

Policy/procedure title	Student Behaviour Policy		
Review Cycle *Please specify	1 Year Cycle	Responsible Department	Quality
Procedure Owner *overall responsibility	Assistant Principal Student Services		
Responsible Person (if different to above) *responsibility for communicating changes and staff training where appropriate	Quality Coordinator		
Types of provision this procedure applies to:	14-16 19+ Apprenticeships Higher Education Study Programmes		
Revision Record			
Rev. No.	Date of Issue	Details and purpose of Revision:	
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	
4	Dec 2023		
5	May 2024	Revision and reference to The Open University collaborative provision	

Equality Impact Assessment

Whenever a policy is reviewed or changed, its impact assessment also must be updated. The Equality Act 2010 seeks to simplify discrimination law and introduced statutory duties to promote equality whereby The College of West Anglia must, in the exercise of its functions, pay due regard to the need to promote equality in relation to the protected characteristics.

Could any staff or students be adversely impacted by this policy/process? If yes give details and how this will be mitigated: No

Date	Action and Monitoring:	Initials
18/12/2023	No Actions	HP

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.

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1 Aims and Scope

1.1 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.
- create a learning environment that promotes good attendance, punctuality and student progress

1.2 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, Internal and External Quality Assurance](#)
- [Fitness to Practise](#)
- [Fitness to Learn](#)
- [Student Charter and Code of Conduct](#)

1.3 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.

Students on Open University Collaborative Provision programmes are required to follow this policy, relating to their interactions at this institution in addition to the relevant OU policies, as outlined in your Conditions of Registration. Students should ensure they have also read and understood The Open University [Code of Practice for Student Discipline](#) which defines conduct which the university considers an offence. If you need any help or advice, please contact the

college Student Services in the first instance.

2 Purpose and Principles

2.1 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 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 concerns around 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 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 (inclusiveness, respect, aspiration, integrity, inspiration, enterprise, collaboration), [Student Charter and the Code of Behaviour](#), 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.

3 Considerations

3.1 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, if the student wishes to have one (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 Additional Learning Support (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 if relevant, 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.

3.2 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 the 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.

3.3 Attendance

The college expects students to attend 100% of timetabled sessions, assessments and examinations.

There are a wider range of factors which can prevent students from maintaining 100% attendance: for example, ill health, medical appointments, family and personal emergencies. 90% or higher attendance is generally recognised as good, although this may vary by individual course. Course Directors will inform students of the attendance expectations for their course during the induction period.

When attendance falls below 90% (or the expected attendance for a particular course) without explanation (e.g. student has not notified or provided an explanation for the absence), the Course Director may raise a concern for minor misconduct under Stage 1 of the disciplinary process.

Repeated instances of this or prolonged absence (3 weeks or more) without notification or explanation may be addressed under Stage 2 or Stage 3 as persistent minor misconduct.

Where lower-than-expected attendance may be linked to underlying factors such as mental and/or physical health or disability, it may be more appropriate to address the issue using the [Fitness to Learn policy](#).

4 Definitions

4.1 Misconduct: Any breach of the Code of Behaviour for Students or any behaviour that is deemed unacceptable in line with this policy document.

4.2 Minor misconduct: Examples include but are not limited to:

lateness to and unauthorised absence from college; 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.

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

4.4 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.

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

4.6 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; inappropriate sexual behaviour; 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.

4.7 Harassment, bullying and discrimination

Harassment is repeated behaviour that is unwelcome, uninvited and causes a detrimental effect to others. Examples include bullying, sending abusive or threatening messages via social media, unwanted phone calls, messages or gifts.

Bullying is the repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power. Bullying can be physical, verbal or psychological. It can happen face-to-face or online. Examples of bullying behaviour include verbal or physical aggression, teasing, making threats and name-calling.

Discrimination means treating someone 'less favourably' than someone else because of: age,

disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex. Less favourable treatment can be anything that puts someone with a protected characteristic at a disadvantage, compared to someone who does not have that characteristic. Examples include causing them emotional distress or making it harder for someone to do their job or complete their studies. Bullying or harassment because of a protected characteristic is also discrimination.

Note: Failure to adhere to the above definitions may result in disciplinary action which could include restricted access to campus, CWA services and expulsion. Where misconduct is potentially criminal in nature, information may be shared with the relevant authorities.

5 Dealing with misconduct – stages and procedure

5.1 Overview

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 Senior Management Team (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. However, it is not necessarily the case that a student would move progressively through the four stages of the process. If the incident being investigated is deemed to meet the criteria for gross misconduct, for example, it would be dealt with at Stage 4 irrespective of whether or not that student had any previous recorded disciplinary case at an earlier stage.

Stage	Deals with	Effective from	Usually Led by
Stage 1 – informal	General concerns / minor misconduct	Always	Course Director (CD)

Stage 2 - formal	Minor misconduct	Following Stage 1	Course Director
Stage 3 – formal	Persistent minor misconduct	Following stage 2	Programme Manager PM (or Head of Faculty (HoF))
	Serious misconduct	Always	Programme Manager (or Head of Faculty)
Stage 4 - formal	Repeated serious misconduct	Always	Head of Faculty
	Gross misconduct	Always	Head of Faculty
Appeal	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).

5.2 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.

Having been made aware of the concern(s), the Course Director should conduct a supportive and restorative conversation with the student at the earliest suitable opportunity (usually within one week) 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.

5.3 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 aged 19-24 with an EHCP). 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)

5.4 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 be given for the meeting, although this may be shorter in exceptional 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 as an interim measure during the investigation period 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.

Criminal behaviour: In cases where the behaviour under investigation may constitute criminal actions, a decision will be made by the Head of Faculty in consultation with the Student Welfare Manager or a member of SMT about the involvement of external authorities. In such cases, the student (and parent if the student is aged under 18 or 19-24 with an EHCP) under investigation will be informed and CWA disciplinary processes will be guided by police advice and direction.

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 other 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 and/or present any mitigating circumstances
- 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 also ensure written summary notes (including, where relevant, any outcomes) of the meeting are recorded and shared with the student (and, where relevant, parent) following the meeting.

Having considered the evidence and information discussed at the meeting, the Programme Manager/Head of Faculty will 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 including options for appeal where relevant.

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, 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.*

5.5 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.

5.6 Appeal

Stage 1 and Stage 2: There are no formal sanctions or penalties at stage 1 and stage 2; appeal is, therefore, not relevant. If the student is unhappy with the outcome of the meeting with a member of staff, for example, where they wish to dispute the basis of the concern or believe there has been an error, they should raise this with the Programme Manager in the first instance. Following this, if they remain unsatisfied, they have an opportunity to make a formal complaint using our [complaints process](#) and [Handling and Resolving Complaints](#) policy.

Stage 3 and Stage 4: 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.

Note: Higher education students only.

Following receipt of a Completion of Procedures letter, if the student is not satisfied with the outcome, they have the right to appeal to the Office of the Independent Adjudicator (OIA). This must be done within 12 months. Full details and complaint form are available on the [OIA website](#)

For students on collaborative provision programmes with the Open University only, where the stage 4 outcome impacts a student's ability to undertake the face-to-face aspect of their study, they are entitled to request the Open University review the decision, and a subsequent CoP to be produced.

