



# **Student Behaviour and Engagement Policy and Procedure**

**To enable Students and Apprentices to learn  
To allow Teachers to teach  
To keep our College safe**

Myerscough College and University Centre recognise that it has a legal and moral duty to provide a safe and secure learning environment for its students, apprentices, staff and visitors.

We all agree that mutual respect and tolerance should be encouraged and supported amongst the whole College community.

We believe that establishing high expectations within which students & apprentices can learn and thrive involves effective management of behaviour and engagement in a consistent, fair and supportive manner.

This policy applies to all students and apprentices of Myerscough College.

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## **1. Purpose**

This policy will enable Myerscough College and University Centre to build a positive, professional and safe learning environment in which behaviour and engagement is well managed and individual needs are identified and addressed.

We will establish a culture of respect and safety, including zero tolerance of bullying, gross misconduct and Health & Safety breaches; clear boundaries; excellent pastoral care; and highly effective early interventions. However, this policy recognises the need to action unacceptable conduct and behaviour which disrupts learning.

The aim will be to prevent an escalation of sanctions that may result in permanent exclusion. Students & apprentices whose behaviour demonstrates they are not responding, may be permanently excluded.

Students and apprentices should be aware that the College may also act under this policy in cases where unacceptable behaviour occurs outside of the College and there is a clear link between the behaviour and maintaining good behaviour and discipline among the student body, or damage to the College reputation.

A College wide commitment to improving behaviour will lead to greater student and apprentice engagement, better support for teachers and less time reacting to situations and incidents. This will promote and underpin an outstanding educational experience for all.

## **2. Policy Aims**

- To ensure that all members of the College community feel safe, valued and respected.
- To embed a whole College proactive and consistent approach to behaviour and engagement.
- To create a culture of respect and excellent behaviour and attitudes across College.
- To enable all staff to manage and improve student / apprentice behaviour and engagement.
- To recognise pastoral support as a critical success factor in dealing with poor behaviour and supporting good behaviour.
- To clearly define acceptable and expected standards of behaviour and engagement.
- To enable our students to differentiate between right and wrong and abide by civil and legal law.
- To nurture the skills and attitudes which allow our students / apprentices to make a positive and productive contribution to College and the wider society.

## **3. Scope**

This Policy will apply to all students and apprentices in the College (including students on work placements and/or whilst engaged in College related learning or activities).

Collaboration between the College and employers is key in supporting the positive behaviour management of apprentices and those students on work / industry placements.

This policy also applies to student / apprentice behaviour away from College premises and/or in their own time if the reputation of the College is compromised and/or if the behaviour has a negative impact on College activity or any other students, including the use of social media and other online platforms.

For 14-16 students, their general behaviour management remain the responsibility of their school that they are on role at; however, our policy will provide immediate support and intervention in the event of a serious behavioural incident or a breach of health and safety protocol whilst they are in our care.

Note: Where students or apprentices face sanctions or disciplinary action based on academic performance, they may additionally need to refer to any guidelines from their awarding body. For example, students on Higher Education courses are additionally subject to the Academic Regulations of the University of Central Lancashire.

#### **4. Residency / Living in Halls**

This policy acknowledges that certain behaviour displayed by students and apprentices in residency may require a differentiated approach; however, all behaviours will be addressed under this one policy and procedure in collaboration with all other College teams (e.g. Curriculum, Support, Inclusive Learning, Safeguarding, Health and Safety, Estates and Residential Operations).

#### **5. Student Disciplinary Procedures**

This section outlines the disciplinary framework and how to deal with students and apprentices who demonstrate inappropriate behaviour, in a fair, transparent, appropriate and consistent manner. The College recognises the critical elements of encouraging positive behaviour including solutions focussed and trauma-based approaches

In the case of an incident involving residential students / apprentices, both the Curriculum Area Managers or Programme Leads and the Residential Support and Experience Manager must be notified, regardless of type or location of behaviour, to ensure a joined-up approach to any planned interventions.

If the cause for concern relates to the health and general wellbeing of students / apprentices, all appropriate referrals to College support teams must be implemented and review of the Reside Policy may be more appropriate in providing solutions to the situation.

If a criminal offence has been committed the College may choose to involve the Police. In certain circumstances, as a victim, a student may be advised to contact the Police directly. Student safeguarding and support staff, and the health and safety staff, must be contacted and are available to advise in all cases involving the Police.

## 5.1 Suspension

Cooling off periods can be allowed after one-off incidents which do not pose an ongoing risk. Cooling off periods should last a maximum of 24 hours unless there is a risk of harm to others. This should be logged on ProMonitor (including OneFile for apprentices)

In the case of serious incidents / safeguarding concerns a member of the College Leadership Team or Curriculum Area Managers with approval from a member of CLT (or in their absence their nominee) may suspend a student / apprentice pending further enquiries.

This is normally for up to a maximum of 10 working days, but this period may be extended in serious and complex cases.

Any student / apprentice who is issued with a suspension will be required to leave the College campus in a timely manner. Where the suspended student / apprentice is under 18, we will contact the parent, guardian (and employer for apprentices) or emergency contact to confirm the arrangements for their safe departure, every attempt will be made to speak to parents/guardians. Failure to do so will result in a decision being made by the DSL/DDSL on whether the student can safely get home by themselves.

During the suspension period the student / apprentice must only attend College for a specific meeting arranged by the member of staff in charge of the investigation, or designated member of staff if support is required during this process (e.g., Progress Coach or Counsellor).

Tuition or residence fees will not be refunded for periods where students / apprentices are suspended from College or College Halls of Residence under any circumstances whatsoever (which for the avoidance of doubt includes where appeals have been upheld).

The following are the College Leadership Team and are authorised to suspend are:

- Principal and Vice/Deputy Principals
- Executive Directors
- Directors of Curriculum, Inclusion and Apprenticeships
- Curriculum Area Managers, with approval from the appropriate member of CLT

This suspension may be delivered or communicated by any delegated member of staff and must be confirmed in writing within 2 days of the suspension.

**Parents/carers/employers of those under 18 must be informed when the student, apprentice is suspended.**

## 5.2 Suspension due to Police Investigation into Criminal or High-Risk Behaviours

Students / apprentices may be suspended indefinitely and without prejudice if they are being investigated by the Police for a crime which is judged to have a high potential impact those in College.

Examples of such high-risk crimes would include any safeguarding matters involving abuse or criminal behaviour targeting children or vulnerable adults, sexual assaults and rape, crimes which are relevant to the programme of study (e.g. IT based fraud or misuse), crimes of violence. This list is not intended to be exhaustive, and the decision should be taken by assessing the potential risk to those in the College environment.

The decision to suspend should be taken in consultation with either the Directors of Curriculum, Curriculum Area Manager or the Director of Inclusion

The suspension is to protect the everyone within the College community and will be reviewed once the outcome of the Police investigation is known.

Wherever possible, the suspended student / apprentice should be enabled to complete their programme of study (study at home, planned tutorial meetings, etc.). This will not always be possible.

If the suspension is likely to prevent the student / apprentice from completing the programme, then they should be withdrawn.

Students at College would then leave with a guarantee that they may re-enrol at the start of the next academic year if the charges are unfounded.

The decision about an apprentice would lie with their employment status. The College would work closely with the apprentice and employer to make the necessary decisions about their future employment and apprenticeship programme.

#### **Important Note:**

1. Students or apprentices must NOT be asked to leave College on an ad-hoc basis. If a student or apprentice needs to be removed from College, then the suspension process should be followed. Where appropriate, parents or carers (employers for apprentices) must be informed in all cases after making checks for safeguarding precautions.

Students and apprentices should have access to a range of support measures to improve behaviour and engagement as required, remaining on programme wherever possible. If a student or apprentice walks out of College during a timetabled day without authorisation, parents, carers (and employers of apprentices) should be notified immediately plus a referral to the safeguarding team if appropriate.

For all under 18 students, SEND and other vulnerable groups: Before a student / apprentice is asked to leave site, considerations and plans for transport home must be in place with telephone conversations with parents/ carers for all under 18-year-olds or those with additional needs, those with social workers or other vulnerable indicators.

Considerations of safeguarding, safety, welfare and transport must be the priority before a suspension is made.

The College has a duty of care to ensure safe and appropriate transport is provided.

There may be a period of time before the student / apprentice can leave campus. Safety and welfare are paramount, and each situation will be risk managed by the suspending Manager. In cases where students / apprentices are in residency, the Residential Support and Experience Manager should be consulted and involved in the planning of safe travel home. In some cases, they may need to reside in halls until safe travel home can be arranged. In such cases, a risk management plan will be considered.

2. If the student / apprentice has been identified as having additional need and or vulnerabilities, such as those who are safeguarded (including those with a social worker), Care Experienced (Looked After Children and Care Leavers), Young Carers, has a social worker or has identified needs including an EHCP or other SEND, then the relevant team should be alerted in all behavioural concern matters and disciplinary processes (i.e., safeguarding and support team and Inclusive Learning team).
3. If a student / apprentice is suspected of being under the influence of drugs or alcohol, security and/or safeguarding (and residential staff if appropriate) should be alerted. Students / apprentices in this case should not be asked to leave College.

Where appropriate, parents or carers (and employers of apprentices) will be contacted to ensure the safe passage home.

### **5.3 Disciplinary Stages**

There are several stages in the process and they can be entered into at any stage, depending on the severity of the issue. The following lists are not exhaustive.

#### **Examples where disciplinary action will be taken:**

- Poor attendance (see also Attendance Policy)
- Poor punctuality
- Late or non-submission of course related work/assignments
- General misbehaviour and causing disruption to staff and/or students
- Academic misconduct
- Cheating, plagiarism and collusion – staff must refer to the Unfair Means to Enhance Performance Policy
- Disrespectful behaviour to other students, staff, visitors (or on employer premises for work-based apprentices)
- Misuse of the internet/IT equipment
- Interference with College property including software or data belonging to or used by the College and other breaches of the Acceptable Use Policy
- Improper use of technology devices when in class or on College premises
- Misuse of and or damage to facilities and equipment
- Eating or drinking (apart from water or other agreed drinks for health-related purposes) in class, workshop or other timetabled sessions
- Persistent forgetting of ID Card and failing to wear lanyard
- Persistent forgetting of equipment, PPE and appropriate clothing for tasks (e.g., boots, face coverings, high-vis, overalls, sports equipment)
- Non-compliance with the College's health and safety procedures

- Smoking or vaping in undesignated areas
- Failing to abide by the speed limit whilst on College grounds
- Health and Safety Breaches

**Specific to residential accommodation and living in halls** – expectations in line with Living in Halls Guidance, examples include:

Under 18s:

- failing to be in on curfew
- under the influence of alcohol
- being in an unpermitted Hall

All residential students:

- damage to property, fixtures and fittings
- breach of residential contract regulations
- disrupting the lives of others living in residency
- allowing other people to enter residency when they are not permitted (e.g., people from other halls, other students or visitors)
- entering other halls when not permitted
- smoking in buildings
- tampering with health and safety equipment (including fire detection equipment)

**Any drug use or being in possession of drugs or associated paraphernalia (can also include under the influence of drugs or suspected to be under the influence of drugs) will result in a permanent exclusion from Halls.**

#### **Examples of Gross Misconduct**

- Violation of a written disciplinary warning
- Serious cases of academic misconduct (refer to Academic Misconduct Policy)
- Any drug use or in possession of drugs or associated paraphernalia (can also include under the influence of drugs or suspected to be under the influence of drugs)
- Under the influence of alcohol on College premises or whilst engaged in any College related activities
- Serious breach of Health and Safety regulations or College Health and Safety policies, including smoking in buildings
- Inappropriate internet use, e.g., accessing pornography
- Bullying, intimidation, harassment, abuse, hate crime or incidents, the use of violence or threats of violence in any form, e.g., verbal, physical, via e-mail, etc.
- Serious breach of the FREDIE Policy and Anti-bullying Policy
- Bringing non-students onto the premises including students who are excluded
- Allowing non or excluded students or apprentices to gain access to the premises using their own ID Card

- Any criminal offence including but not limited to:
  - Suspected drug dealing or distribution of drugs
  - Endangering or causing injury to others
  - Possession of an offensive or dangerous weapon
  - Theft
  - Wilful damage to College property, equipment and accommodation
  - Physical assault
  - Sexual harassment or violence (including sexual assault)

#### **5.4 Cause for Concern Comment**

This is the first stage in the procedure. Staff in all areas/departments can issue a Cause for Concern (CfC) (see table below) where they believe disciplinary action is necessary. They will need to exercise judgement and seek advice from their line manager if they are unsure.

When issuing the CfC, the student should be made aware of the reason for issuing it, the expected changes in behaviour, and the consequences of not adhering to the actions set out. Further interventions or referrals may be required at this time to support the student / apprentice.

This information should be recorded on ProMonitor as a Cause for Concern comment for students / apprentices (and the same into OneFile for apprentices).

It must be given to the student / apprentice in a conversation. If this is not possible, due to absence, the student / apprentice must be informed of the issue of the Cause for Concern as soon as possible.

For FE students, if the Course Tutor is not directly involved, they must be informed within 24 hours by it being recorded on ProMonitor and the Programme Leader and appropriate staff being linked to the comment.

- Students / apprentices can receive 3 CfCs for one issue or 5 CfC for different issues before being moved onto the next stage of the Behaviour and Engagement Process.
- After 3 or 5 CfCs it is expected that the students would then proceed onto the next stage of either the Behaviour Process or Fitness to study process as outlined in this procedure.
- Programme Leaders should monitor CfCs for their students and review where 3 or 5 are reached to move onto the next stages.

The student may not appeal against the issue of the CfC as further explained in Section 7 of this policy.

**CfCs remain in place for the duration of the academic year.**

<b>Cause for Concern</b>	
<b>Issued by:</b>	Tutor, Progress Coach, Residential Support/Accommodation Team member, Inclusive Learning staff, any College Manager, any member of College staff
<b>Appeal to:</b>	No route of appeal
<b>Copies to:</b>	Curriculum Area Manager / Residential Support and Experience Manager, Student, Tutor, Programme Lead/Course Tutor, Residential Support and Experience Team (as appropriate), Progress Coach, Employer (as appropriate), Inclusive Learning (as appropriate).
<b>Recorded on:</b>	As a ProMonitor Comment with appropriate staff included in the comment

### 5.5 Stage 1 – Formal Warning/ Informal Fitness to Study

In the case of continuing offences, or a more serious offence, a Formal Warning should be given by the Tutor, Programme Lead, Residential Support/Accommodation team member or Manager (in the case of residential incidents) or Director of Student Support (in the case of cross-College offences).

Students may receive a Formal Warning from an escalation of Causes for Concern or where the incident is deemed to have escalated above a Cause for Concern.

- Any Tutor may issue a Stage 1 Formal, the tutor giving the Warning should be the most appropriate for the issue outlined.
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- For FE students for example where there is a consistent issue in one lesson this may be the module tutor, however where this is a cross-college issue it may be the Programme Leader.
- At this point consideration needs to be made as to whether they will progress through the Behaviour procedure or the fitness to study procedure outlined on page X, dependant on any mitigation around the circumstance.
- Meetings must be recorded, next of kin notified (employers also for apprentices), a letter sent confirming the outcome and a clear action plan in place to improve behaviour and engagement.
- Where necessary Student Support and/or Inclusive Learning should be invited to the meeting.

For FE students, the meeting must be recorded on the appropriate ProMonitor Meetings page as a Stage 1 Formal Meeting.

For apprentices, the meeting must be recorded onto OneFile as a Stage 1 Formal Meeting (and linked back to Pro-Monitor).

Where appropriate, parents, carers and employers must be informed when the student / apprentice receives a Warning at this level or above and be offered feedback on the behaviour / engagement issue and the sanction.

All Formal Warnings should be supported by an Action Plan (see Appendix 1) which details expected changes in behaviour and includes a review period.

A Formal Warning has a duration of 12 months.

All Warnings will remain on the student / apprentice record after the end date (as expired). Documentary evidence of the offence must be kept in the event of any subsequent exclusion procedures.

The student / apprentice may appeal against the issue of the Formal Warning. The procedure is explained in Section 7 of this policy.

### **Informal Fitness to Study**

Where there are mitigating circumstances established through the Causes for Concern or upon escalation there should be consideration to move into the Fitness to Study route for escalation.

Fitness to Study should be used where there are mitigating circumstances that are having an impact on their ability to engage and access their education in line with the policy. These may include:

- Significant Safeguarding concern
- Significant well-being concern
- Mental or physical Health

Mitigating Circumstances must be evidenced at the time of the escalation and considered by the Curriculum Area Manager, Safeguarding Lead and/or Inclusive Learning Team who will decide if they meet the requirements of a fitness to study in place of a Behaviour policy escalation.

It is important to note, where there is a serious or gross misconduct issue, the behaviour process will be followed and not the fitness to study due to the seriousness of the allegation.

<b>Formal Warning</b>	
<b>Issued by:</b>	Tutor, Progress Coach, Residential Support/Accommodation Team member, Inclusive Learning staff, any College Manager
<b>Appeal to:</b>	Curriculum Area Manager (curriculum) / Director of Student Support (residential)
<b>Copies to:</b>	Student, Tutor, Programme Leader/Course Tutor, Residential Support Team (as appropriate), Progress Coach, Parent/Carer, Employer (as appropriate), Inclusive Learning
<b>Recorded on:</b>	For FE students, on ProMonitor Meetings for a Stage 1 Formal Warning. For apprentices, on OneFile for Stage 1 Formal Warning (also recorded on ProMonitor)

Informal Fitness to Study	
<b>Issued by:</b>	Programme Leader/Course Tutor, Progress Coach, Inclusive Learning Team, Student Support
<b>Appeal to:</b>	Curriculum Area Manager
<b>Copies to:</b>	Student, Tutor, Programme Leader/Course Tutor, Residential Support Team (as appropriate), Progress Coach, Parent/Carer, Employer (as appropriate), Inclusive Learning
<b>Recorded on:</b>	On ProMonitor Meetings for an Informal Fitness to Study (on OneFile for Apprentices)

## 5.6 Stage 2 - Written Warning

This is a final warning, which carries with it the indication that any subsequent breach of the College's requirements will result in a Stage 3 Hearing for potential withdrawal, exclusion or other sanctions.

The Written Warning should be issued by the Curriculum Area Manager, Residential Support and Experience Manager, or Accommodation Manager. This will be in a formal meeting attended by the student / apprentices and, where appropriate, their parent/carers/ plus Student Support and Inclusive Learning (where appropriate).

The Written Warning should be formally recorded on ProMonitor (or OneFile for apprentices, also recorded on ProMonitor) with an agreed action plan (see Appendix 1) being completed and signed in the meeting.

The meeting should record all key information such as; attendees, meeting discussion points, specific conditions and actions required.

**Parents/carers/employers of those under 18 must be informed when the student / apprentices may receive a warning at Formal level or above.**

The student / apprentice must be clear about what is expected of them and any support or interventions required.

There is no obligation for staff to apply each stage of the Procedure in turn. For example, a series of Cause for Concerns for relatively minor issues may be followed by a Written Warning if there is no sign of behavioural change. Alternatively, a single significant incident may justify an immediate Written Warning without going through any other stage.

These Warnings are designed to give you a fair chance to reflect, make changes, and get support to improve.

Please note there is no differentiation between residential and any other aspect.

A Written Warning has a duration of 12 months.

All Warnings will remain on the student / apprentices record after the end date (as expired). Documentary evidence of the offence must be kept in the event of any subsequent exclusion procedures.

The student / apprentice may appeal against the issue of the Written Warning. The procedure is explained in Section 7 of this policy.

### **Formal Fitness to Study**

Formal fitness to study will be used as an escalation of an Informal Fitness to study where the actions outlined have not been achieved or where issues raised are ongoing with no or limited improvement.

Where a safeguarding or well-being concern is identified and the Safeguarding team, Inclusive Learning team and Curriculum Area Manager believes this to have a significant impact on the engagement and study then it may be escalated to a Formal Fitness to Study Meeting. This will be reviewed on individual circumstance based on the same mitigating circumstances as outlined in the Informal Fitness to Study.

It is important to note, where there is a serious or gross misconduct issue, the behaviour process will be followed and not the fitness to study due to the seriousness of the allegation.

<b>Written Warning</b>	
<b>Issued by:</b>	Curriculum Area Manager, Residential Support and Experience Manager, or Accommodation Manager
<b>Appeal to:</b>	Director of Curriculum/Apprenticeships/Director of Student Support (residential)
<b>Copies to:</b>	Student, Tutor, Programme Lead/Course Tutor, Residential Support Team (as appropriate), Progress Coach, Parent/Carer, Employer (as appropriate), Inclusive Learning
<b>Recorded on:</b>	On ProMonitor Meetings (for FE students) On OneFile (also recorded on ProMonitor) for apprentices

<b>Formal Fitness to Study</b>	
<b>Issued by:</b>	Curriculum Area Manager, with Safeguarding Lead and/or Inclusive Learning Team
<b>Appeal to:</b>	Director of Curriculum/Director of Apprenticeships/Director of Student Support (residential)
<b>Copies to:</b>	Student, Tutor, Programme Lead/Course Tutor, Residential Support Team (as appropriate), Progress Coach, Parent/Carer, Employer (as appropriate), Inclusive Learning
<b>Recorded on:</b>	On ProMonitor Meetings (for FE students) On OneFile (also recorded on ProMonitor) for apprentices

## 5.7 Stage 3 - Hearing

The purpose of the Stage 3 Hearing will generally be reserved for dealing with either single gross misconduct circumstances or continued and persistent concerns regarding a student / apprentices ability to maintain the College's expected standards.

In most cases, this will include a Written Warning, which clearly explains that if the behaviour continues it could lead to a Stage 3 and possibly exclusion. The previous Stages should be recorded on Promonitor (and OneFile for apprentices), including information to the student / apprentice to identify that continued concerns could lead to exclusion from the College.

Consideration must be given to mitigating or extenuating circumstances such as those with SEND learning difficulties or disability, serious personal or family problems; it is essential the right support is in place to ensure the student / apprentice fully understands both the policy and the impact of their displayed behaviour however, these factors may not excuse unacceptable behaviour.

Stage 3 Hearings should be issued where escalation has gone past a Stage 2 Written Warning or where there has been an incident of gross misconduct (outlined in point 5.3).

**Note: A student excluded from residency may not necessarily be excluded from their academic course.**

**Parents/carers (employers of apprentices) of those under 18 must be informed when the student / apprentice is at risk of being withdrawn or excluded.**

**Where the student / apprentice is supported student / apprentice then Student Support and/or Inclusive learning must be in attendance in the meeting.**

### **Stage 3 Hearings of Students with EHCPs**

If a Stage 3 Hearing is requested for a student/apprentice with an EHCP, we will refer to the DfE guidance on exclusions which gives very clear advice when considering exclusion. If an exclusion is considered appropriate, the College will inform and work with the Local Authority to support a transition outside of the College where possible and Myerscough College will no longer be responsible for meeting the student/apprentice's special educational needs and/or provision set out in Section F of the EHCP.

Where the outcome of a Stage 3 Hearing is recommended to be exclusion this will go to an exclusion panel consisting of 3 members of the following staff:

- Director of Curriculum
- Director of Inclusion
- Director of Student Support and Welfare
- Director of Apprenticeships

In circumstance where the student / apprentice is a supported student / apprentice then either the Director of Inclusion or the Director of Student Support and Welfare must be in attendance.

## **Final Intervention Hearing**

A final intervention hearing may only be used where a student / apprentice has gone through the informal/formal process of the Fitness to Study process.

This meeting will review the circumstances, progress and impact and will make a formal decision of the student / apprentices progress, this meeting may result in the removal of a student / apprentice from the provision.

The outcome of this meeting may be the following:

- Study continues with final actions for improvement in place
- Fixed term withdrawal from College
- Permanent withdrawal from College

**Note: A student withdrawn from residency may not necessarily be excluded from their academic course.**

**Parents/carers (employers of apprentices) of those under 18 must be informed when the student is at risk of being withdrawn or excluded.**

**Where the student / apprentice is a supported student then Student Support and/or Inclusive Learning must be in attendance in the meeting.**

If a Stage 3 Hearing is requested for a student / apprentice with an EHCP, we will have regard to the DfE guidance on exclusions which gives very clear advice that if we are considering exclusion. If an exclusion is considered appropriate, the College will inform and work with the Local Authority to support a transition outside of the College where possible.

Where the outcome of a Stage 3 hearing is recommended to be withdrawal this will go to an exclusion panel consisting of 3 members of the following staff:

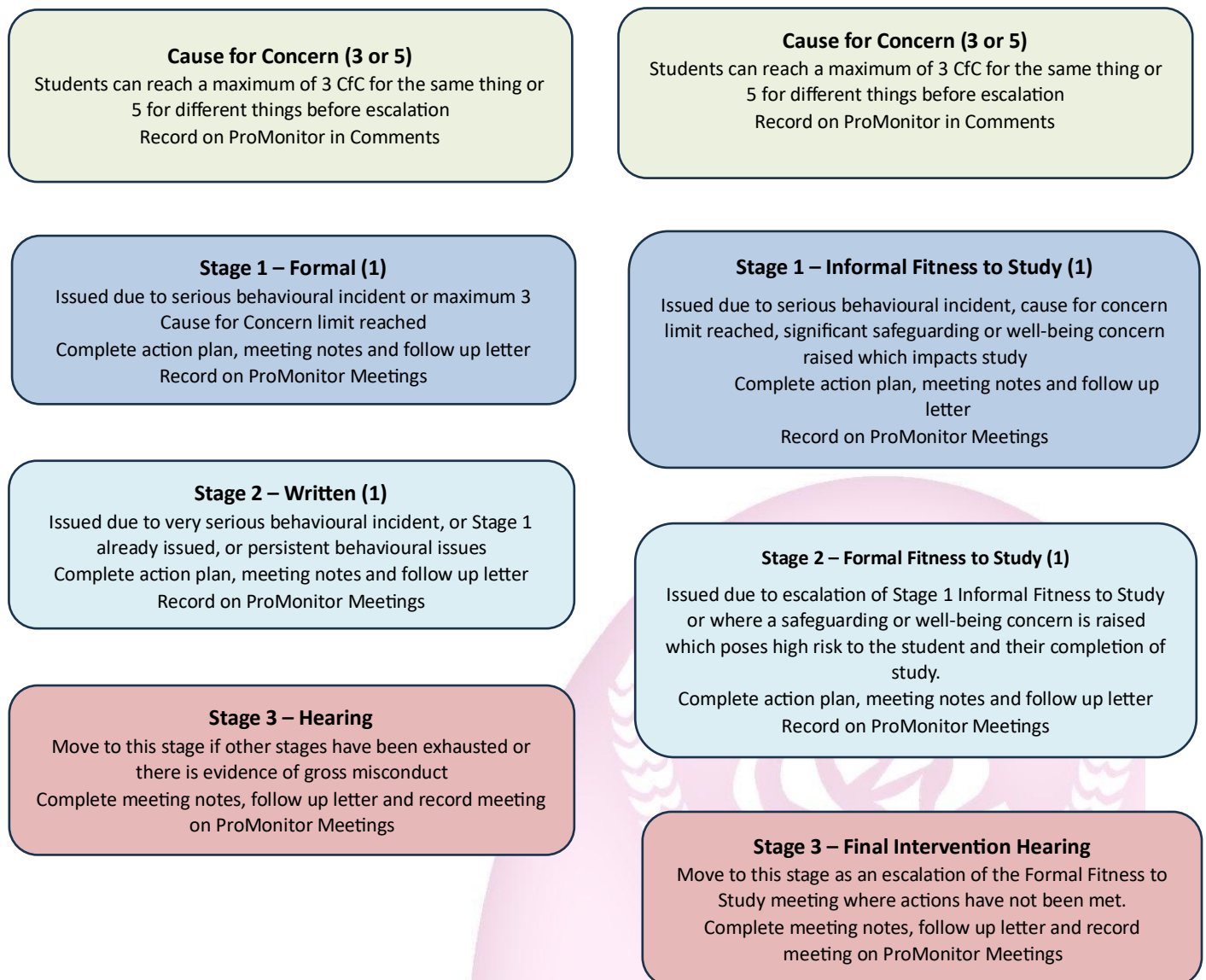
- Director of Curriculum
- Director of Inclusion
- Director of Student Support and Welfare
- Director of Apprenticeships

In circumstance where the student is a supported student then either the Director of Inclusion or the Director of Student Support and Welfare must be in attendance.

<b>Stage 3 Hearing</b>	
<b>Issued by:</b>	Director of Curriculum/Director of Apprenticeships/Director of Student Support
<b>Appeal to:</b>	Executive Leadership Team (only once the outcome of the Hearing is known and not against the Suspension or Hearing itself)
<b>Copies to:</b>	Student, Tutor, Programme Lead/Course Tutor, Residential Support Team (as appropriate), Progress Coach, Parent/Carer, Employer (as appropriate), Inclusive Learning
<b>Recorded on:</b>	For FE students, on ProMonitor Meetings with an overview comment on the Comments page For apprentices, on OneFile (also recorded on ProMonitor Meetings)

<b>Final Intervention Hearing</b>	
<b>Issued by:</b>	Director of Curriculum/Director of Apprenticeships/Director of Student Support
<b>Appeal to:</b>	Executive Leadership Team (only once the outcome of the Hearing is known and not against the Suspension or Hearing itself)
<b>Copies to:</b>	Student, Tutor, Programme Lead/Course Tutor, Residential Support Team (as appropriate), Progress Coach, Parent/Carer, Employer (as appropriate), Inclusive Learning
<b>Recorded on:</b>	On ProMonitor Meetings with an overview comment on the Comments page

## 5.8 Student Behaviour and Fitness to Study Flowchart



The numbers in brackets show how many of that stage can be issued before moving on.

For Stages 1 to 3, a formal invitation to meeting letter must be sent to the student and their next of kin, where appropriate. These letters should be sent out through the Business Support team and it is the responsibility of the person organising the meeting to ensure that the relevant staff members are invited. Business Support will book the room and send the meeting invitation to all staff members.

For Stage 3 Hearings, or where requested by the Chair, a note-taker will be in the meeting, this may be a supporting staff member.

## 6. Disciplinary Hearing for Stage 3 and/or Gross Misconduct, including Exclusion

The formal Stage 3 Hearing will be chaired by a Director of Curriculum, Director of Apprenticeships or Director of Student Support, with the appropriate Curriculum Area Manager in attendance. Students will receive at least 5 days' notice of the hearing.

In that Hearing, attended by the student or apprentice, parent/carer or supporter (in some cases, apprentice employers), the evidence for exclusion should be presented by the designated investigating officer and the student/ apprentice given the opportunity to present their case.

All students under 18 should have a responsible adult present if at all possible. Sometimes this is not possible, and, in those cases, advocacy should be offered from within College e.g. Progress Coach. If necessary.

Hearings can be held without the student / apprentice being present if they cannot be contacted or refuse to attend.

Meeting attendees:

- Chair
- CAM
- Investigating Officer (where this is not the CAM)
- Student Support and/or Inclusive Learning
- Note Taker
- Student
- Parent/carer/member of the Student Support team

Before the Hearing, an Investigating Officer will be assigned at the discretion of the Chair. It is the Investigating Officer's responsibility to complete the Investigation paperwork to its fullest and truest form ahead of the meeting, this should be sent to the chair at least 24 hours ahead of the meeting.

Meeting Format

- The Chair will hear the case from the designated Investigating Officer.
- The Chair will have the opportunity to ask questions of that member of staff.
- The student, with agreed assistance from their representative, will have the opportunity to present his/her case against exclusion including any mitigating circumstances.
- The Chair will have the opportunity to ask questions of that student.
- Open floor for questions and follow up.
- Both sides will have the opportunity to summarise their case.
- The Chair will then withdraw to make his/her decision. They may recall either side to seek any points of clarification.
- In making its decision the panel will work to the criterion of reasonable probability rather than the weight of the evidence required in a legal court (beyond a reasonable doubt).
- The Chair will normally recall the sides in order to inform them of their decision, which will be confirmed in writing to the student and parent / carer within 10 working days.
- Outcomes of disciplinary hearing must be recorded on ProMonitor in the 'Disciplinary' section. This is the responsibility of the Designated Investigating Officer or the Curriculum Area Manager.

N.B. The Chair may choose to refer students to appropriate advice and guidance services or access additional positive intervention services. This particularly applies during the first six weeks of the programme.

## **7. Student Appeal Procedures**

### **Cause for Concern**

There is no route of appeal.

### **Formal Warnings (Stage 1)**

Students who wish to appeal against the issuing of a Formal Warning must do this in writing. The relevant Curriculum Area Manager will review the circumstances and decide whether there are grounds for review. The student will be informed of the decision in writing.

### **Written Warning (Stage 2)**

Students who wish to appeal against the issuing of a Formal Warning must do this in writing. The relevant Director of Curriculum or Director of Apprenticeships will review the circumstances and decide whether there are grounds for review. The student will be informed of the decision in writing. For appeals against Written Warnings, a formal meeting may be required, attended by the student, parent/carer or supporter and the Course Tutor.

### **Appeal Against Withdrawal or Exclusion**

In the case of any appeal against Exclusion, the student will need to apply in writing via the Appeals email [appeals@myerscough.ac.uk](mailto:appeals@myerscough.ac.uk) setting out the reasons for the Appeal within 10 working days of being notified of any exclusion.

The appeal will need to set out reasons as to why the exclusion is unfounded or unjustified. Grounds on which an appeal will be considered are the submission of new evidence or claimed procedural irregularities.

The Appeal will be allocated to appropriate member of Executive Leadership Team where a panel of members not previously involved in the case, will review the Exclusion Panel's decision and decide whether there are grounds for an Appeal Hearing to be held. The student will be informed of that decision in writing.

If the decision is that the Appeal is justified due to the submission of new evidence or claimed procedural irregularities, an Appeal Hearing will then be convened by the Chair.

The procedure for the Hearing is set out below:

- The Appeal Chair must contact the Hearing Chair for all evidence used in the hearing.
- Only witnesses and documents identified to the Chair in advance of the hearing will be referred to during the hearing itself.
- The student or their representative will be invited to state the grounds of their appeal
- The panel will have the opportunity to ask questions of the student or their representative
- The member of staff imposing the sanction will then put their case to the panel
- The panel will have the opportunity to ask questions of that member of staff
- Both sides will have the opportunity to summarise their cases
- Both sides will withdraw from the hearing, leaving the panel to deliberate in private. The panel can recall either side to seek points of clarification
- The panel will normally recall the sides in order to inform them of their decision, which will be confirmed in writing within 10 working days

## **8. Variations and Amendments to this Policy**

In some cases, it may be desirable that variations should be made to procedural aspects of the Student Behaviour, Engagement and support Policy and Procedure. The College may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness. Without limitation, such variations may include appeal interviews being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered or other conflicts of interest.

### **Documents Associated with this Policy**

- Living in Halls of Residence Booklet
- Fitness to Study Policy and Procedure
- FREDIE Policy and Procedure
- Child Protection and Safeguarding Policy and Procedure
- Online Safety Policy and Procedure
- Anti-Bullying, Harassment and Domestic Abuse Policy and Procedure

### **Appendices**

Appendix 1: Action Plan



## Action Plan

To be issued to all students following Formal or Written Warning, Informal Fitness to Study and Formal Fitness to Study. This sets out the expectations for the student and any support/intervention that can be put in place.

<b>Student Name:</b>		<b>Student Number:</b>	
<b>Course/Programme:</b>		<b>Apprentice? YES / NO</b>	
Disciplinary Procedure Level	Nature of Offence (including location, date and time):	Review Dates (must be completed – min. 1 review date required)	
<b>Stage 1: Formal</b> <i>(remains on file for 12 months)</i>			
<b>Stage 2: Written</b> <i>(remains on file for 12 months)</i>			
<b>Stage 3: Hearing</b> <i>(use this document to highlight why a hearing is required)</i>			
<p><b>Expected behaviours/actions to be taken (only to be used for Stages 0, 1 and 2)</b></p> <p>These can be for the student or for a support service (if support or intervention is required). The person completing the document must ensure all relevant parties are aware of the actions required:</p> <ul style="list-style-type: none"> <li></li> <li></li> <li></li> </ul> <p><b>I understand that if I do not comply with this contract then I may lose my place at College and/or within halls of residence.</b></p>			
<b>Student Signature:</b>		<b>Date</b>	
<b>Signature of Authorised Member of Staff:</b>			
<b>Print Name of Authorised Member of Staff:</b>		<b>Date</b>	

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Review Date:	August 2028		
Publication:	Staff Intranet Student Intranet Website		
Quality Assurance			
This Policy and Procedure maps to the following external quality assurance frameworks			
Framework		Framework Section Reference(s)	
Education Inspection Framework			
MATRIX			
QAA			
QIA			
ESFA			
Key Changes to Document			
Clarification of roles and responsibilities throughout the policy Clearer instruction on suspension and sending students home (5.1 and 5.2) Simplifying Cause for Concern – all members of staff can now issue a CfC (5.4) Aligning the Fitness to Study so the appropriate route is used (5.5 ad 5.6) Clearer instruction on EHCP/High Needs learners (5.7) Introduction of an Exclusion Panel (5.7) Updated flow charts (5.8 and Appendix 4)			

### **All Myerscough College Policies are subject to screening for Equality Impact Assessment**

Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage or civil partnership, sex or sexual orientation

Myerscough College not only fulfils its legal position in relation to current and future equality legislation but additionally goes beyond compliance in providing and promoting “Opportunities for all to succeed”, free from any aspect of discrimination, harassment or victimisation.

All staff have a duty of care to look after the interests of and support their colleagues. *This policy takes account of our commitment to eliminating discrimination, identifying and removing barriers and providing equal opportunities for our learners, staff and visitors to ensure that no one feels excluded or disadvantaged.*

### **Safeguarding, Learner Protection and Prevent**

All staff have a responsibility to support and promote the College’s commitment to providing a safe environment for students, staff and visitors. Additionally, all staff have a responsibility to report any safeguarding or Prevent issues to the Designated Senior Lead for Safeguarding and Prevent.