**Student Contracts Policy**

Purpose – This policy and procedure is designed to ensure that students who are not meeting their contractual obligations in relation to their learning contract can be managed accordingly. The aim of the procedure is to ensure that all students are treated consistently and fairly.

Scope – The College uses two types of contract in order to bring about change in a student’s attendance, effort, progress or general behaviour in class.

1. **Conditional Contract** – a conditional contract is issued at the start of a new academic term when there is some concern about the suitability of a student for the College as a whole or a specific course.

Typical but not exhaustive reasons might include:

* A student being marginally qualified for their course(s).
* A student might be progressing from another level and there remain concerns about their ability to cope or they have a poor attendance record.
* A student may have transferred from another institution and we lack a reference for them.
* A student has restarted the year
* Other appropriate concerns.

As part of this contract a student will be expected to have

* 100% attendance
* Good punctuality
* To complete assessments/assignments to their minimum performance grade (MPG)

1. **Performance Contract** – a performance contract is set for a student who is underperforming and/or has poor attendance, poor punctuality or is failing to make appropriate progress. All staff will monitor progress made, but the Progress Tutor will have an overview and manage any escalation of the contract. The contract will clearly stipulate the improvements required and the timeframe to achieve this by. There may also be specific review periods set to review progress to targets.
2. Some students may progress from a conditional contract to a performance contract in September of each year if they have not yet met the required standards of the conditional contract but they are making some progress.

**Procedure**

1.1 Conditional contract set for a student. May be placed on a conditional contract during the enrolment process or within the induction period. The reasons for the contract will be made clear in the letter sent to parents and to the student via the Progress Tutor. This will be recorded on the student progress page.

1.2 If a conditional contract is not met or only partially met at the review date, the student will be placed onto a Performance Contract which will be logged on DAVE (Student Portal).

1.3 A performance contract may be instigated at any point in an academic year. The purpose of a performance contract is to establish, with a student, the reasons for the contract to be invoked and to set clear targets to be met to resolve the reasons for the contract. Issues might be related to a specific problem or event but are usually in place to address underperformance, poor attendance and lateness.

1.4 The Performance Contract will be reviewed by the progress tutor at 1:1 meetings, no less than every six weeks, but usually more frequently. If there remains insufficient evidence from a student that they have made the required improvement, the contract length may be extended.

1.5 Failure to make any progress or if a student incurs further concerns outside of the terms of the contract, this will result in parents being asked to attend a review meeting. A final warning may be issued if this is not yet in place. The terms of this final warning will be clear in terms of the improvements required to be made by the student. The review period for this final warning will be clearly set out at the meeting and in the confirmation letter.

1.6 Further to a parental review meeting, if there remains no or insufficient change and contractual obligations are not being met, this will result in the student losing their place in College.

1.7 There is no right to appeal when a contract is not met/broken.

Applying College Policy related to student progress/conduct

This route map shows outcomes of issues arising

Student Enrolment

1. Contracts

Wider Process

The performance management of Students’Policy sits alongside this process and informs regarding key review points

No

Yes

Place on conditional contract, letter home.

Update progress notes on DAVE.

Monitor progress to target minimum of 4-6 weekly. Review at October half term.

Update progress notes on DAVE

Outcome – contract period extended or student place withdrawn. Letter home

Update progress notes on DAVE

The Performance Management of Students’Policy sits alongside this process and informs regarding key review points

Yes

Letter home to confirm removal from contract

Update progress notes on DAVE

Student makes required improvements

Extend contract by placing on a performance contract, clearly stating reasons and review period. Letter home stating reasons and timeframe

Update progress notes on DAVE

No

Yes

Remove from contract

Review progress if no/insufficient progress and contract not met. Decide if sufficient progress to extend or not. If not, contract is broken so student can be excluded. Clear evidence must be reviewed and confirmed to do this and SMT must be aware.

SMT must be involved at this point

Update progress notes on DAVE

From this point there must be SL/SMT involvement

Extend or convene parent meeting. Outcome may be a final warning. Final warning states requirements and review points.

SL involvement required

Update progress notes on DAVE

No

Letter home to confirm and add to progress notes on DAVE

**Student Disciplinary Policy**

The Disciplinary process is used to deal with student issues outside of the scope of the points raised in the previous diagram related to failure to meet contractual obligations.

The process is likely to relate to serious misconduct such as intoxication, bullying, threatening behaviour, fighting and cyber bullying or any action that threatens the safeguarding of staff and students. This process is clearly laid out below.

**Purpose –** This Disciplinary Policy and procedure is designed to help and encourage all students to achieve and maintain good standards of conduct, attendance and achievement. The aim of this procedure is to ensure that all students are treated consistently and fairly.

**Scope -** This procedure applies to all students.

The College expects high standards of conduct, attendance and achievement from students and it is the responsibility of all students to ensure that their conduct is conducive to this.

The College reserves the right to implement the procedure at any stage as set out below, taking into account the alleged misconduct of the student.

**1.** **Informal Procedure**

When a student behaves in a manner which constitutes minor misconduct, the member of staff who witnesses the behaviour will speak to the student and if necessary, issue a warning, explaining the reasons for the warning and recording the warning details on the student’s personal records as a written record.

* The student will be advised that this warning is the informal stage of the disciplinary procedure and it could lead to the formal stage

1.1 The fact there is a written record of the discussions should be made clear to the student and remain live on the student’s record. If the conduct continues to be unsatisfactory following informal guidance it will be necessary to move to the formal procedure.

**2. Formal Disciplinary Procedure**

**The Investigation**

2.1 If a student’s behaviour is considered to warrant formal investigation, the member of staff identifying the behaviour will refer the matter to the appropriate Middle Managers and Senior Leaders.

2.2 An investigating officer will be appointed who will be a Middle or Senior Manager dependant on the circumstances of the misconduct. There will be a prompt (within five working days where possible) and thorough investigation into any matter that is reasonably suspected or believed to contravene any of the College's policies or rules or may otherwise be a disciplinary matter. The student will be informed within 5 working days that the investigation has been concluded and invited to a hearing. This investigation is to establish whether or not there may be a case to answer. The student may be suspended during the period of the investigation (see 3 below), this is a neutral act. The exception to this is if a student is already on a final warning in which case if the investigation finds a student guilty of the alleged offence, their place in College will be terminated and a letter confirming this will be sent.

2.3 The purpose of any investigation is to ascertain facts as far as possible to judge whether recourse to any further stage in the procedure is appropriate.

2.4 Depending on the circumstances of the case, the student may be invited to attend an investigatory interview or provide a statement. If such an interview is held prior to a disciplinary hearing, the student will be informed at the outset that the interview is an investigatory interview. There is no right for the student to be accompanied at a formal investigatory interview. Any information obtained by the investigating officer when questioning the student may be presented at any subsequent disciplinary interview.

2.5 If there is no evidence of misconduct, no further action will be taken and all parties concerned in the investigation will be informed of this.

2.6 If, after investigation, there appears to be evidence of possible misconduct, a panel will be appointed to conduct a disciplinary interview. The panel will comprise of two members of staff one of which must be a member of the Senior Leader Team or the Senior Management Team.

**3. Suspension**

3.1 In appropriate circumstances a Senior Leader may suspend the student to allow an investigation to take place. In cases of alleged gross misconduct then suspension / investigation will be immediate.

3.2 The Senior Leader will supply the student with written confirmation of the suspension, including a statement of reasons for the suspension and confirmation that this is a neutral act and not a disciplinary penalty. The investigation will be carried out as outlined above.

3.3 Suspension will be without prejudice to the future conduct of the disciplinary procedure.

**4. The Disciplinary Interview Procedure**

4.1 The student should be referred to this procedure and should be informed of the disciplinary interview in writing at least five working days before the intended interview. The notice of the disciplinary interview should state:

* The purpose of the hearing and that it will be held under the College’s Student Disciplinary Procedure.
* Explain the student’s right to be accompanied by a Parent or legal Guardian at the hearing.
* Give the student written details of the nature of his/her alleged misconduct.

4.2 Where the student is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day. The College will comply with the timeframe above in respect of giving notice of the rearranged hearing. Unless there are special circumstances mitigating against it, if the student is unable to attend the rearranged hearing, the rearranged hearing will take place in the student’s absence. The student’s parent or legal guardian may attend in such circumstances and will be allowed the opportunity to present the student’s case. The student will also be allowed to make written submissions in such a situation.

 4.3 If the student intends to produce documents or statements at the hearing, copies must be provided to the investigating officer at least two working days before the disciplinary interview so that if there are any discrepancies in the evidence, further investigation can be undertaken.

*No further evidence or papers from either party will be accepted within 48 hours of the disciplinary hearing and no witnesses should be invited in from either party that have not already been invited a minimum of 48 hours prior to the hearing and both parties informed of their presence.*

4.4 Failure, on the part of the student, to provide this information within the specified timeframe, without prior agreement, may result in a refusal to consider such evidence.

4.5 The persons involved in the interview will be the appointed panel, the student and his/her parent/legal guardian, the investigating officer and if required the student’s Progress Support Tutor. A record of the hearing will be taken.

4.6 The student and their parent/legal guardian will be informed of the outcome in writing.

4.7 Following the disciplinary hearing, if appropriate, one of the following sanctions will be imposed having considered all the evidence:

* Performance contract
* Final Warning – setting out conditions student must meet to remain at College.
* Withdrawal of student’s place at College.

4.8 In choosing the most appropriate sanction, consideration will be given to the seriousness of the misconduct and the previous disciplinary record of the student. The student will be informed in writing of the disciplinary action to be taken.

4.9 Final Written Warning - If the offence is a continuing act of misconduct

If the offence is a continuing act of which a written warning has been given previously or is an offence of serious misconduct then a final written warning may be given, and confirmed by letter in writing within 5 working days.

The letter will include:

**Student Disciplinary Policy and Procedure**

* the nature of the misconduct.
* the fact that it is a final written warning under the disciplinary procedure.
* what is expected in the future.
* that if these improvements are not made or there is further misconduct this would lead to a withdrawal of place.
* the date(s) on which disciplinary action will be reviewed, if appropriate.
* the timescale for appeal.

A Final Written Warning will remain live for the duration of the student’s programme of study at the College.

4.10 Withdrawal of Student’s place at College –

* Where the Disciplinary Panel consider the appropriate sanction to be the withdrawal of the student’s place at College, the student must be informed in writing within 5 days after the disciplinary hearing. The letter will include:
* reasons for the decision.
* a statement that subject to any appeal dismissal will take effect immediately.
* the timescale for appeal.

**5. Appeals Procedure**

5.1 A student has the right of appeal against any disciplinary action taken against him/her. The appeal is to the Principal.

5.2 The appeal must be in writing and received by the Principal within ten working days of receiving the decision of the disciplinary panel. The letter should state:

the grounds of the appeal (which cannot be that the student does not agree with the decision of the disciplinary panel).

In the case of an appeal to the Principal, the Principal will either determine that there are no grounds for the appeal or if there exist grounds convene an appeal hearing, normally within 10 working days of the receipt of the appeal where this is possible.

**6 The Appeal Hearing Procedure**

6.1 In the case of an appeal to the Principal, the Principal will hear the cases of both the student and the Senior Leader who dealt with the disciplinary hearing. A record will be taken of the proceedings. The Principal will then make a decision, which will be communicated, in writing to the student as soon as possible after the appeal hearing. The Principal’s decision is final.