suitability. The 'flag' system can be used at the discretion of the Assistant Principal – Student Experience and Welfare for students issued with other warnings or where students have left prior to the completion of the misconduct / gross misconduct process. The 'flag' is arranged by Safeguarding Team Safeguarding Team.

11.6 For students up to the age of 17 the Local Authority will be informed of any withdrawals.

12 Appeals Procedure

12.1 In cases of Misconduct, Gross Misconduct or Persistent Misconduct, the student has the right to appeal against the decision of the Panel.

12.2 Appeals must be lodged in writing within 5 term-time days of receipt of the written notice of the outcome. The written appeal should set out the grounds of the appeal against the recommended course of action.

12.3 The meeting will take place within 10 term time days of receiving the appeal letter.

12.4 During the process of appeal the following factors should be considered:

- Any new evidence presented by the student either in the letter of appeal or in the appeal hearing;
- Whether the punishment was commensurate with the offence;
- That all procedural requirements were met.

12.5 Appeals:

12.5.1 A member of the Senior Leadership Team will meet with the student (and his / her parents / guardians where consent has been given) and will consider the grounds for appeal. Safeguarding Team will take notes at the meeting. This must not be either the Investigating Officer or the Impartial Person.

- 12.5.2 The Senior Leader will advise the student of the outcome of appeal within 10 term–time days of receipt of the appeal letter.
- 12.5.3 The outcome of the appeal is final.

13 Returning from Exclusion

- 13.1 Following exclusion, students are not eligible to apply to return to College for at least one full academic year.
- 13.2 Where a student has been excluded from the College within the last 4 years and wishes to return to study at the College they must meet with a member of the Safeguarding team to discuss their circumstances. The Safeguarding Officer will meet with the Principal or Assistant Principal to discuss the case. If it is felt appropriate, the student will be allowed to return to College but a note will be kept on their file. If there are any further incidents of Misconduct the student will be referred to a Gross/Persistent Misconduct Hearing.
- 13.3 This decision is final.

14 Final Written Warning - Further Incident

- 14.1 Where a student’s final written warning is still live (within 24 months of being issued), and the student is involved in further misconduct/gross misconduct, then the student should be sent home. The Director should be consulted by the investigating officer, e.g., Head of Student Services or Safeguarding Officer, and a decision made by a senior leader as to whether the student should be excluded. In exceptional circumstances, if the allegation of misconduct is unclear then a misconduct hearing can be called (*see section 8*). Where a decision to exclude is made, this will be corresponded to the student in writing (and their parent/guardian where consent has been given), within 5 term time days.
- 14.2 Appeals will be dealt with following the guidance set out in 6.1, 6.2, and 6.3 of this policy.

15 Statements / Interviews

15.1 Statements from Staff

- 15.1.1 Where a member of staff is reporting an incident they will be required to put it in writing as a Confidential Comment on ProMonitor. Staff who may have witnessed the incident or have something to contribute to the investigation will also be required to put their information in writing via the means above. This must be done as soon as possible after the incident and no longer than 1 week.

15.2 Interviewing Students

- 15.2.1 When an initial allegation has been made the Investigating Officer will interview the student. Where possible this must be done in the presence of another member of the Safeguarding team who will act as note taker.
- 15.2.2 When interviewing the student the initial questions should be as open as possible to encourage the student to give their account of events. Where necessary different parts of the student’s statement will be discussed in more detail with the student to ensure all the relevant information is gathered.

The note taker will ensure that they have recorded all the relevant information. In complex cases or where there is a lot of information the student can be asked to write down their own statement, which they must sign.

- 15.2.3 At the end of the interview the student will be advised what will happen next and be encouraged to return if there is anything else they wish to add or raise.
- 15.2.4 Where students have witnessed an incident, they may also be interviewed by the Investigating Officer, as part of the investigation. This will be carried out as above.
- 15.2.5 Where a member of the public witnesses an incident a written statement can be submitted. This will only be included in the report if it holds additional information.
- 15.2.6 For students with Learning Difficulties (particularly those students on the Connect and Aspire programmes) and vulnerable students, it may be appropriate to have a member of teaching staff from their course present during the interview as they may be able to help the student explain what happened and help the student to understand the process. Other people can be present e.g. a Learning Support Assistant, if this is felt to be in the best interests of the student. Where another member of staff is present this will be noted along with any input they have. The Investigating Officer will be mindful of the students' individual needs.
- 15.2.7 Where a student refuses to give a statement this will be noted in the investigation report; it will not prevent the investigation or hearing continuing.

16 Confidentiality

- 16.1 All the information gathered during an investigation will be treated confidentially. The information will only be passed to staff where relevant. All copies of the report should be collected by the note taker at the end of the hearing.
- 16.2 All personal and sensitive information will be managed in accordance with the United Kingdom General Data Protection Regulation and Data Protection Act (2018) and the Common Law Duty of Confidentiality.
- 16.3 There may be occasion where the College is obliged to disclose information, notwithstanding that the learner has refused consent:
- Where the learner's behaviour threatens their safety or safeguarding, and that of others;
 - Or where the College would be liable to civil or criminal liability for failure to disclose.

17 Other relevant documents

- 17.1 The following documents and procedures are available from the Information & Reception Desk or on the College website and for staff on the Intranet.
- Maintaining Student Responsibility Academic Policy and Procedures
 - Safeguarding Policy & Procedure
 - Anti Bullying Policy
 - Drugs, Alcohol & Substance Misuse Policy & Procedures
 - Online Policy
 - Malpractice and Maladministration Policy
 - Managing Allegations Policy
 - Attendance and Punctuality Policy

- School Links Handbook
- Respect For All statement
- Searching, Screening and Confiscation Policy
- Complaints, Comments and Compliments Policy

17.2 All the documents above, plus those listed below, are also available for staff on the intranet

- Staff Action in Self Defence or Emergency Situations
- Personal Safety (Staff)
- Fitness to Study and Practise Policy and Procedures
- Dealing with Abusive Telephone Calls
- Bullying and Harassment Policy (staff)

For clarification on any of the above points please contact safeguarding@southport.ac.uk