

## MISCONDUCT PROCEDURE

<b>Audience</b>	All stakeholders – staff, students, trustees, members, parents and carers
<b>Status / review cycle</b>	3 years
<b>Current review</b>	March 2026
<b>Next review</b>	March 2029
<b>Review committee</b>	Strategy and Policy Committee and Full Board
<b>Staff lead</b>	Kate Parsons, Assistant Principal - Student Services and Communications
<b>Trustee lead</b>	N/A

### 1. Introduction

Misconduct relates to a breach of the Student Contract or Code of Conduct while on the College campus, within the surrounding community, during the College working day or while engaged in college-related activity off-site. Misconduct interventions are actioned at Levels 2 to 5. If there have been previous or repeated incidents of misconduct in relation to an individual student, where appropriate, this may result in a higher level of intervention being actioned.

### 2. Types of Misconduct

This is not an exhaustive list, nor is it in any particular order of severity, but misconduct may involve any of the following:

- Any breach of the commitments set out in the Student Contract or Code of Conduct
- Being in possession, distributing or being under the influence of a substance (illegal drugs, legal highs or alcohol)
- Vaping or smoking inside College buildings or outside the area designated by the College
- Peer-on-peer abuse, bullying, intimidation, violence, harmful sexual behaviour, initiation/hazing, taunting and harassment towards any member of the College community
- Damage to any college building, equipment, book, furnishings or the property of others
- Criminal theft or activity
- Any behaviour which will bring the College name into disrepute, or which has an adverse effect on the College or on other members of the College community
- Possession or use of a prohibited item
- Plagiarism and collusion
- A fundamental breakdown in trust between a student and the College
- Breach of Examination rules

### 3. Investigation and Response

An incident of misconduct will be reported to the relevant senior staff, which can be a Head of Department, Divisional Director, Tutor Team Leader, Director of Student Development & Behaviour or Director of Safeguarding and EDI, who will conduct an initial investigation to decide at which the level the misconduct is. The initial investigation will involve the student and/or member of staff who has reported the misconduct and the student who is alleged to have committed the act of misconduct.

There may be cases of peer-on-peer abuse which clearly come under the umbrella of safeguarding. Such cases will be investigated by the Director of Safeguarding & EDI (or other available DSL or DDSL) as a safeguarding concern. All such incidents and any subsequent action, such as a student risk and needs assessment (actioned in cases of sexual violence or at DSL/DDSL discretion), will be recorded securely within a student’s record.

At Levels 2-4, a review will take place, usually two weeks after the Misconduct communication.

	<b>Misconduct</b>	
<b>LEVEL</b>	<b>Intervention</b>	<b>Staff</b>
<b>0</b>	N/A	N/A
<b>1</b>	N/A	N/A
<b>2</b>	Misconduct Level 2	Head of Department
<b>3</b>	Misconduct Level 3	Tutor Team Leader/Head of Department
<b>4</b>	Misconduct Level 4	Tutor Team Leader/Divisional Director
<b>5</b>	Misconduct Level 5	SLT/Director of Student Development and Behaviour/Director of Safeguarding and EDI

#### Level 2- Head of Department

- Issued by a Head of Department for low level misconduct concerns.
- Parents/carers will be informed via email.

#### Level 3 - Tutor Team Leader/Head of Department Level

- Misconduct at this level will be investigated by the Tutor Team Leader or a Head of Department, with assistance from any other key staff.
- If the Tutor Team Leader or Head of Department is satisfied that the level of misconduct is relatively minor, they will lead on any action taken and inform parents/carers via email and/or telephone.
- A consequence of misconduct at this level can be a meeting with the Tutor Team Leader/Head of Department, mediation with the individual(s) involved and a Level 3 Misconduct Communication.

#### **Level 4 – Tutor Team Leader/Director Level**

- Misconduct at this level will be investigated by the Tutor Team Leader or the relevant Director with assistance from any other key staff.
- If the investigating member of staff is satisfied that the level of misconduct is serious, they will lead on any action taken and inform parents/carers via email and/or telephone.
- A consequence of misconduct at this level can be a meeting with the investigating member of staff, mediation with the individual(s) involved, withdrawal from a course/activity/trip and a Level 4 Misconduct Communication.

#### **Level 5 - Director Level**

- Misconduct at this level will be investigated by the Director of Student Development and Behaviour, Director of Safeguarding and EDI or Assistant Principal – Student Services and Communications, with assistance from any other key staff.
- Any student under investigation at this level will likely be suspended from College pending further enquiries. In addition, a student may be suspended if there is good reason to believe that continued attendance could interfere with the investigation, constitute a threat to the College community, disrupt the normal operation of the College or would not be in the student's best interests.
- The College will seek to inform parents/carers immediately of a suspension by telephone and will also inform the parents/carers of the suspension via email/letter. Once either the parents/carers have been informed or all reasonable attempts to contact them have been exhausted, the student will be required to leave the College campus with immediate effect.
- A full and detailed written statement by the student will be required explaining their version of events. This can be taken at the time or provided early within the suspension period.
- A Case Conference with both the student and parent/carer will be held to review the evidence and any mitigating circumstances. The Case Conference will be chaired by the Principal or Assistant Principal- Student Services and Communications who will communicate whether the College has decided to either dismiss or uphold the allegation against the student.
- Once the decision has been taken, it will be decided whether the student is re-admitted, the suspension is extended or whether a permanent exclusion is necessary. Further information relating to this process can be found in the Exclusions and Appeals Procedure.
- A student gaining readmittance after suspension may be subject to conditions as outlined in a Director Concern Plan and, where appropriate, withdrawal from a course, activity and/or trip.

#### **Other documentation associated with this policy**

- Behaviour and Engagement Policy
- The Student Contract
- The Student Code of Conduct
- Student Bullying & Harassment Policy
- Substance Misuse Policy
- Searching, confiscation and restraint procedures
- Safeguarding and Child Protection Policy



- Equality Diversity and Inclusion Policy
- Procedure for Appeals against the Suspension or Exclusion of Students