

Westminster Kingsway College

Behaviour for Learning and Employment Policy

WKC

September 2017

Author:	Jasbir Sondhi	Approved by:	Kim Caplin
Version:	Final	Date of Approval:	September 2017
Equality Impact Assessed	completed	Review Date:	September 2019

1. Our mission

- 1.1. Our mission at Westminster Kingsway College (WKC) is to support all of our students in realising their ambitions as learners within a diverse and fully inclusive educational community so that all of our students achieve to their best potential and are prepared for the world of work or further study. This Policy sets out how we as a college and you as students working together will seek to achieve this.
- 1.2. Westminster Kingsway College expects everyone to uphold the college values of being Respectful, Creative, Supportive and Excellent. In preparing our students for the world of work and to be good citizens we have clear expectations with regard to behaviour; work completion attendance, and punctuality.
- 1.3. The college works together with students to positively reinforce behaviours to recognise dedication and hard work. This is demonstrated in a number of ways including our financial support to students, student award ceremonies, competitions, showcases and graduation ceremonies.
- 1.4. This Behaviour for Learning and Employment Policy also makes clear the system of sanctions that are in place to help students to learn from their misjudgements. These are designed to enable students to access the support they need to make positive changes in their behaviour. In this way, all students will be able to benefit from learning in a safe and positive environment. Our experience shows that the majority of our students will respond to these interventions without the need for more formal action. Where necessary, however, the college will invoke formal disciplinary procedures, including dealing with incidents of criminal activity.

2. College Charter and Policies

- 2.1. Students, staff and visitors to the college are bound by a range of college policies and procedures. Policies and procedures of particular relevance to students are available via the college website, on the student intranet (Moodle) and in learning centres. If you would like more information about the policies and procedures that are particularly relevant to students please ask your tutor or lecturer at your college centre.

3. Equal opportunities at Westminster Kingsway College

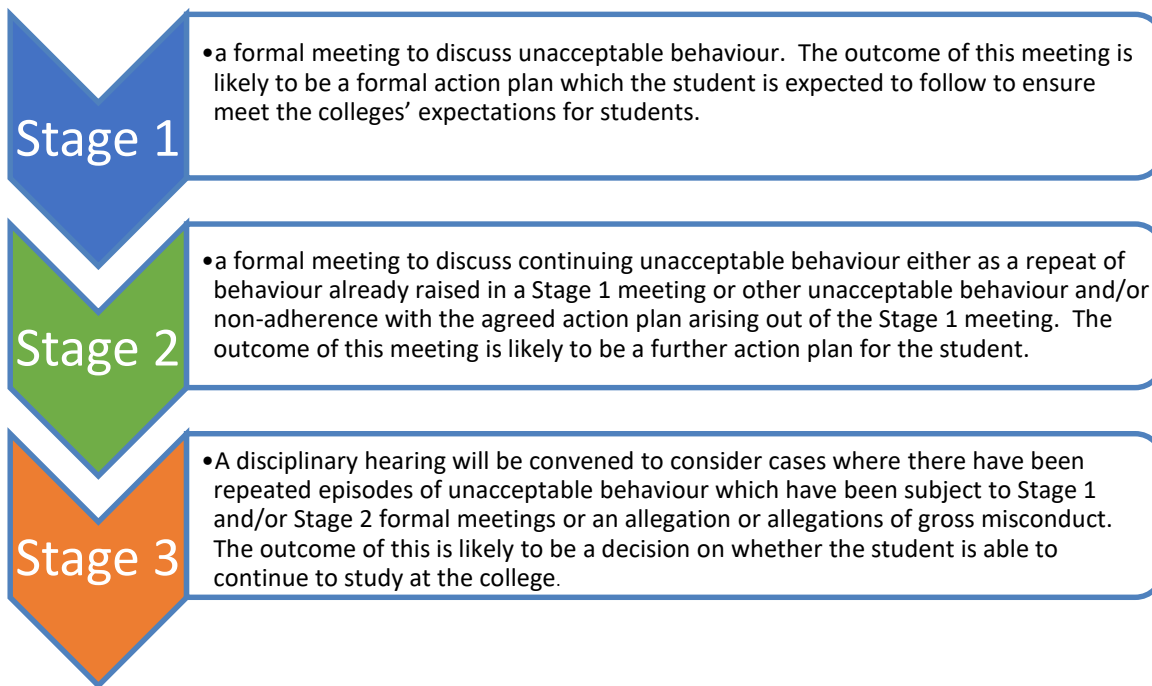
- 3.1. The college is committed to ensuring equality of opportunity for all students. All those who study or work at the college have the right to feel comfortable and productive in what they are doing.
- 3.2. In order to ensure an inclusive environment the college will not tolerate:
 - Racist, sexist, or homophobic comments, slang, graffiti or jokes
 - Offensive remarks about someone's appearance, sexuality, beliefs, abilities or age
 - Unwelcome physical contact
 - Offensive posters, literature or internet material
 - Harassment (physical assault or abuse, verbal threats or abuse, unwelcome physical contact, stalking, any name calling, insults, ridiculing, demeaning jokes, comments on personal appearance or dress that may be perceived as offensive, graffiti against groups or individuals, displaying or distributing materials offensive to other groups).
 - Bullying (a form of harassment). The college has published an Anti-Bullying Statement which is available to all students on the intranet.

- 3.1. Any student in breach of the college's equal opportunities policies will become subject to disciplinary proceedings that could lead to permanent exclusion.

4. The College Behaviour for Learning and Employment Policy

- 4.1. Where it is appropriate the college deal with minor student indiscretions informally through tutors and lecturers and appropriate support staff. This will be done through oral warnings to the students, and will be recorded in the Tutorial System. The college formal process begins when an informal warning is not suitable or has not achieved the desired outcome.

4.2. The formal college process has three tiers which are broadly defined below:



5. Examples of unacceptable behaviour and gross misconduct

5.1. Some examples of unacceptable behaviour are listed below. This is not an exhaustive list.

In relation to your course of study:	Generally
<ul style="list-style-type: none"> • Persistent/frequent lateness by a student or absence(s) without a valid reason • Failure to attend or participate in all compulsory elements of a course e.g. work experience, tutorials, key skills • Failure to hand in assignments on time and/or failure to complete portfolio work to agreed deadlines • Copying classwork, assignments or homework from other students or allowing another student to copy from you • Plagiarism: examples include using model internet answers, directly copying from textbooks or the Internet and pretending that the work has been personally produced • Interrupting or disrupting others in their work or study in the learning centres, classrooms and other study areas • Using college ICT facilities in a way that breaches the ICT acceptable use policy • Using mobile phones when instructed not to. 	<ul style="list-style-type: none"> • Not respecting all members of the college's diverse student group • Not observing college policies, procedures and regulations, particularly in relation to: <ul style="list-style-type: none"> • the college's equality policies • health and safety regulations including safety rules in specific areas e.g. studios, kitchen and laboratories • Refusing to show personal ID cards when requested to do so by any member of staff • Not observing the no smoking regulations • Inviting visitors into the college without the express permission of an appropriate senior manager. • Not knowing and/or not following fire drill procedures; information about fire drill procedures. • Not respecting staff or visitors to the college • Damage to college property, equipment, facilities including graffiti

5.2. Some examples of gross misconduct are listed below. This is not an exhaustive list.

Examples of Gross Misconduct

- The college has a zero tolerance policy on the possession of knives or offensive weapons. This means that in any circumstances where a student is found in unauthorised possession of a knife or offensive weapon the sanction applied will be exclusion from college.
- Theft or unauthorised possession of any property or facilities belonging to the college, a member of staff or another student
- Serious damage deliberately sustained to the property of the college, students, staff or members of the public
- Deliberate falsification of college documentation, records and course work
- Serious negligence which causes unacceptable loss, damage or injury
- Violent, dangerous or intimidatory conduct
- Deliberate violation of the College's rules and procedures concerning health and safety
- Incapacity owing to the consumption of alcohol or misuse of drugs (any prescribed medical treatment or condition will be taken into account)
- Serious misuse of college property or equipment, including use of photocopiers, phones, and other IT equipment for personal purposes without prior agreement
- Harassment, victimisation or discrimination against another student or staff member on any grounds, including age, disability, ethnic origin, gender, sexual orientation, marital status, religion or belief
- A criminal offence which may adversely affect the college's reputation or the student's suitability to continue on the course, e.g. the supply or purchase of illegal substances
- Repeated breaches of the Behaviour for Learning and Employment Policy

6. Suspensions and Asking Students to Leave the Premises

- 6.1. Suspension from college means temporary exclusion from college. It means that a student may not come into any college centre unless and until they are invited to do so. Students will be informed of any suspension in writing.
- 6.2. If a student behaves in a way that presents a health and safety risk to themselves or others, any member of staff has the right to ask the student to leave the building, with the authority of a manager.
- 6.3. The relevant Head of Faculty will be informed if one of their students is asked to leave the building. Security staff and the Learner Experience Manager (or head) will be informed when a student is asked to leave the building or suspended.
- 6.4. Unless the student is formally suspended they will be expected to attend the next day they have at timetabled lesson.
- 6.5. No member of staff except a senior member of staff can authorise a student suspension or time out of college as result of inappropriate behaviour.
- 6.6. If the student is under 16 the parent/carer of the student must be informed if they are asked to leave the building or have been suspended. If the student is 16-18 the parent/carer will be informed in all but exceptional cases.
- 6.7. Where a student is suspended pending the disciplinary hearing their tutor or lecturer will provide them with learning activities that will enable them to keep up with course work.
- 6.8. The period of suspension will be kept to a minimum and will generally be no longer than fifteen college days (unless the college is awaiting the outcome of criminal proceedings)

7. Students with mental health, emotional or behavioural difficulties and formal disciplinary action

- 7.1. If a student has mental health, emotional or behavioural difficulties it may be necessary to access this information before commencing the disciplinary procedure. This will be considered on a case-by-case basis and advice taken, as required, from specialist college staff.

8. Criminal activity

- 8.1. The college reserves the right to report potentially criminal activity to the police (with whom we have an information sharing agreement), and/or to advise victims of such activity of their right to do so.
- 8.2. Where an offence under the criminal law is considered to be not serious, action under this Policy may continue, but such action may be deferred pending any police investigation or prosecution.
- 8.3. If an incident is serious and of a criminal nature the college will usually defer disciplinary action pending the outcome of criminal proceedings. In such circumstances it may also take the decision to suspend a student until the outcome of the criminal proceedings is known. The decision will be made by a senior post holder and there will be no specific time limit in relation to such suspension. All suspensions in these circumstances will be subject to ongoing review by the senior post holder who may make a decision to lift the suspension.
- 8.4. Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining how the disciplinary action the college will take.

9. Monitoring the use of the Behaviour for Learning and Employment Policy

- 9.1. In line with the college's duty to promote equality between people of different races, between men and women and disabled and non-disabled people, the use of disciplinary procedures will be monitored against these aspects of the background of those subject to proceedings (without identifying individuals).
- 9.2. Results of monitoring should be reviewed by senior management and the governing body at least once a year. A record will be kept, for monitoring purposes, of the number of students who are involved at each stage of the disciplinary procedures at each centre.

PART B- WKC Behaviour for Learning and Employment Policy - Formal Disciplinary Procedures

10. Stage One

Table 10.1

What is the Purpose?	Who's Involved?	What format will it take?	What are the potential outcomes?
Stage 1 of the process will occur where an informal warning has not achieved the desired outcome, or the behaviour has become a major source of concern	The Tutor The Student	A Tutor will invite the student to a formal meeting.	An action plan and/or support to help the student to address his/her behaviour. The agreed action plan should be signed by both the lecturer and the student and the actions recorded on the form will be monitored by the tutor.

11. Stage 2

Table 11.1

What is the Purpose?	Who's Involved?	What format will it take?	What are the potential outcomes?
A Stage 2 will occur where there is no improvement in behaviour; where there is continued/further unacceptable behaviour; or where behaviour is of such a level that it cannot be dealt with through Stage 1.	A Programme Manager, Senior Tutor, or Head of Faculty and the Tutor/Lecturer (where possible) The Student For Students under 18, Parents/carers to be invited.	The Programme Manager, Senior Tutor or Head of Faculty will write to the student invite them to a formal meeting with 5 days' notice (less if agreed by the student) the format for the letter is appended to this document.	The outcome of the meeting is likely to include a further action plan and, where appropriate, additional support arrangements for the student. The action plan will be monitored by a member of staff named at the disciplinary hearing The outcome of a Stage 2 formal meeting will be recorded in writing. If the student is aged under 18 years a copy of the outcomes of the interview will be sent to the student and their carer.

11.1. Additional Notes on Stage 1 and Stage 2

- A copy of the Action Plan for stage 1 or 2 will be retained on the students' record until they complete their programme of study.
- If a student refuses to accept or sign an action plan, this will be deemed to be a further example of unacceptable behaviour. As such it is likely to lead to the next stage in the process, ie either a stage 2 or a stage 3. .

12. Stage 3 Meeting/Hearing

Table 12.1

What is the Purpose?	Who's Involved?	What format will it take?	What are the potential outcomes?
<p>A Stage 3 disciplinary hearing is convened to consider an allegation or allegations against a student of gross misconduct or where there are repeated episodes of unacceptable behaviour which have been subject to Stage 1 and/or Stage 2 formal meetings.</p>	<p>It is Chaired by Head of Faculty or a member of the senior team.</p> <p>The Student and Student Representative (see 12.1 below)</p> <p>The College Investigating Officer</p> <p>Any Witnesses</p> <p>A minute taker</p> <p>There many also be an additional college manager where there are complex cases.</p>	<p>The Chair will write to the student invite them to a formal meeting with 5 days' notice (less if agreed by the student) the format for the letter is appended to this document.</p> <p>For those Students under the age of 18 a parent/carer will be notified of the hearing and invited to attend.</p> <p>An agenda is provided in 12.1 below.</p>	<p>Normally one of the following outcomes.</p> <p>A. No action; possibly because the allegations are not founded or for another reason. In such cases this information will be clearly recorded on the student's record.</p> <p>B. An action plan: This might include a range of requirements that the student must fulfil for example revision sessions, extra tutorial sessions and/or other meetings with staff. The student will be asked to agree and sign the plan which will be monitored by a named member of staff.</p> <p>C. A final written warning and action plan stating clearly why the warning is given at this level and the improvement that is expected.</p> <p>D. A recommendation or decision that the student be excluded from the college for a period of time or on a permanent basis. NB Only a Vice Principal or Director delegated to do so by the Principal may exclude a student. If the disciplinary hearing has been chaired by an Assistant Principal or Head of Faculty their decision must be ratified by a Vice Principal or Director.</p>

12.1. Additional notes:

- *Head's of faculty will normally only chair Stage 3 Hearings where the matter is related to academic performance. In the case of gross misconduct the Head of Student Services with a Head of Faculty (not from the student's course area) should convene the meeting
- Any supporting documentation to be considered at the hearing, including any witness statements should, wherever possible, be enclosed with the invite letter. If this is not possible, it must be available to the student, panel and investigating officer 72 hours before the hearing. No information will be sent to the disciplinary panel that is not seen also by the student and the investigating officer.
- Where possible any witnesses should be asked to attend the hearing. If it is not possible any/all written witness statements should be shared with the panel, the student and the Investigating Officer as above.
- The student is entitled to being one other person, either their parent, a relative or friend but not a legal representative. Parents/carers or students under the age of 18 will automatically be invited to attend.
- All parties shall observe the confidentiality of the proceedings.

13. Stage 3 Disciplinary Hearings Agenda

13.1. The agenda for the meeting will be as follows:

Item	Agenda	Presented by
1	Introductions, purpose and sequence of the meeting	Chair
2	Investigation outcome and Witnesses (as appropriate)	Investigating Officer
3	Questions relating to the Investigation: 1. Student/student representative can question investigating officer or witnesses 2. The Chair can question the investigating officer or witnesses (witnesses leave following this item)	Student and or Representative Chair
4	Student/ student representative presents their case which may include: 1. Witnesses 2. Mitigating circumstances	Student/student representative
5	Questions relating to the Students case: 1. The Investigating officer can ask questions of the Student or witnesses 2. The Chair can ask questions of the Student or witnesses (witnesses leave following this item)	Investigating Officer Chair
6	Final Statements 1. The Investigating Officer has the opportunity to sum up; 2. The Student has the opportunity to sum up	Investigating Officer Student/Student Representative
7	End of the meeting	Chair

13.2. Additional notes

- During the meeting the Chair may call an adjournment at any time.
- Following the hearing the Chair will consider if the allegation(s) is/are proven on the balance of probability. If the allegation(s) is/are proved, then the Chair will consider if a disciplinary sanction is necessary.
- If the student fails to attend the disciplinary hearing, the Chair will decide whether to proceed in the student's absence or to reconvene the hearing at another time. Prior to making this decision the college will attempt to contact the student to ascertain why they are not present. The representative of the student can attend the hearing and present the student's case where the student is absent.
- The postponement of a Stage 3 disciplinary hearing will only be considered on one occasion, unless there are very exceptional circumstances.

14. Recommendation or decision to exclude

- 14.1. The student should be notified of their recommended or confirmed exclusion as soon as possible after the Hearing and wherever possible within 5 working days.
- 14.2. The letter to the student will include reasons for the decision to exclude and details of the appeal procedure against exclusion (see Section 6 of this Code).
- 14.3. In the event of an appeal against exclusion, the exclusion will be delayed until after the appeal. However the student will be suspended from college until the appeals process is complete.
- 14.4. Any decision to exclude a student shall be kept with the student's records for the length of time that such records are retained by the college and a flag noting that the student is denied further access to the college will be recorded on the student record system.

15. Appealing against the outcome of a Stage 3 disciplinary hearing

How do I appeal an outcome?	Who is involved in the appeal?	What format will the appeal take?	Likely outcome of the appeal
<p>A student can appeal against the outcome of a stage 3 hearing against the following criteria:</p> <ul style="list-style-type: none"> proper procedures were not followed the penalty is excessive in relation to the offence There is new evidence which the student could not provide at the original hearing, (the reason this could not be provided at the original hearing must be included in the letter). <p>The appeal must be made in writing to the Principal within seven working days of the the letter of confirmation of the outcome of the stage 3 hearing and set out the reason for the appeal.</p>	<p>The College Principal or a Senior Postholder nominated by the College Principal will review the appeal.</p> <p>If it is decided that there should be an appeal hearing the following people will be involved:</p> <ul style="list-style-type: none"> The Chair (College Principal/Senior Postholder) The Chair or Investigating officer from the stage 3 hearing (Stage 3 Panel Member). A member of staff who was not involved in the Stage 3 (New Panel Member). a note taker the student and their representative (see 11.1 bullet 3) 	<p>The College Principal or Senior Postholder will decide whether or not the appeal requires a hearing and will communicate this to the student within 10 college days.</p> <p>If the College Principal/Senior Postholder decides to arrange an appeal hearing they will write to the student providing 5 working days' notice to the student (less if agreed by the student). Where they are under 18 this will also be provided to their parent/guardian.</p>	<p>The possible outcomes from an appeal:</p> <ul style="list-style-type: none"> There are no grounds for an appeal. The appeal is upheld, in which case the original stage 3 outcome may be amended. The appeal is not upheld.

15.1. Additional Notes

- The decision made at the disciplinary hearing will itself be suspended until the appeal has been heard.
- The student and staff representative should be from a different centre or faculty from the student making the appeal
- Any new evidence of details of new witnesses must that that either the Student or the college representative wants to refer to at the hearing must be provided to the Chair at least 72 hours in advance of the hearing. Where such notice has not been received the college representative or the student shall have the opportunity to object to such action or to request an adjournment in order to consider the fresh evidence. The Chair will decide whether or not to allow such an objection/adjournment.

16. Procedure for student appeal panel hearings

16.1. The following agenda will normally be followed at the meeting:

Item	Agenda	Presented by
A	Introductions, purpose and sequence of the meeting	Chair
B	Student/student representative outlines case including: <ul style="list-style-type: none"> • reason for the appeal • any new evidence (witnesses or paperwork) 	Student/Student representative
C	Questions relating to the appeal: <ul style="list-style-type: none"> • New and Stage 3 members of Staff can question the student and witnesses • Chair can question student or their witnesses (witnesses leave following this item)	Staff Members Chair
D	College representative provides: <ul style="list-style-type: none"> • Summary of the Disciplinary Hearing and Decision • A response to the student appeal • Presents any new evidence or witnesses 	Stage 3 Member of Staff
E	Questions to Stage 3 Member of Staff <ul style="list-style-type: none"> • The Student and student representative can ask questions of the College representative or witnesses • The panel members can ask questions of the College representative or witnesses (witnesses leave following this item)	Student/Student representative New Staff member and chair
F	Final Statements <ul style="list-style-type: none"> • The Student has the opportunity to sum up • The College representative has the opportunity to sum up; 	Student/Representative Stage 3 member of staff
G	End of the meeting	Chair

16.2. The outcome of the appeal panel will be communicated to the Student as soon as possible along with the reason for the decision.

Stage 2 Letter

Confidential

Student Address

Date..... 2014

Dear..

Stage 2 Disciplinary Meeting -

I am writing to you because your behaviour in the college is causing concern for the following reasons:

- You were involved in a

This letter is to invite you to attend an interview with the Programme Manager under **Stage 2** of the student disciplinary procedure to discuss your behaviour. The interview will take place on **Please report to Reception and ask for**

If you are unable to attend at this time, you must contact me..... to arrange an alternative date. Failure to attend this interview may jeopardise your position on the course.

Yours sincerely,

Suspension Letter

2012

Dear

Suspension from Westminster Kingsway College

I am writing to inform you that you are suspended from the college with immediate effect. It is alleged that you behaved in a threatening way towards another college student. Threatening or behaving in a threatening way towards any college user is considered gross misconduct under the Westminster Kingsway College Behaviour for Learning and Employment Policy. As such it may lead to a Stage 3 Disciplinary Hearing (as defined in the Behaviour for Learning and Employment Policy).

The purpose of the suspension is to enable the college to carry out an investigation into this allegation so that it may determine whether or not this should proceed to a Stage 3 Disciplinary Hearing.

Suspension from college means that you must not come to any college Centre unless and until you are invited to do so.

I have attached a copy of the Westminster Kingsway College Behaviour for Learning and Employment Policy. This provides details of what a Stage 3 Disciplinary Hearing involves, and the possible outcomes. You will receive a letter in the near future from a member of Senior Management at the _____ Centre. This will inform you of the action the college will be taking and may include an invitation for you to come to college to make a statement about the allegations that have been made. If the college decides that this matter will proceed to a Stage 3 Hearing, full details will be included in the letter together with the documentation that will be considered at the Hearing. You will be invited to bring your parent, carer or a friend to the Hearing.

I must stress again that suspension means that you must not enter the college until invited to do so. If you do seek to enter the college in any other circumstances you will be in breach of college's rules and, as such, will be subject to further disciplinary action.

If you have any questions regarding this letter please do not hesitate to contact me on **PHONE NUMBER.**

You are under the age of 18 years and for that reason a copy of this letter has been sent to your parent or carer.

Yours sincerely

(Senior Member of Staff)

Stage 3 Invite Letter – to be sent by the Chair of the Stage 3 Panel

1st class mail and by e-mail (if known)

CONFIDENTIAL

Dear

Invitation to attend a Stage 3 Disciplinary Hearing

I am writing to invite you to a Stage 3 Disciplinary Hearing to be held under the Westminster Kingsway College (WKC) Student Code. This will be held under the College's Behaviour for Learning Code, a copy of which has been provided.

It is important to note that a possible outcome of a Stage 3 Disciplinary Hearing is the temporary or permanent exclusion from the college. It is therefore critical that you read this letter carefully.

Your Stage 3 Disciplinary Hearing has been scheduled for:

- **Date, time and place**

When you arrive at the college please ask for **(name)** who will be clerking the Hearing. It would be helpful if you would arrive at least 5 minutes before the start time of the hearing.

You have a right to be accompanied at the Hearing by a friend, parent/carer or relative.

If for any reason you are not able to attend this meeting please let **(name)** know as soon as possible by contacting her on **(number)**. If you confirm that you will be attending the meeting and you do not arrive in time, it may proceed in your absence.

NB I will not be writing again to remind you about the date and time of the Hearing.

The reason you have been invited to a Stage 3 Disciplinary Hearing is as follows:-

- **It is alleged that you behaved in a violent and threatening way towards a member of the college staff**
- **It is alleged that you behaved in a way that brought the college into disrepute**
- **It is alleged that you behaved in a way that is considered to be academic misconduct under the terms of the WKC Student Code. Specifically.....**

This allegation constitutes gross misconduct under the WKC Student Code.

(delete as appropriate)

I will chair the Hearing, also Present at the Hearing to present the case for the college will be the investigating officer **(name and title)**. I may also invite a panel member to support me, who would normally be a manager in the college.

Attached to this letter are the statements that will be considered at the Hearing. They are:

Statement 1	title of statement
Statement 3	title of statement
Statement 4	title of statement etc

Attached also is a copy of your attendance summary and attendance and punctuality summary as

well as a copy of your most recent review of progress. (delete if not required)

The college will/will not be calling any witnesses to the hearing. (delete as required)

If you wish to submit any witness statements yourself or call any witnesses please contact (name of clerk) on (number) and let her know. Any statements that are submitting should be received by the college no later than the last working day before the Hearing ie. (date)

If applicable: If you are under the age of 18 years a copy of this letter has been sent to your Parent/Carer

I would be very grateful if you would phone (name of clerk) to confirm safe receipt of this letter.

Yours sincerely

Outcome of the Stage 3 Hearing – To be sent by the Chair of the Hearing

Dear

Outcome from the Stage 3 Disciplinary Hearing held on (date)

I am writing in regard to the Stage 3 Disciplinary Hearing that was held on (give date) in relation to an allegation that you (state misdemeanour). This alleged misconduct is considered to be an act of gross misconduct under the Westminster Kingsway College Student Code.

Present at the Disciplinary Hearing were:

Panel members

In attendance for the college

In attendance on your behalf

The allegation against you was proven. I am writing to inform you that you are permanently excluded from the college with immediate effect.

You may, if you wish to do so, appeal against my decision. I have enclosed with this letter a copy of **Section 3** of the Student Code ***The Appeals Procedure***, which sets out information about the grounds on which an appeal may be made. You will see that there are three grounds for appeal:

- 1 Proper procedures were not followed
- 2 New evidence is available which you could not reasonably have been expected to put at the original Hearing
- 3 The penalty is considered to be excessive in relation to the offence

If you believe that any of the above conditions apply and you wish to submit an appeal please note that you must submit this in writing to the Principal within 7 working days from the date of receipt of this letter. Your letter must set out clearly the grounds for your appeal.

The period of 7 working days will start on (give date)

Any letter of appeal must be sent to:

Mr A Wilson
Principal
Westminster Kingsway College
Victoria Centre
Vincent Square
London SW1P 3PD

If you are under the age of 18 years a copy of this letter has been sent to your parent or carer.

Yours sincerely

(Senior Member of Staff)

