

# Student behaviour policy

<b>Review Cycle</b> *Please specify	1-year cycle	<b>Responsible Department</b>	Quality
<b>Procedure Owner</b> *overall responsibility	Assistant Principal Student Services		
<b>Responsible Person</b> (if different to above) *responsibility for maintaining document, communicating changes and staff training where appropriate	Quality Co-ordinator		
<b>Types of provision this procedure applies to</b>	<input checked="" type="checkbox"/> 14-16 <input checked="" type="checkbox"/> Study Programmes	<input checked="" type="checkbox"/> 19+ <input checked="" type="checkbox"/> Higher Education	<input checked="" type="checkbox"/> Apprenticeships
<b>Revision Record</b>			
<b>Rev. No.</b>	<b>Date of Issue</b>	<b>Reason for Revision</b>	
0	NOT YET APPROVED	NOT YET APPROVED	
1	7 Sept 2020	First release for the 2020-21 academic year following consultation	
2	Sept 2022	Significant revision	
3	Sept 2023	Reviewed; updated appendices for 23-24	

*If you would like to suggest changes to improve this process, please contact the Responsible Person, identified above.*

#### **E, D & I Statement**

This procedure has been reviewed in line with the Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual Orientation and Disability. We will continue to monitor this procedure to ensure that it allows equal access and does not discriminate against any individual or group of people.

## Aims and scope

The College is committed to a position that every student and member of staff has a right to study or work without discrimination or threat and to be able to fulfil their potential.

This policy underpins our aims to:

- provide a welcoming, friendly, safe and supportive environment for all members of the college community.
- foster a culture of mutual respect and tolerance free from discrimination, bullying or harassment, particularly regarding physical and academic ability, appearance, race, religion, sexuality and political views
- create a learning environment that promotes good attendance, punctuality and student progress

The policy and related procedures apply to all students on all programmes (including apprenticeships, further and higher education).

This policy also covers student conduct outside of the college environment where this has an impact on performance or behaviour at college or where it impacts on other students and / or may affect the reputation of the college.

Certain aspects of student conduct may be dealt with under different college processes, including but not limited to:

- Assessment Malpractice process
- Fitness to Practise process

For subcontracted/partnership provision, providers should follow their own procedures, but the college should be notified if a student is at risk of being excluded from the programme.

## Purpose and Principles

Our aim as a college is to encourage and promote a culture and practice of positive behaviour, attendance and engagement. Where students fall short of college expectations and incidents of misconduct and poor attendance occur, our focus is on addressing the underlying causes to bring about an improvement. We believe that students should be given the opportunity to change and improve any poor or inappropriate behaviours.

The principles underpinning our approach build on restorative approaches, de-

escalation, conflict reduction and mediation.

This document sets out the processes and expectations for addressing poor behaviour, attendance and engagement, both at an early informal stage and where a formal resolution is needed. It also outlines the steps to be taken by staff at each stage of the process. All information, actions and outcomes relating to misconduct and poor attendance and engagement must be recorded on the student portal.

Staff should always aim to address minor misconduct early, quickly and informally with the aim of preventing further occurrence. Where a formal resolution is needed, we will follow a staged process, the details of which are set out in this document.

Matters relating to student conduct and attendance should be considered in conjunction with the college values, Student Charter and the Code of Behaviour for Students (see *Appendix 1*), which set out the expected behaviours, attitudes and conduct for students. These expectations apply whilst on college premises, travelling to and from college, and on college-related activity such as educational visits and work placement.

## Considerations

### Students with special educational needs and disabilities (SEND)

If a student has a learning difficulty and/or disability, or other health or medical needs, reasonable adjustments should be made to the implementation of the process to address misconduct and, where possible, adjustments should be put in place to avoid the commencement of the formal stage.

Where a behaviour concern reaches the formal stage for a student with SEND, the person leading the process should

- collect any relevant information and evidence about the learning support needs, and this should inform the process
- ensure that any necessary learning support assessments have been completed and appropriate support measures have been in place
- consider the circumstances leading to the alleged misconduct or concerning behaviour
- consult and seek advice from relevant specialists (e.g. additional learning support team) about the potential impact of the learning difficulty or disability as a causal factor in the concerning behaviour and on any strategies and adjustments required
- consider and put in place any reasonable adjustments required to enable the student to participate fully in the process
- seek an advocate to represent the student's interests (this may be the parent and / or a member of the ALS team).

An Education, Health and Care plan (EHCP) is a legal document setting out a student's entitlement to learning and support. The formal stage of this process should not be initiated without consultation with the ALS manager or one of the ALS team

Even if there is no EHCP in place, if it is deemed that the student's additional needs are a significant contributory factor to the current behaviour concern, relevant adjustments and additional support for learning should still be put in place. A period of time may be needed to make these arrangements and, in exceptional circumstances, usually where there is a safeguarding or health & safety risk, the student, in consultation with parents/carers, can be asked to remain at home for a period of up to one week to allow the support needs to be reviewed and any adjustments to be made. The student must be provided with course work during this time to ensure they do not fall behind in learning.

### **Children in Care (CiC), Care Leavers, Young Carers and other vulnerable groups**

Special consideration should also be given to students in particular vulnerable categories. These include but are not limited to the following: children in care, care leavers, young carers, young adult carers and students with safeguarding concerns. These are identified on the student portal under the 'Special Categories' section and also have a purple outline around their student portal photo.

If a formal disciplinary process is being considered for a student in one of these categories, the member of staff leading the process must inform the student welfare manager or one of her team. This will ensure that all required steps are followed to safeguard the student, meet our statutory duty relating to CiC and ensure that relevant support/information can be provided.

## **Definitions**

**Misconduct:** Any breach of the Code of Behaviour for Students, Student Charter and policies, or any behaviour that is deemed unacceptable.

**Minor misconduct:** Examples of minor misconduct include but are not limited to: lateness to and unauthorised absence from college; lack of engagement with learning; failure to complete work experience placement hours; failure to complete work set without satisfactory explanation; low-level cheeky / disrespectful remarks; disruptive or unruly behaviour (including swearing (not directed at anyone) and play-fighting); unauthorised use of phone in lessons; smoking in non- smoking areas; blocking corridors, stairs and entrances; wasting resources; eating and drinking in class; failure to respond to reasonable requests; not wearing ID cards and lanyards; inappropriate dress; irresponsible parking.

**Persistent minor misconduct:** Repeated instances of minor misconduct (usually three +)

**Serious misconduct:** Examples include but are not limited to: verbal abuse towards staff or students; offensive language or behaviour; fighting; deliberate damage to college property or property of others; being under the influence of alcohol; persistent or serious bullying or harassment; breaches of health and safety regulations; misuse of college equipment; inappropriate sexual behaviour; plagiarism.

**Repeated serious misconduct:** One or more repeated incidents of serious misconduct.

**Gross misconduct:** Examples include but are not limited to: theft; violence; serious threat of violence, including threats made via e- mails, mobile phone and text messages; assault; significant deliberate damage to college or others' property; possession and /

or use or being under the influence of illegal substances; possession of an illegal or offensive weapon; sending, accessing and/or downloading pornographic/offensive material via the internet; any other breach of the college policy on the acceptable use of information technology; harassment; any criminal activities which affect the college or other students or which could bring the college into disrepute, including fraudulent Bursary claims and serious breaches of health and safety.

## Dealing with misconduct – stages and procedure

The examples given in the definitions section are not exhaustive and a professional judgement will need to be made about the severity of each case of misconduct. For guidance on grading of misconduct not listed above, staff should consult the relevant **Head of Faculty, Programme Manager or other relevant manager** (e.g. member of SMT, student welfare manager).

Disciplinary action should be proportionate to and reasonable for the classification of breach and / or the frequency of occurrence. Consideration should also be given to the time of year (e.g. during the induction period).

The stages of the disciplinary process are described below.

Stage	Deals with	Effective from	Usually Led by
<b>Stage 1 – informal</b>	General concerns / minor misconduct	Always	Course Director
<b>Stage 2 - formal</b>	Minor misconduct	Following Stage 1	Course Director
<b>Stage 3 – formal</b>	Persistent minor misconduct	Following stage 2	Programme Manager (or Head of Faculty)
	Serious misconduct	Always	Programme Manager (or Head of Faculty)
<b>Stage 4 - formal</b>	Repeated serious misconduct	Always	Head of Faculty
	Gross misconduct	Always	Head of Faculty
<b>Appeal</b>	Persistent minor misconduct	Following stage 3	Head of Faculty
	Serious misconduct	Following stage 3	Head of faculty
	Repeated* serious misconduct	Following stage 4	SMT
	Gross misconduct	Following stage 4	SMT

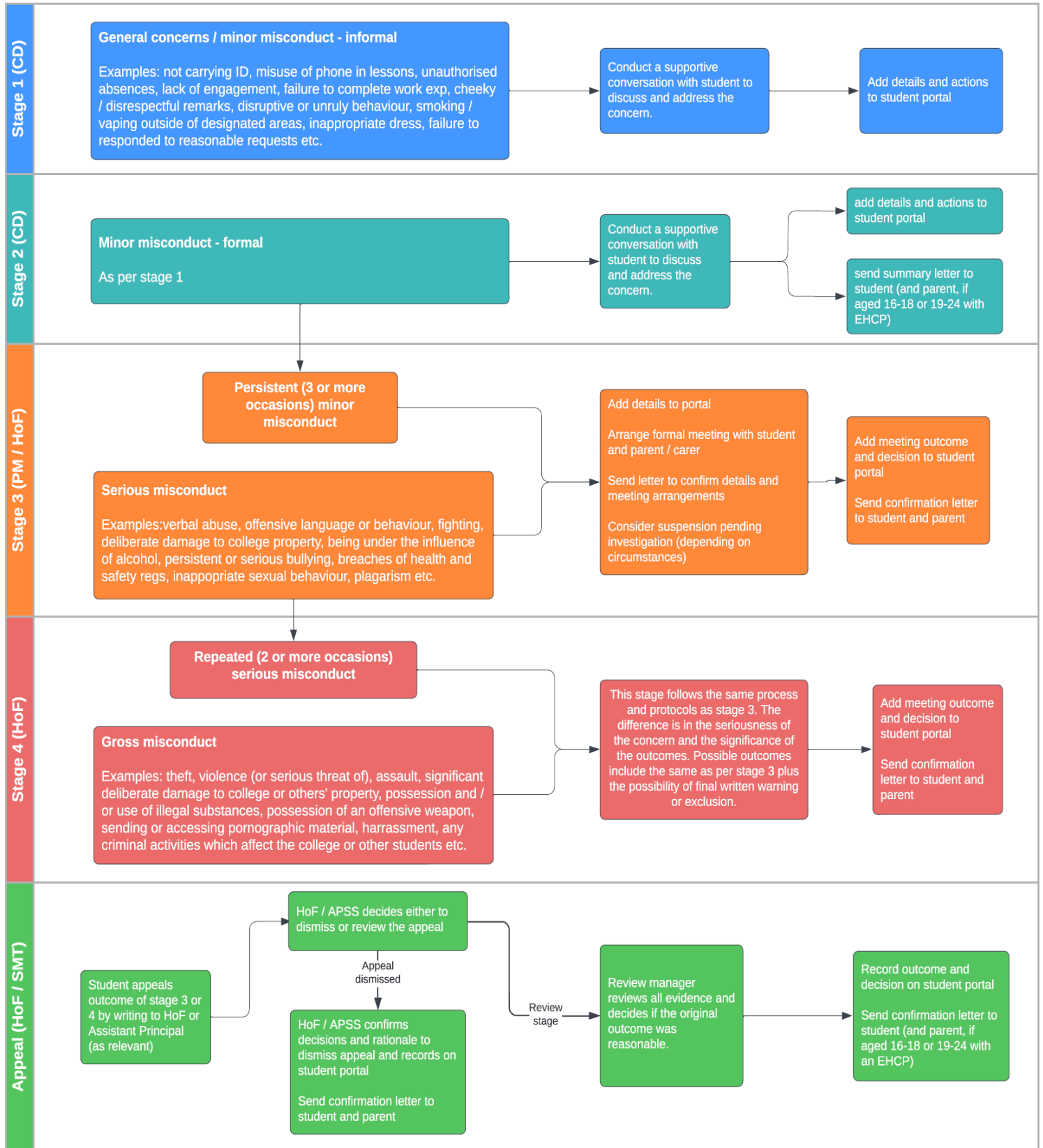
**Note: The staff member leading the process should always take account of any**

*special category flags on a student's profile and consider at each stage of the process whether a safeguarding or welfare referral is needed or whether the student's behaviour or performance is being affected by any additional learning needs, particularly if they have an EHCP or are a high needs learner (see 'Considerations' section of this document).*

**Flow Chart** (summary of each stage of the process).

*Please read pages 7 to 10 for full details of each stage.*

## Stage 1 - Informal



This is a pre-formal stage led by the **Course Director** designed to provide a record of low-level concerns about a student's conduct or performance and the supportive conversations and actions agreed to bring about an improvement. ***It is more likely to be used early in the academic year as students are settling in and getting used to the requirements and expectations of college life.***

The nature of concerns recorded here would fall into the category of minor misconduct and, particularly for study programme learners early in the academic year, will typically include issues such as: not wearing or carrying ID; lateness to and absence from lessons; poor engagement in lessons; missed deadlines; not engaging with work placement co-ordinators to find meaningful work experience; use of phones in lessons; disrespectful, rude or inappropriate behaviour and language.

Course directors should conduct a supportive and restorative conversation with the student with the aim of identifying any underlying causes and issues that may be affecting and contributing to the student's behaviour.

***The details of this meeting and any action taken or agreed should be recorded on the student portal but will not trigger any further written communications.***

### **Stage 2 - Formal**

This is a formal stage to address minor misconduct led by the **Course Director**. It should be initiated when several general concerns have been raised at Stage 1 and the conversations and actions taken have not led to an improvement in behaviour or performance. This could be, for example, when despite several meetings and supportive actions to address lateness to class or failure to seek work experience, there is no improvement.

The main difference between Stage 1 and Stage 2 is in terms of the outcome. The course director will conduct a meeting with the student as per Stage 1 and record the content and agreed actions on the student portal. Stage 2 outcomes will involve a letter confirming the details of the meeting and an indication of the implications of non-improvement. Once the course director selects the outcome on the portal, this will trigger the business support team to generate a letter to the student and the parent (if the student is aged 16-18 or a high needs learner aged 19-24). For apprentices, the employer will also be included in relevant communications.

***Note: Course directors should consider if a referral to or involvement of the student welfare manager or ALS team is required at this stage (see 'Considerations' section)***

### **Stage 3 - Formal**

Where Stage 2 meetings and actions have failed to result in the required improvement and the misconduct persists, the course director should escalate this to Stage 3. Stage 3 should also be used to deal with more serious incidents of misconduct.

This formal stage will be led by the **Programme Manager and / or Head of Faculty**.

5 days' advance notification should normally be given for the meeting, although this



may be shorter in certain circumstances. All students should be informed of their entitlement to support and encouraged to bring someone to the meeting. This will usually be a parent / carer but, in any case, parents of 16-18 year olds and 19-24 year olds with an EHCP should always be informed and invited unless there is a safeguarding or welfare reason for this not to happen. For apprentices, the employer should be kept informed.

**Suspension:** All efforts should be made to ensure a student does not fall behind in their course during this process and suspension should only be used where there is a safety or safeguarding risk of them continuing to attend. If suspension is required, the course director must provide learning resources to ensure they are not disadvantaged academically by missing lessons. Where this involves a student missing practical sessions, opportunities must be created to ensure their assessment and progress is not affected.

The Programme Manager/Head of Faculty should investigate the alleged incident of serious misconduct or persistent incidents of minor misconduct and then hold a disciplinary meeting with the student and their parent and / or representative.

The Programme Manager/Head of Faculty should record the concern on the student portal and select the outcome 'stage 3 notification of meeting' (or 'suspension and notification of meeting' if relevant). This will trigger the business support team to generate a letter to the student and the parent (if the student is aged 16-18 or a high needs learner aged 19-24). For apprentices, the employer will also be included in relevant communications. The letter will include the following details:

- the reason for the investigation and disciplinary meeting.
- the right to be accompanied by a parent/guardian, friend or non-legal representative to any meeting
- the assistance and support available from Student Services, and any other sources of support they can access
- the right to provide a written personal statement
- the arrangements for undertaking the investigation
- this procedure, and where to find a copy

The Programme Manager/Head of Faculty will investigate, consider all the evidence available and meet with the parties involved. They will then decide whether there has been misconduct on the balance of probabilities. This should take no longer than **20 working days** from the date of the incident, although there may be exceptions to this timeframe. Where this is the case, the reasons for the delay should be communicated in writing to the individuals involved and recorded on the student portal.

**Note 1: For students under 18 or aged 19-24 with an EHCP, this stage must attempt to involve a parent/guardian to be present at the disciplinary meeting.**

**Note 2: For special category students, the Programme Manager/ Head of Faculty should always inform and involve the student welfare manager or ALS team at this stage of the process (see 'Considerations' section of this document)**

Once the investigation is complete and a meeting has taken place, the Programme

Manager/Head of Faculty will record the outcome on the student portal and this will trigger the business support team to generate a letter to confirm the outcome. This should be sent to the student and parent (for under 18s and 19-24 year olds with EHCP) within **5 working days** of the investigation being concluded, and should include:

- a summary of the allegation leading to the disciplinary action
- the outcome of the investigation and an explanation for that outcome
- details of any penalty imposed, or actions required

The outcome may include one or more of the following:

- no further action
- refer the matter for further investigation under the Fitness to Practise procedure (STU15), where appropriate
- issue a written stage 3 formal warning to the student indicating the consequences of future misconduct. The warning will be recorded on the student portal (under 'concerns and disciplinaries' tab).
- require the student to provide an appropriate apology for any offence or harm caused to the individuals concerned. This can include members of the outside community, college staff or other students
- restrict access to any part of CWA campuses
- restrict access to any services of CWA.

**Note:** *this is not a definitive list of outcomes. The Programme Manager/Head of Faculty may take additional actions not listed above.*

#### **Stage 4 - Formal**

Stage 4 is activated following repeated serious misconduct. Depending on the nature of the incident and the time lag between incidents, this may be activated by one or more repeated incidents.

Stage 4 is also activated - irrespective of any previous incidents or misconduct meetings - by a single incident of gross misconduct.

Stage 4 must be led by a **Head of Faculty (or senior manager)** and follows the same process and protocols as for Stage 3. The difference is in the seriousness of the concerns and the significance of the outcomes.

The outcome at stage 4 may include those listed in stage 3 (except for a written stage 3 formal warning).

A final formal warning may be given for a repeated serious misconduct or an incident of gross misconduct.

**Exclusion is a potential outcome at stage 4 but would not usually be the outcome in the case of repeated serious misconduct without first issuing a final formal warning. This is particularly the case for students aged 16-18 or 19-24 with an EHCP.**

#### **Exclusion**

Where the decision is taken to exclude, the Head of Faculty will ensure that a member of SMT - usually the Vice Principal Curriculum and Quality or the Assistant Principal Student Services – is informed. This should include the terms of the exclusion, which will usually be one of the following: for the rest of the current academic year; for the rest of the current and the whole of the next academic year; a minimum of the rest of the current academic year plus two subsequent academic years.

## **Appeal**

The student has an option to appeal a decision and outcome at stage 3 and stage 4. Appeals must be made in writing to either the **Head of Faculty** (stage 3) or **Assistant Principal Student Services** (stage 4), **within 10 working days** of the outcome being communicated to them (in exceptional circumstances, this timeframe may be extended, for example where a student is ill). Any timeframe extension will need to be approved by the Assistant Principal Student Services.

The grounds on which a student may appeal are listed below:

- There was a procedural irregularity at this or the previous stage
- Outcome reasons have not been effectively communicated or are perceived by the complainant to be unreasonable.
- New evidence is now available, which was not available upon reasonable enquiry or application at the time of the investigation during the formal stage

The Head of Faculty/Assistant Principal may dismiss an appeal request, by writing to the student within **five working days** of receiving the request, if it is deemed to be outside of the grounds identified above or if the request was received outside of the deadline (without an agreed extension), without good reason. In such cases, a Completion of Procedures (CoP) letter will be issued along with the response from the Head of Faculty / Assistant Principal, dismissing the appeal request.

If the Head of Faculty/Assistant Principal considers the appeal to be well founded, this will then progress to a review of the appeal.

## **Appeal review**

For appeals of stage 3 outcomes, the Head of Faculty will review the evidence (and may conduct a further investigation) and decide if the outcome was reasonable. If the stage 3 outcome was decided by the Head of Faculty, the Assistant Principal will allocate a different manager (usually another head of faculty) to carry out the review. For appeals of stage 4 outcomes, the Assistant Principal will allocate a review manager (normally a member of the Senior Management Team or Head of Faculty), who has had no prior involvement in the matter. The review manager will review all evidence (and may conduct a further investigation) and will decide if the outcome of Stage 4 was reasonable.

Reviews will usually be concluded within **15 working days** of the appeal request being accepted, although there may be certain cases where this is extended.

This outcome of the review stage represents the final stage of the College's internal procedures. The student will be issued with a Completion of Procedures letter within **15 working days** of the conclusion of the review.

# Appendix 1

## CWA Code of Behaviour for Students 2023-24

The Code of Behaviour for Students has been developed and agreed in partnership with the Student Council and is reviewed annually. The Code states the general behaviour expectations for all students to ensure the college community is safe, welcoming and inclusive and provides an environment that supports all students to thrive and fulfil their potential.

- We want to study in a safe, inclusive environment free of prejudice and discrimination, where individuals feel comfortable to be themselves and interact positively with each other.
- Treat people with kindness, respect and fairness. College is a place for everyone whatever their physical or academic abilities, race, religion, background, sexuality, gender or political views.
- Respect and treat the college environment and other people's property as if it were your own. This includes college buildings and facilities as well as external property (e.g., work placement premises). We all want to be taught and work in nice, attractive spaces.
- Be proud to be a student at CWA and help to protect our reputation through your positive example and behaviour both at college and whilst representing the college externally (e.g., on work placement or employment, trips, visits etc).
- Dress appropriately at college (including any online sessions) and do not wear clothing that may offend, antagonise or make others feel uncomfortable. Clothing or headwear that obscures the face should not normally be worn on college premises, particularly indoors. We support the wearing of clothing for religious purposes.
- CWA takes a zero-tolerance approach to all forms of abuse between young people, especially sexually abusive behaviour, harassment and violence. This also includes abusive and controlling behaviour within relationships, online abuse and bullying. You can be confident in reporting any such incidents to the college safeguarding team; these will be taken seriously and dealt with quickly and confidentially.
- Do not use inappropriate or offensive language or engage in harassing or bullying behaviour, particularly in relation to race, ethnicity, gender, disability or sexual orientation.
- Help keep our college safe: make sure your lanyard and ID is easily visible at all times.
- Always wear the correct safety clothing and/or uniform for your course and follow the health and safety rules in each area.
- Do not consume or carry alcohol or illegal drugs on college premises, and never attend college whilst under the influence of these.
- Do not carry or bring onto college premises weapons of any kind.
- Smoking and vaping must only take place in designated areas; vaping is strictly forbidden inside all college buildings.
- Take your learning seriously and do your best in all aspects of your course.
  - Be punctual and attend all your timetabled sessions.
  - Take an active part in class and complete all homework and assignments on time.
  - Aim to do your best and set yourself SMART targets to achieve your best.
  - Engage enthusiastically in class discussions but share your views respectfully and listen to the views of others with tolerance. Always bear in mind how what you say might make others feel.
  - Submit your assessment work via LEARN; if you need more time for something, discuss with your tutor.
  - Do not engage in disruptive behaviour or disturb others' learning in class; this includes not using mobile phones unless agreed with your teacher in relation to your studies.
  - Never take audio or video recordings of lessons, other students or staff without permission.

*This is a guide and refers to some of the behaviours that are not acceptable at CWA but it is not an exhaustive list. We encourage staff to challenge individuals when elements of this are not being followed and, when necessary, use the Student Behaviour Policy to address concerns.*

**THE STUDENT COUNCIL**

# COLLEGE CHARTER FOR STUDENTS

The College of West Anglia is committed to providing outstanding learning experiences for our students. We regularly review all aspects of our operations to ensure that no one is disadvantaged. We promote respect and tolerance at every opportunity. We treat all individuals fairly, with dignity and respect and aim to provide a safe, supporting, welcoming and inclusive environment. We expect students to assist in ensuring the college environment is safe and will not tolerate unacceptable or disrespectful behaviour.

The college will ensure that appropriate information, advice and support is provided to all, from initial contact and application through to enrolment and study.

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**Whilst studying with us, we will ensure you have the best possible opportunities to succeed and progress. We do this with:**

- High quality learning experiences
- Regular and constructive advice and feedback on your performance
- Assessed work, completed in a timely manner (within 15 working days, wherever possible)
- Information and advice on a range of course-related services such as transport, finance and accommodation
- Information, advice and pastoral support for students on a wide range of matters including referral to external services such as counselling, housing, health, etc.
- Access to additional support if you have a learning difficulty or disability
- Access to high quality advice and guidance to support your next steps into a career or higher education

**In return, we ask that you:**

- Treat all members of the college community with kindness and respect
- Show tolerance for others, respecting differences in our diverse college community, particularly in regard to physical and academic abilities, appearance, race, religion, sexuality and political views
- Wear your student lanyard visibly on campus and treat your learning environment with respect
- Participate fully in your learning, attend lessons regularly and punctually, and work hard to achieve your best
- Act as an ambassador for the college internally and externally, particularly on trips or as part of your work experience
- Abide by the Code of Behaviour for Students

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**We are committed to continually improving our standards and performance, and:**

- Regularly seek feedback from staff, students and employers, acting appropriately on identified issues
- Encourage and respond in a timely way to comments, suggestions, complaints and compliments
- Publish our standards of performance annually

**We encourage you to raise any concerns about your studies, course or the college with tutors, class representatives, support staff or by email to [studentvoice@cwa.ac.uk](mailto:studentvoice@cwa.ac.uk).**