

Student and Apprentice Misconduct Procedure

Date approved: 16.08.22
 Approved by: AMT
 Responsible Manager (s): Director for Students/Heads of Curriculum
 Executive Lead: Vice Principal HE and Student Enhancement

Applicable to Students: Yes
 Accessible to Students: Yes
 Accessible to general public:
 (including clients) Yes

Consultation

Consultation undertaken with:		Date:
• SMT	No*	
• AMT	Yes	09.08.22
• CMT	Yes	03.08.22
• Students	Yes	07.05.22
• Employee representatives (HR policies)	NA *	
• Other	NA *	

** please delete as appropriate*

Procedure review frequency: normally every two years

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2. Procedure statement
3. Accountability
4. Student involvement
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1. Application and scope of procedure

This procedure applies to all students and apprentices who chose to study at Blackpool and the Fylde College (B&FC).

The overarching principal of this procedure is to ensure that B&FC provides a safe, inclusive, and supportive learning environment for all partners and fully prepares students for sustainable employment.

This procedure is an operational document for use in matters concerning misconduct and should be used in conjunction with policy and procedures relating to the promotion of positive student and apprentice behaviour, the Student and Apprentice Charter, the Partners for Success framework, and the Punctuality and Attendance framework.

It does not apply to allegations of academic malpractice and misconduct which fall under the remit of the Higher Education Taught Awards Regulations B3 (www.blackpool.ac.uk/he-regulations)

2. Procedure statement

All students have a responsibility to behave in an appropriate employment focused manner ensuring the values of tolerance and understanding of difference are demonstrated in all behaviours. Mutual respect, politeness, sensitivity, a willingness to collaborate and adherence to Health & Safety guidelines are reflected in all aspects of College life. This includes online behaviours either in or out of the workspace.

All colleagues are empowered to report instances of inappropriate behaviour, and breaches to the Student and Apprentice Charter directly to the curriculum area, or where this is not possible, directly to the Director for Students. It is an expectation that all colleagues will promote positive student behaviours, values and attitudes and provide appropriate challenge when these behaviours are not demonstrated.

3. Procedure

Stage 1: Informal discussion

- i) Early interventions are the key to successfully managing behaviour
- ii) A report of inappropriate behaviour (may be verbal at this stage) and could be from any colleague, should be made to the curriculum area and directed to one of the following:
 - Progress Tutor (PT)
 - Senior Tutor Progress (STP)
 - Programme Leader
 - Head of Curriculum

The report must be recorded on eTrackr (please follow guidance in appendix 1), If the reporter cannot identify which curriculum area the student or apprentice belongs to the report should come directly to The Director for Students, with a time, location and date stamp. DfS will seek to identify the student and inform the curriculum area, this applies to

all stages of the disciplinary process.

- iii) The details of the report should be fully recorded on the e Trackr by the PT or ST Progress with clear improvement targets identified on the notes section.
- iv) The PT or ST Progress should ensure that the student is engaged in the discussion regarding allegations of inappropriate behaviour and agree positive improvement targets.
- v) For 16-19 students and apprentices; parents, carers or guardians and where appropriate employers, will be informed of this stage 1 activity by DfS.
- vi) The initial reporter of the stage 1 event must be informed by the STP of any actions taken and any conditions agreed
- vii) "Trauma informed" research highlights the fact that inappropriate behaviours can be the result of external factors. In this informal stage if a Safeguarding issue is highlighted this must be reported as a Safeguarding Concern.

Examples of inappropriate behaviour at stage 1 could include:

- Lateness
- Absence
- Disrupting the learning of others
- Refusal to take part in learning activities
- Failure to wear id badge
- Smoking or vaping on campus
- Wearing inappropriate clothing or uniform
- Low level disruption (including inappropriate use of technology)

Stage 2: Warning

- i) The purpose of the stage 2 is to:
 - Seek a positive resolution without escalation to stage 3
 - Formulate a plan of action to support progression and achievement
 - Support the tutor in resolving disruption to learning
- ii) Normally escalation to stage 2 results from the targets set at stage 1 not being met or recurrences of the identified inappropriate behaviour. However inappropriate behaviour can be escalated directly to stage 2 at the discretion of :
 - Tutor
 - Progress Tutor (PT)
 - Senior Tutor Progress (ST)
 - Programme Leader
 - Head of Curriculum
- iii) The alleged behaviour must be recorded on eTrackr (please follow guidance in appendix 1) by the PT or STP and referred to the Head of Curriculum (HOC) for an investigative meeting.
- iv) The HOC (or designated Curriculum Manager) should conduct an interview (usually within 3 working days from the stage 2 report) with the student to determine the circumstances surrounding the allegations.

- v) If the student is under 18 years of age, on an Educational Health Care Plan (EHCP) or is an adult identified as have learning difficulties or disabilities or is a young person under the age of 25 and is looked after, his/her parents/guardian and external stakeholders where appropriate must be informed of the allegations and invited to this meeting.
- vi) In the case of Apprentices, the employer should be informed and invited to attend.
- vii) Details of this meeting should be recorded on eTrackr (in the notes section) and any improvement or action plans clearly signposted.
- viii) The initial reporter of the stage 2 event must be informed by the STP of any actions taken and any conditions agreed
- ix) All written and verbal communications at stage 2 are conducted by the curriculum area.

Examples of inappropriate behaviour directly escalated to stage 2 could include:

- Breaches to agreements made at stage 1 (including attendance and punctuality)
- Abuse directed to students, apprentices, work mates or colleagues
- Inappropriate use of technology including video recordings of other students, apprentices or colleagues
- Abusive language directed towards students, apprentices or colleagues

Stage 3: Misconduct meeting

- i) The purpose of this stage 3 misconduct meeting is to:
 - Formulate a plan of action to support progression and achievement.
 - Support Colleagues in addressing continued disruptive behaviour
 - Signpost students and apprentices to external areas of support in instances where B&FC support services cannot reasonably meet the needs of the student
- ii) Usually students who have a stage 3 misconduct meeting will be suspended from all B&FC campuses pending the outcome of the meeting and any associated investigation. This is at the discretion of the HoC. Suspension is a neutral act and is designed to protect all parties. Usually, the time scale between suspension and the meeting would not exceed 10 working days.
- iii) The establishment of a Stage 3 misconduct meeting should not be delayed pending the outcome of any associated safeguarding or other investigation.
- iv) Students will have access to remote learning and support materials during this time away from College.
- v) If the HOC determines that the student's continued presence at College does not present a risk to themselves, other students or colleagues, the student may be allowed to remain at College until the misconduct meeting can take place

- vi) Stage 3 misconduct represents the most serious escalation of alleged inappropriate behaviour. Alleged incidents of serious misconduct will be referred directly to Stage 3 without the requirement for a prior stage 1 or 2.

Examples of Gross Misconduct could include but are not limited to:

- Causing damage to any College buildings, equipment, books or furnishings or resources
 - Unauthorised interference with software or data belonging to or used by the College
 - Theft of property or any other dishonest acts
 - Being in possession or under the influence of alcohol on College premises or when taking part in any College activity
 - Bullying, intimidation, taunting, verbal abuse or the threat of violence towards any member of the College community or partner organisation
 - Substance abuse or under the influence of illegal drugs whilst on college premises or taking part in any college activity
 - Illegal or criminal acts which may have an adverse effect on the work of the College or on other students (or which could bring the College into disrepute).
- vii) Details of the allegation and any associated materials will be forwarded by the PT/ST Progress to the Director for Students and ensure these details are accurately recorded on eTrackr and clearly identified as materials relating to a state 3 misconduct meeting. It is the responsibility of the PT/ST Progress to ensure these details are accurately recorded. These materials will be available at the stage 3 meeting and are available on request should the student wish to see them in advance (usually three days prior to the meeting).
- viii) The Director for Students will notify the student in writing of any suspension and details of the pending misconduct meeting.
- ix) A student is invited to be accompanied to this stage 3 misconduct meeting if they wish, this could be a supportive family member, student union representative or support worker. It is not appropriate for another B&FC student (unless an elected representative of the SU) to accompany a student to this meeting.
- x) If the student is under 18 years of age, on an Educational Health Care Plan (EHCP) or is an adult identified as having learning difficulties or disabilities or is a young person under the age of 25 and is looked after, his/her parents/guardian and external stakeholders where appropriate must be informed of the allegation/s and invited to the meeting.
- xi) In the case of Apprentices the employer should be informed and invited to attend.
- xii) If the student or their representative, does not attend the Chair may choose to postpone the meeting for an alternative date (within 10 working days). There can be a maximum of one postponement, after

which the meeting must proceed in the absence of the student or their representative whereby a decision will be made based on the documentary evidence available.

- xiii) The initial reporter of the stage 3 event must be informed by the STP of any actions taken and any conditions agreed

The meeting:

Attendees:

- Chair: DfS (or delegated representative)
- HoC (or designated CM) from curriculum area concerned.
- PL or STP
- SSWI representative as required
- SG representative as required
- Any other external agency as required and considered on a case by case basis

The Director for Students or HOC (or nominated representative) will follow the meeting procedure as outlined below and ensure meeting records are accurate and appropriate.

- Welcome and introductions
- Aim of the meeting and potential outcomes
- Outline of the allegation/s, review of documentary or visual evidence
- Student response/s
- Summarise the allegation/s and student response/s
- Opportunity for third party contribution
- Student and guests may leave the meeting while the panel deliberates the outcome (this may be a short interlude)
- Decision of the panel communicated to the student with improvement actions clearly identified if appropriate.
- The panel may decide to defer their decision and communicate the outcome in writing.
- Thanks and close

The outcome of this meeting will be confirmed in writing within five working days of the meeting date (unless there is a recommendation to exclude)

All correspondence (including invites) concerning the stage 3 will be communicated by the Director for Students.

The PT/ST Progress must record the outcome and action plans, where appropriate, on eTrackr.

A recommendation to exclude:

In some cases the panel may feel that a recommendation to exclude is the appropriate outcome and in the best interest of the student and College community. The student or apprentice will normally be notified within 2

working days if a recommendation to exclude is the outcome.

Where a recommendation to exclude is the outcome it is only for the remainder of the academic year.

All copies of the outcome decision and all accompanying documentation/evidence will be sent for review to:

- The Vice Principal Quality and Curriculum or Vice Principal Higher Education and Student Enhancement
- In the case of Higher Education the Director for Higher Education
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If the recommendation to exclude is upheld, then the student will normally be notified in writing within 5 working days of the stage 3 misconduct meeting.

This notification will be communicated by the Director for Students. This notification will include the right of appeal.

Stage 4: Right of Appeal

- i) The purpose of this stage is to allow the student to add any mitigations that were not communicated in the original stage 3 misconduct meeting or to identify procedural irregularities.
- ii) The student may appeal against the decision at stage 3 and this must be lodged in writing to the Vice Principal – Quality and Curriculum or Vice Principal – Higher Education and Student Enhancement (whichever has not been involved in the stage 3 or any other element of the investigation up to this point), within 14 working days of the dispatch of the outcome letter.
- iii) During this time the student will continue to be excluded until the appeal has been resolved. An appeal can only be made on the following grounds:
 - a) There are mitigating circumstances or evidence which was not known to the stage 3 panel
 - b) Unfair discrimination is alleged
 - c) There were procedural irregularities
- iv) The appeal will be held by the appropriate Vice Principal in collaboration with the Director of Quality and Standards who will both review the written appeal together with the original investigation minutes, the student's eTrackr record and any other associated evidence or documentation.
- v) The student will be invited to attend the appeal hearing and can be accompanied by a parent/guardian or representative as appropriate. (If the student is under 18 years of age, on an Educational Health Care Plan (EHCP) or is an adult identified as having learning difficulties or disabilities or is a young person under the age of 25 and is looked after, his/her parents/guardian and external

stakeholders where appropriate must be informed of the reasons for appeal and invited to the meeting. In the case of Apprentices the employer should be informed and invited to attend. The Vice Principal may have a minute taker at the appeal.

After consideration of the Appeal, the Vice Principal may:

- i. Approve the earlier decision
- ii. Replace the earlier decision with a more appropriate resolution

The Vice Principal will inform the student of a decision at the appeal hearing or within five working days in writing.

Student Involvement

Students were consulted in the updating of this policy through the elected Representatives of the Student Union.

Linked policies

- Safeguarding Policy (Student)
- Positive Student Behaviour Policy
- Anti-bullying and Harassment Policy (student and apprentice)
- Appropriateness of Study Policy

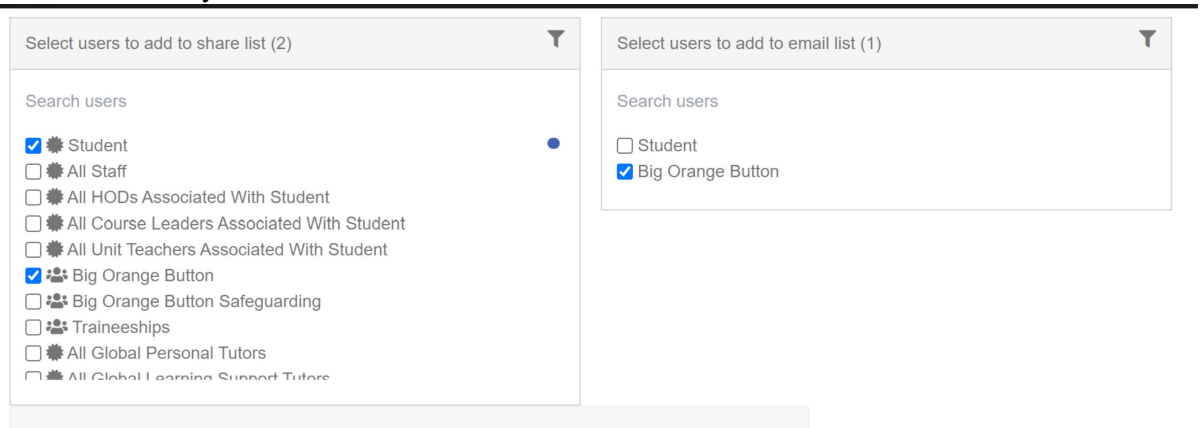
Linked procedures

None

Appendix 1

Guidance for Big Orange Button

1. Record the misconduct on CFC / disciplinary tab on eTrackr as stage 1 or stage 2 or 3.
2. Go to Notes
3. As the Category select Stage 1, 2 or 3 Disciplinary
4. In the subject write the type of disciplinary (Behaviour, Attendance, Punctuality)
5. Write a summary of the reason in the Note.

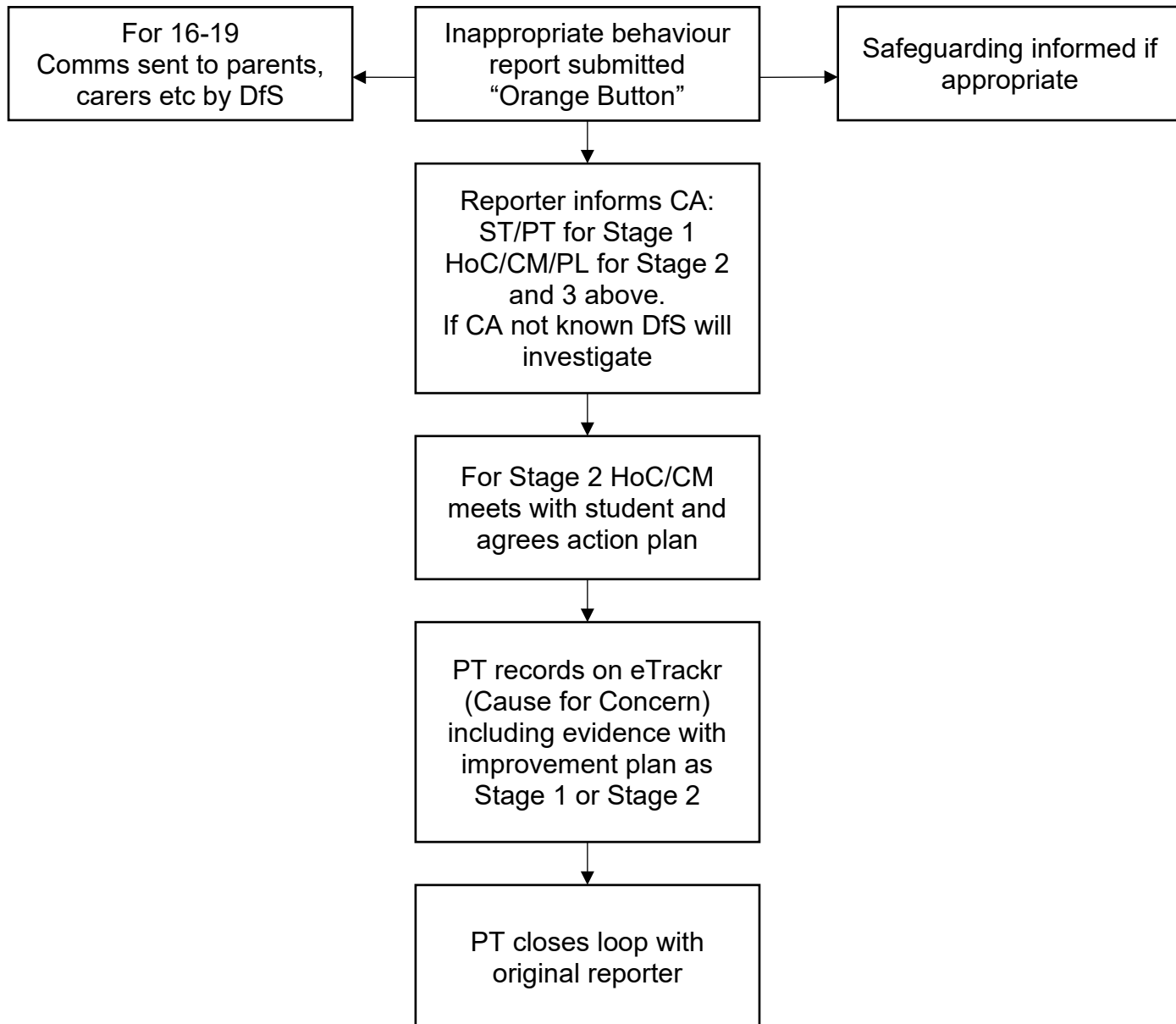


The screenshot shows two side-by-side user selection panels. The left panel is titled 'Select users to add to share list (2)' and contains a search bar and a list of user categories with checkboxes. The right panel is titled 'Select users to add to email list (1)' and contains a search bar and a list of user categories with checkboxes.

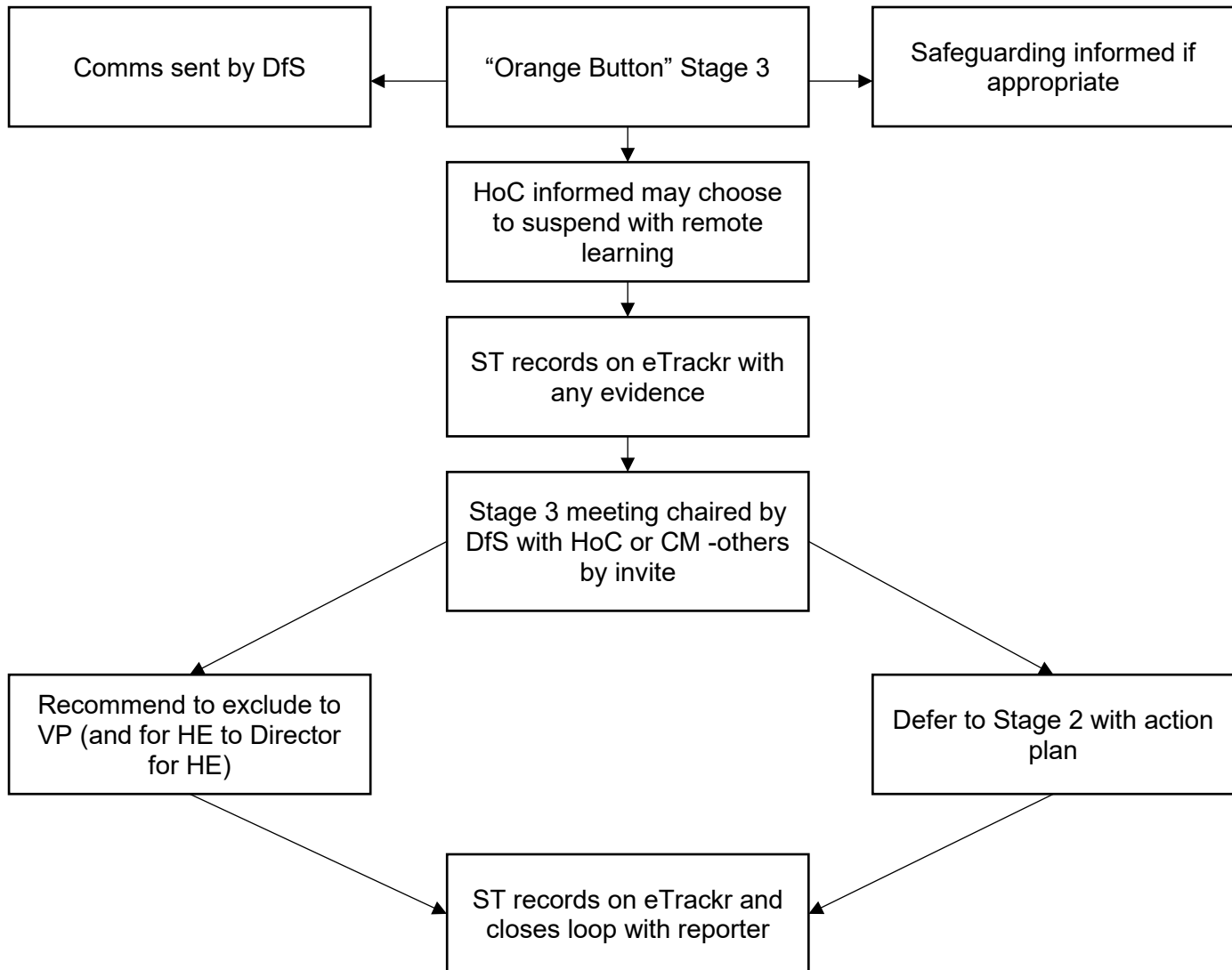
Select users to add to share list (2)	Select users to add to email list (1)
<input checked="" type="checkbox"/> Student	<input type="checkbox"/> Student
<input type="checkbox"/> All Staff	<input checked="" type="checkbox"/> Big Orange Button
<input type="checkbox"/> All HODs Associated With Student	
<input type="checkbox"/> All Course Leaders Associated With Student	
<input type="checkbox"/> All Unit Teachers Associated With Student	
<input checked="" type="checkbox"/> Big Orange Button	
<input type="checkbox"/> Big Orange Button Safeguarding	
<input type="checkbox"/> Traineeships	
<input type="checkbox"/> All Global Personal Tutors	
<input type="checkbox"/> All Global Learning Support Tutors	

6.
 - a. In Select user to add to share list choose Student, Big Orange Button, and if it's a safeguarding issue Big Orange Button Safeguarding
 - b. In Select users to add to email list select Big Orange Button and if it's a safeguarding issue Big Orange Button Safeguarding.
7. Save the Note
8. This triggers an automation which will lead to a letter being sent home.

Stage 1 and Stage 2



Stage 3



7. Equality Impact Assessment

Impact Assessment for the 4 strands of Equality and Inclusion, Safeguarding, Health, Safety and Sustainability	
Initial Form to be completed with Risk Assessments or as part of a proposal or change to a policy, plan or new way of working	
<p>Title of Activity: Student Misconduct Procedure</p> <p>Author and Date: Director for Students June 2022</p>	<p>New or Revision</p> <p>Expected Implementation Date: September 2022</p> <p>What is the review date? July 2024</p>
<p>Equality and Diversity. Which of the characteristics maybe impacted upon? And, if yes, how has this been considered? What are the risks? What are the benefits?</p>	<p>This procedure applies to all students and apprentices, with mitigations in place to provide appropriate support where needed.</p>
<p>Safeguarding: Are there any aspects of this proposal which could cause a learner/member of staff/visitor to feel unsafe? If yes, how has this been considered? What are the risks? What are the benefits?</p>	<p>Mitigations identified where those at risk may require additional support</p> <p><input checked="" type="checkbox"/> No</p>
<p>Health and Safety: Have any risks been identified? If yes, how has this been considered? What are the risks? What are the benefits?</p>	<p><input checked="" type="checkbox"/> No</p>
<p>Sustainability: Are there expected benefits or impacts on sustainability issues? If yes, how have these been considered?</p>	<p><input checked="" type="checkbox"/> No</p>
<p>Evidence: What evidence do you have for your conclusions and expectations for these conclusions? How will this impact be monitored for all these considerations?</p>	<p>Evidence is based on research driven behaviour analysis where promoting positive behaviour supports all students in feeling safe and empowered to report issues.</p>
<p>Is this procedure of a high/medium or low risk?</p>	<p>High <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input type="checkbox"/></p>