

# Student Misconduct Procedure



<b>Date Approved:</b>	<b>19/08/2024</b>	<b>Approved By:</b>	<b>Managing Director</b>		
<b>Next Review Due Date:</b>	<b>19/08/2026</b>	<b>Manual ID Number:</b>	<b>BSA040</b>	<b>Version No:</b>	<b>2</b>
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<b>Applicable to:</b>	<b>Staff</b>				
<b>Publication:</b>	<b>Staff SharePoint</b>				

## Document Control

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Notes on Revisions</b>

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## 1. Introduction and purpose

Blackpool Skills Academy (BSA) are committed to conducting a fair process when considering student discipline issues, when it is alleged that a student has committed a breach of the Student Code of Conduct. This procedure applies to all Students of BSA. The purpose of the procedure is to regulate student behaviour to secure the proper working environment in the broadest sense. In support of this goal, students are expected to conduct themselves at all times in a manner which:

- Enhances the reputation of BSA.
- Demonstrates respect for staff, fellow students, and training property.
- Is sensitive to a culturally diverse environment.
- Demonstrates active engagement in the learning process, a commitment to the standard-level of study, and determination to succeed.

## 2. Principles

The student disciplinary procedure applies in cases of student misconduct and is designed to:

- Ensure procedural fairness
- Encourage all students to meet the standards of behaviour required by the college.
- Ensure consistent and just treatment for all regardless of disabilities, age, race, gender, religion, and belief, sexual orientation, gender reassignment, pregnancy, and maternity.
- Ensure that students know what is expected of them.
- Ensure that students are given access to a fair hearing.
- Ensure that the facts are established, and the matter is investigated fully before disciplinary actions are taken.

Students have the right to be accompanied by a parent, person with parental responsibilities or a friend at all stages of the procedure, as a supporter. This would normally not be a student on the same course. It is the student's responsibility to contact his/her supporter. The role of the supporter is to provide moral support and ensure the student has understood the process and any questions being asked. It is not the role of the supporter to speak on behalf of the student.

## 3. Reporting a suspicion of academic misconduct

Where a member of staff suspects that academic misconduct has taken place, they will report the matter in writing to the Head of Centre or a Director, providing reasons and any relevant evidence. In cases of suspected misconduct in an examination, the invigilator will write a report and the examination script will be annotated to indicate the point at which the suspected misconduct was identified. This report will be forwarded to the Head of Centre.

#### **4. Gross misconduct**

Gross misconduct is generally seen as serious misconduct where BSA considers that it is not possible to continue to allow the student to study at or be on the BSA premises.

Such actions of gross misconduct, if proven, would normally result in the student's exclusion from their programme.

#### **5. Criminal activity**

BSA reserve the right to report potentially criminal activity to the police, and/or to advise victims of such activity of their rights to do so. Unless there are exceptional circumstances, such as safeguarding concerns, incidents should not be reported to the police or other external agency against the wishes of the victim.

If an incident is serious and of a criminal nature, BSA reserves the right to defer disciplinary actions pending the outcome of criminal proceedings, in order not to compromise any police investigation. Depending on the seriousness of the incident, it may be necessary to suspend the student in the meantime, but this decision must not be taken lightly.

#### **6. Disciplinary Procedure**

The following procedure should apply where students have breached the code of conduct and standards expected of them whilst enrolled with BSA.

##### **Informal stages**

For non-serious or minor or first instance of misconduct, members of staff may deal with the incident by means of an informal verbal warning within a progress review. In such instances the students must be advised:

- Of the code of conduct
- Of the standards of behaviour expected
- That any further misconduct will be dealt with formally under the BSA disciplinary (Misconduct) procedure.

##### **Formal Stage**

###### **1. Investigation**

The investigation is about listening to the facts and will be undertaken by an independent manager.

A thorough investigation into the alleged misconduct must take place before a disciplinary interview or disciplinary actions are taken. This is likely to involve interviewing and gaining information from staff and students who were involved or witnessed the alleged misconduct. Such investigations should be recorded in writing

and completed in 5 working days of the alleged misconduct.

The manager carrying out the investigation should advise individuals being questioned of the reasons for the investigation and that it may lead to disciplinary actions.

Staff or students who were witnesses have the right to choose not to take part in the investigation. Students involved in the investigation should be advised that they may be accompanied at any investigation interview by a parent/carer or friend.

## **Outcome and Action**

The following outcome of the disciplinary investigation are possible:

- No case to answer
- Student offered counselling/support
- Allegations appear to be substantiated and there is a case to answer.

When an investigation of alleged misconduct indicates that disciplinary actions may be required, the following framework should be implemented. The stage at which action is taken will depend on the nature and severity of the alleged misconduct and, in serious cases, the Head of Centre or Directors may wish to proceed straight to the written warning or, exceptionally, exclusion stage. All stages must be preceded by investigation.

### **A) Recorded oral warning**

In cases deemed too serious for informal actions, or where the misconduct persists despite an informal warning, the student should be given a recorded oral warning. Dependent on the seriousness of the incident this stage can be bypassed.

In such instances the member of staff should refer the student to their line manager who will:

- Arrange a date and time to hold a disciplinary interview with the student. This should be done within 5 working days of the alleged incident.
- Confirm with the student:
  - I. The date and time of the disciplinary interview
  - II. The allegation of misconduct to be heard at the interview
  - III. The student's rights to be accompanied by a supporter (Parent, Person with parental rights or a friend).
- Explain that failure to attend this meeting or make contact to rearrange it will result in a decision being made in their absence.
- Email/Phone the parent if the student is under 19 at the start of their course, unless they have previously withdrawn consent to contact. Make them aware of the date and the time of the meeting and the reasons for why the meeting is taking place.

- Advise the student that, if any future misconduct of any kind occurs, he or she will be disciplined further.

## **B) First written warning**

If further misconduct occurs or if the behaviour does not improve after the recorded oral warning, the student must be referred to the Head of Centre who will oversee the remainder of the formal stages.

A first written warning can be given, alternatively, if the misconduct is deemed more serious, the Head of Centre may proceed directly to the first written warning stage, bypassing the oral warning stage.

In such instances, the Head of Centre should:

- Arrange a date and time to hold a disciplinary interview with the student within 5 working days of the alleged misconduct.
- Confirm with the student:
  - I. The date and the time of the disciplinary interview.
  - II. The allegation of misconduct to be heard at the interview.
  - III. The students right to be accompanied by a supporter.
- Explain that failure to attend this meeting or make contact to rearrange it will result in a decision being made in their absence.
- Email or phone the parent (or person with parental responsibilities) if the student is under 19 at the start of their course, unless they have previously withdrawn consent to contact. Make them aware of the date and the time of the meeting and the reasons for why the meeting is taking place.
- Confirm the outcome in writing to the student within 5 working days of the disciplinary interview, sending a copy, with a covering letter, to the parent (or person with parentally responsibility) if the student is under 19 at the start of the course, unless they have previously withdrawn consent to contact.  
The letter must include:
  - A clear statement of the reasons for such action.
  - The conduct of behaviour and standards expected of the student
  - An explanation that the letter will be held on the student's file
  - The action that will be taken in the event of continued misconduct
  - The students right of appeal. This must be submitted in writing within 10 working days of the receipt of the written warning letter.

## **C) Final written warning**

If further misconduct occurs following the previous warnings, a final written warning may be given. Alternatively, where serious misconduct has occurred, the student may be given an immediate final written warning.

In such instances, the steps detailed for 'first written warning' should be carried out.

Additionally, the student must be informed that further misconduct or failure to meet

the conduct of behaviour and standards expected will result in the student being excluded from BSA.

#### **D) Exclusion from college**

If the student's misconduct persists despite the final written warning, or in instances of gross misconduct, the student should be excluded from college.

In such instances, the steps detailed for 'written warning' should be carried out and a disciplinary interview held.

The exclusion letter must state:

- The reason for the exclusion
- Conditions placed on the student's future return to BSA
- The student's right to appeal to the Head of Centre, this must be done in writing within 10 working days of the receipt of the exclusion or dismissal letter.

If a student breaches the terms of the exclusion, for example, by being on BSA premises without valid reason, consideration may be given to extend the period of exclusion.

#### **Suspension**

In cases where the alleged misconduct is serious and/or it may be detrimental to the smooth running of the courses and/or BSA for the student to remain on site, suspension may need to be considered while the case is being investigated.

Only the Head of Centre has the authority to suspend a student.

If two or more students are implicated in the alleged offence and if suspension is considered, then normally all parties should be suspended. The period of suspension should be kept no longer than 5 working days, (unless it is pending the outcome of criminal proceedings).

#### **Appeals**

The Appeal must be submitted by the student in writing to the level of manager immediately above the member of staff who conducted the disciplinary interview and issued the warning. For exclusions, the appeal would normally be to the Managing Director. Appeals must be made within 10 working days of receipt of the warning/exclusion letter.

The Managing Director conducting the appeal will collect written evidence from the investigation and from the person who issued the warning/ exclusion.

The decision will be notified in writing within 5 working days.

## **Record-keeping**

Records of disciplinary action should be kept on the students record for 12 months from the date of the last action.

## **7. Equality Impact Assessment**

BSA is committed to the promotion of equality, diversity and providing a supportive environment for all members of its community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010.