STUDENT CAPABILITY AND DISCIPLINARY POLICY & GUIDELINES

Responsible Senior Manager:	Vice Principal (Student Services)
Effective Date:	11th December 2019
Related Policies:	Fitness to Study Policy
	Drugs and Alcohol Policy
Approved By:	Curriculum, Quality & Learning Committee
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Contents

1. Introduction
   - 1.1 Role of Tutor
   - 1.2 Role of Senior Tutor
   - 1.3 Role of Learning Manager
   - 1.4 Role of Head of Student Services / Student Wellbeing Manager
   - 1.5 Role of Director of Curriculum
2. Flow Diagram (Student version)
3. Lanyards
4. Gross Misconduct
5. Student Capability and Disciplinary Process
   - 5.1 Support Stage 1
   - 5.2 Support Stage 2
   - 5.3 Support Stage 3
   - 5.4 Disciplinary Action meeting
6. Probation Conditions
7. Appeals Procedure
8. Flow Diagram (Staff Version)

1. Introduction

As part of our commitment to support all students to achieve and succeed with HSDC (which comprises campuses at Havant, South Downs and Alton), the Student Capability Procedure sets out our support process where there are concerns that a Student is underachieving or concerns are raised by College staff about behaviour and conduct.

The procedures apply to all students on Study Programmes. Please see the table in section 5 for students on other programmes.

This procedure should be followed if concerns are raised for a Student by their Tutor or another member of staff and could include any of the following factors:

- Poor Attendance (please note that if this is due to poor physical or mental health, a safeguarding concern is recorded for the Student or the Student is a Looked After Child or Care Leaver, a member of the Health and Wellbeing Team should also be made aware.
- Poor Behaviour (not deemed as Gross Misconduct).
- Non completion of work required as part of the programme of study (coursework, homework, Maths and English).
- Other factors in line with the HSDC Standard

The first stage of this process is designed to be supportive and could also be used for:

- A Student who is experiencing personal/family difficulties
- A Student with short term health problems
- A Student who is struggling with understanding their course requirements and/or who has poor organisation which is impacting their learning.

1.1 Role of Tutor

The role of the Tutor during this process is to ensure the Student is supported and communication is made with support departments within the College to ensure the Student succeeds on their course. If the process reaches beyond Support Stage 1, the Tutor will continue to monitor the Student and provide updates to the Senior Tutor and Learning Manager on the progress of the Student to ensure the next support stage is implemented.

1.2 Role of Senior Tutor

The role of the Senior Tutor is to support the Tutor throughout the process, whether that involves communicating with Parent/Carers or attending meetings if the Student is not making the required changes. The Senior Tutor will also lead the meetings at Support Stage 2 & 3 and keep the Learning Manager up to date with the Student's progress.

1.3 Role of the Learning Manager

Throughout this process the Senior Tutor should keep the Learning Manager up to date with the progress of the Student. Once the Student reaches Support Stage 3, the Learning Manager should

be involved in the meeting and should monitor the Student (with the Senior Tutor) as they will be required to attend the Disciplinary Action Meeting.

1.4 Role of the Head of Student Services/Student Wellbeing Manager

The Head of Student Services/Student Wellbeing Manager may become involved in any stage of the Capability Procedures where there is

- a safeguarding concern logged on the student
- a health concern (physical or mental)
- the Student is a Looked After Child or Carer

The Head of Student Services or Student Wellbeing Manager will normally attend the Stage 4 Disciplinary meeting to provide support for the Student where relevant.

1.5 Role of the Director of Curriculum

The Director of Curriculum will chair the Disciplinary meeting. The Director will make a decision based on evidence presented as to whether the student is able to continue on their programme of study or leaves College.

2. Student Flow Diagram **This diagram is designed to help the Student understand the process and the support that would be put into place as part of it.**

Support Stage 1

- If your Tutor has concerns over your progress at College they will ask to speak to you on a one to one basis and your Parent/Carer will be contacted to notify them that this meeting will be taking place.
- In this meeting they will agree some actions with you to help to get you back on track. A copy of this will be recorded on Insight/ProMonitor.

Support Stage 2

- If the concerns continue your Senior Tutor will then contact your Parent/Carer and a meeting will be arranged. At this point the Senior Tutor and Tutor will be present in the meeting and your Parent/Carer will be asked to attend.
- You will agree new actions that you will be expected to meet and your Senior Tutor will talk you and your Parent/Carer through the impact this would have on your place at College should the situation continue.
- This is a First Written Warning

Support Stage 3

- If no improvement is shown and your Teachers/Tutor are still raising concerns about your progress, your Senior Tutor will once again contact your Parent/Carer and arrange a time for them to meet. At this point the Learning Manager for your study area will attend in place of your Tutor to discuss the continued concerns.
- Your Learning Manager will then review your actions and set final new targets which you will be required to meet. At this point your place at College will be at risk and you must work hard to complete the targets you have been set.
- This is a Final Written Warning.

Disciplinary Action Meeting

- At this stage you have failed to meet three sets of actions that have been set for you and have had meetings with all key staff from your course.
- You will now, along with your Parent/Carer be invited to a Disciplinary Action Meeting. These meetings will be chaired by the Director of Curriculum and at this point you will be given a chance to explain any circumstances that may have contributed to you not being able to achieve your targets.
- Other people will also be able to provide evidence on your progress and any other factors to be taken into account and at the end of the meeting all evidence will be discussed and a decision made as to whether you will remain in College or not.

3. LANYARDS

It is a requirement of the College that all leaners, staff and visitors wear lanyards when on site. This is primarily for safeguarding purposes so that we can ensure that only persons permitted on be on site are present.

It is understandable that there may be the odd occasion when a Student forgets their lanyard and in these instances the Student should go to Reception (at the Havant and South Downs campuses) or the Hub Desk (Alton campus) to request a temporary lanyard/day pass. This will be recorded.

Where a Student has had to report for a temporary lanyard/day pass on 3 occasions the Senior Tutor will be informed who will discuss this with the Learning Manager.

- If the Student is generally making good progress a letter will be sent to the Student and parent/carer advising of the importance of the compliance. This will be logged on Insight/ProMonitor
- If there are commitment and attendance issues in addition to not wearing a lanyard then the Learning Manager and Senior Tutor may invoke disciplinary procedures and enter stage 2 of the process. This will be logged on Insight/ProMonitor
- Should there be a repeat instance where the Student is not wearing a lanyard this will be referred on to the Director and a letter will be sent to the Student and parent/carer. The Director may at this stage invoke stage 3 of the disciplinary policy.

4. **Gross Misconduct**

An incident of gross misconduct will result in instant suspension from College for a standard 5 working day period; however this may be shortened or extended as required and based on the requirements or findings of the investigation into the incident/concern.

Students can be formally suspended by the following staff members/groups; Director of Curriculum, Learning Managers; Head of Student Services.

Any student involved in an incident deemed as gross misconduct will progress straight to a Disciplinary Action Meeting where a decision will be made based on the findings of the investigation and information shared within the meeting.

Examples of misconduct which can/should be dealt with through the standard capability process:	***Examples of gross misconduct which due to their nature will lead to suspension prior to a decision on dismissal:***
- Poor time keeping or persistent lateness. - Unauthorised absence from College. - Unauthorised or inappropriate use of College facilities. - Incidents of bullying or harassing behaviour not sufficiently serious to fall into the category of gross misconduct. - Verbally abusive language (the level of seriousness will need to be judged by the member of staff dealing with the situation). - Any harassment under the Equality Act that is not sufficiently serious to fall into the category of gross misconduct. - Abuse of the College IT systems. - Disrespect of British Values in accordance with the Prevent Duty.	- Unauthorised removal of the College's property or theft of any nature. - Serious harassment under the Equality Act which could include but is not limited to: sexual, racial, religious or disability. - Serious breaches of Health and Safety requirements. - Sexual offences. - Fighting/physical assault; including bringing any form of weapon/potential weapon onto the College site. - Any actions in direct contravention of the College Prevent strategy. This includes promotion of views and/or participation in activities of an extremist nature, in accordance with the Prevent Duty. - Actions which bring, or may bring, the College into serious disrepute. - Being under the influence of alcohol or drugs on the College site. - The sale, purchase or handling of drugs/any illegal substance for any reason (further information is contained within the HSDC Drugs and Alcohol Misuse Policy). - Malicious damage to College property. - Incidents of significant verbal/emotional abuse; this includes incidents of bullying and cyber bullying.
The examples provided are not exclusive or exhaustive and there may be other matters which are sufficiently serious to categorise as either misconduct or gross misconduct. The College will inform you of this prior to suspension or other action taken as a result of conduct issues.	

5. Student Capability and Disciplinary Process

Sections 5.1 – 5.4 outline what action should be taken at each stage in this process.

The procedures apply to all students on Study Programmes. Where students are on alternative programmes the lead at each stage will be taken by the following staff.

	Stage 1 & 2	Stage 3 & 4
Adult Students	Learning Manager	Director of Curriculum
Apprenticeships	Apprenticeship Manager	Director of Business, Growth & Innovation
HE Students	Tutor and Course Manager	Learning Manager and Director of Curriculum
14-16 Students (school staff must be informed at all stages)	Tutor and Course Manager	Learning Manager and Director of Curriculum

5.1 Support Stage 1

People Involved:	Notes and points to remember:	Actions:
- Student. - Tutor. - Parent/Carer if Student under 18 **(should be notified of meeting although does not need to attend).** - Senior Tutor should be notified of meeting taking place but does not need to attend at this stage. Other key staff members can be invited if Tutor feels the extra support would be beneficial e.g. Health and Wellbeing, Additional Support.	It is important to recognise that many issues of unsatisfactory performance can and should be, wherever possible, resolved without the use of the formal stages in this process. This initial meeting should be informal and constructive to allow the Student to openly discuss any contributory factors that may be impacting their progress and does not need to include the Student's Parent/Carer at this stage although they should be made aware that the meeting is happening. After the meeting regular monitoring and support should take place by all members of staff that work with the Student. *If the Tutor is satisfied with the changes made, no further action is required other than a normal follow up 1:1.* *If at the end of the monitoring and upon the review date the Tutor still has concerns they will need to inform the Student that the initial stage of the formal support process will now need to take place.*	Once an issue has been identified by the Tutor or other member of staff the following should happen: 1. Tutor to notify Student of continuing concerns and intentions to contact Parent/Carer. 2. Tutor to arrange a meeting with Student. 3. Tutor to outline concerns to Student and discuss appropriate course of action. 4. Actions should be agreed to include the setting of targets, support to be put in place if required and review dates for the monitoring of completion. 5. A copy of the actions should be recorded on Insight/ProMonitor. *NB: Please note this phase is designed to replace a verbal warning and should set clear targets for the Student from the off as an early intervention.* • Note that at all stages checks should be made with the student that the Next of Kin / Contact details used do have parental responsibility

5.2 Support Stage 2

People involved:	Notes and Points to remember:	Actions:
- Student. - Tutor. - Senior Tutor. - Parent/Carer if under 18.	When the levels of improvement outlined in Stage 1 are not met, then a formal meeting should take place to discuss the ongoing concerns. At this point the Tutor should be accompanied by the Senior Tutor and the Student's Parents/Carers should be involved. At this meeting the Student should be reminded of previous discussions held and told of the continuing areas giving rise for concern. As with the previous section, mitigating circumstances should be taken into consideration. **Monitoring** At this stage the Student should have regular reviews with their Tutor against their targets. Individual teachers should ensure that ProMonitor or Insight is kept up to date at all time to allow the Tutor to carry this out effectively.	1. Senior Tutor to notify parent and Administration Staff set up meeting informing all parties. 2. Meeting should follow the same structure as the informal process, but should focus on a review of the actions set previously and an explanation of why the process has now moved to this stage. 3. The Senior tutor will amend the actions set at Stage 1 and record on Insight/ProMonitor. 4. After the meeting Senior Tutor to request a letter to be sent by Administration staff to the Student and Parent/Carer with the amended actions. 5. This letter constitutes a **First Written Warning** and should make it clear a. Areas that still remain a concern b. Actions that have been set c. The nature of any support to be put in place d. Monitoring that will take place including dates for interim reviews e. That the Students place at College is at risk if improvement is not made 6. Monitoring should take place for at least 3 weeks depending on the individual situation. • Note that at all stages checks should be made with the student that the Next of Kin / Contact details used do have parental responsibility

5.3 Support Stage 3

People involved:	Notes and Points to remember:	Actions:
- Student. - Parent/Carer if under 18. - Senior Tutor. - Learning Manager. - Tutor may be present.	Failure to improve after the stipulated formal review period will lead to a second formal meeting being held with the Student to discuss their continuing performance. Parent/Carer should once again be invited to attend the meeting. At this meeting the Senior Tutor should be accompanied by the relevant Learning Manager. At this meeting further discussion should be had around previous concerns raised and the reason for this meeting.	1. Administration Staff to arrange a convenient meeting time with Senior Tutor, Learning Manager and Parent/Carer and raise letter. 2. Meeting should follow the same structure as the informal process, but should focus on a review of the actions set previously and an explanation of why the process has now moved to this stage. 3. The Learning Manager will amend actions set at Stage 2 and record this on Insight/ProMonitor. 4. After the meeting Learning Manager to request a letter to be sent by Administration Staff to the Student and Parent/Carer. 5. This letter constitutes a **Final Written Warning** and should make it clear: a. Areas that still remain a concern b. Actions that have been set c. The nature of any support that was not taken advantage of at stage 2 and any support to be put in place d. Monitoring that will take place including dates for interim reviews e. That the Students place at College is at risk if improvement is not made 6. Monitoring should continue to take place for a least 3 weeks depending on the individual situation before any further action is taken. • Note that at all stages checks should be made with the student that the Next of Kin / Contact details used do have parental responsibility

5.4 Disciplinary Action Meeting

People Involved:	Notes and Points to remember:	Actions:
- Student. - Senior Tutor. - Parent/Carer if student under 18 - Learning Manager. - Director of Curriculum. - Head of Student Services/Student Wellbeing Manager - The Tutor may attend if required *NB: If aStudent fails to attend the first dismissal meeting contact should be made to attempt to ascertain a reason and an alternative meeting arranged. After the second attempt at arranging a meeting only then should a Student be dismissed.*	If a dismissal is being considered because no other option is appropriate, then a Disciplinary Action Meeting should be arranged with the Student and his/her Parent/Carer. The meeting should be conducted by the Director of Curriculum. At the meeting the Senior Tutor supported by the Learning Manager will present evidence and make a case to support recommendation for dismissal. The Student will be given the opportunity to state their case including any mitigating factors and give their own view on their performance against the targets set. The Head of Student Services/Student Wellbeing Manager will be invited to provide any supplementary information. The Director of Curriculum will consider whether the Student should be dismissed. If dismissal is the outcome, the Student should be informed in writing that they are to be dismissed, informed of the effective date for their dismissal and informed of their right to appeal against the decision. If the Student wishes to appeal, they must do so within 10 working days of the date of the decision to dismiss. Any Appeal should be made to the Vice Principal (Student Services) and should outline the reasons for the Appeal.	1. The Learning Manager will contact the Parent/Carer to notify them of a meeting. 2. Administration Staff will set up the meeting, notify all parties and collate all paperwork. 3. The Senior Tutor accompanied by the LM will present details of the case and outline the evidence to support the recommendations for dismissal. 4. If any other support has been provided to the Student through Health and Wellbeing or ALS then relevant spokesperson or witness statement from these areas should be sought to provide evidence of the support for the Student. They are only required to stay to give their evidence and answer any questions and then may leave. 5. The Student is invited to present their case on why they should be allowed to continue at College. 6. The Director of Curriculum may question the Student and should any clarification be required it should be sought at this point. 7. The Director of Curriculum will summarise the meeting and outline the next stages in the decision and when a decision will be conveyed if it is not to be done on the same day. 8. Once the decision is made, written communication of the decision will be sent to Student without unreasonable delay, normally within 48 hours or as soon as practicable. Administration Staff will collate. • Note that at all stages checks should be made with the student that the Next of Kin / Contact details used do have parental responsibility

6. Probation Conditions

Probation conditions are designed to support Students, and set clear expectations for them, if they have previously experienced difficulties with committing to their studies, issues with behaviour and attendance at the College or there are other concerning factors.

A member of academic or support staff can recommend probation conditions for a Student and they will be discussed with them at enrolment and clear targets set. These targets will be in place for either 4 or 6 weeks. At the end of this period the Student will have a review with their Tutor to discuss if they have met the targets and can continue on the course or if there are persistant concerns which could result in further action being taken. This action can include their place at College being withdrawn.

7. Appeals Procedure

Students may leave College before the end of their course because:

- They have been dismissed due to poor performance (eg attendance, non-submission of work and/or poor behaviour, gross misconduct) following the Capability process,

  OR

- They have been withdrawn for other reasons by mutual consent (eg poor health, moving to another area etc).

Where a Student is dismissed from College, he/she shall have the right of appeal in the first instance to the Appeals Panel. Students (and, if appropriate, Parent/Carers) shall be informed of this at the Disciplinary meeting. Appeal requests must be made either in writing or by email to:

Debbie Hallier
PA to Vice Principal (Student Services)
HSDC Alton
Old Odiham Road
Alton
GU34 2LX
Tel: 01420 592200
Email: Debbie.hallier@alton.hsdc.ac.uk

The Appeal request must be made within five days of receipt of the decision to dismiss the Student from College. Once an Appeal is lodged, the Student shall not attend College until the Appeal is heard.

Students may appeal against dismissal on one or more of the following grounds:

a) The College's procedures were not followed correctly
b) The process leading to dismissal featured discrimination or unfair treatment on the grounds of protected characteristics
c) Significant further information should be considered that was not available at the time of dismissal

A request for an Appeal must identify the grounds from the list above and provide a brief supporting statement.

The Appeals Panel consists of the Vice Principal (Student Services) and Head of Campus. Where the Vice Principal (Student Services) is also Head of Campus then another Head of Campus will be on the Panel. Students have the right to present their case in person to the Appeals Panel at an Appeal Hearing, with one other person in attendance if they so wish to support them, for example a Parent or Carer.

During an Appeal, the Panel may receive representations from the Student, Parents/Carers, Senior Tutor, Learning Manager, Tutor, Head of Student Services, Student Wellbeing Manager and any

other person they deem appropriate. Evidence may be received in writing or orally, as the Panel determines.

The Panel, in consultation with the Principal, may either:

- Uphold the decision for the Student to be dismissed, or
- Reinstate the Student, with or without conditions as appropriate.

The findings of the Appeal will be communicated to the Student and, if appropriate, to his or her Parents/Carers, in writing.

The decision of the Appeals Panel is final.

Not every meeting will be conducted in exactly the same way and will depend on the particular circumstances and nature of the appeal.

7. Student Capability and Disciplinary Policy – AT A GLANCE (STAFF VERSION)

This table is to be used as a quick reference guide and should be used as a reference point before each meeting.

	Who is involved and what are their actions? (a-i refer to order of events at each stage)					
	Tutor	Senior Tutor	Learning Manager	Head of Student Services / Student Wellbeing Manager	Director of Curriculum	Administration Staff
Stage 1 Support →	a.Informs Student of ongoing concerns and notify parent b.Records actions on Insight /ProMonitor					
Stage 2 Support **FIRST WRITTEN WARNING** →		a.Notifies Student Parent/Carer of continued concern c.Reviews and amend actions on Insight/ProMonitor*		May attend if required		b.Sets up meeting d.Collates information and send letter (from ST)
Stage 3 Support **FINAL WRITTEN WARNING** →		a.Notifies Student Parent/Carer of continued concern	c.Reviews and amends actions and record on Insight / ProMonitor*	May attend if required		b.Sets up meeting d.Collates information and send letter (from LM)
Stage 4 **DISCIPLINARY MEETING** →	May attend if required	May attend if required	a.Notifies Student and Parent/Carer of continued concern or gross misconduct	f.Provides any supporting information	d.Chairs meeting e.Hears evidence from Learning Manager/Senior Tutor and Student g.Advises of decision (setting of further targets or dismissal) and, if relevant, timescale and right to appeal.	b.Sets up meeting c.Collates all paperwork prior to meeting h.Collates information from meeting and send decision letter (from DoC) i.Records on Insight/ProMonitor*

- On the Alton campus actions will be added to the 'Action Plan' tab on Insight
- On the Havant and South Downs campuses actions will be added to the 'Student Comments' section on ProMonitor