

Kirklees College
Policy on Professional Standards of Higher Education Students
2020-2022

Document: Kirklees College Policy on Professional Standards of Higher Education Students	
Version: 2	Author: Karin Sykes, HE & Higher Skills Manager
Approved: 23.5.22	Approved by: Higher Education Committee
Date effective: September 2022	Date of next review: September 2024
Superseded version:	Distribution:

Contents

Welcome	3
Code of student professional conduct.....	3
<u>What is the purpose of the Code of Student Professional Conduct?</u>	<u>3</u>
What is the Definition of Misconduct in relation to Professional Conduct?.....	4
What are the arrangements for Neutral Withdrawal by the College?	4
What are the Arrangements for the Immediate Removal of the Student in Cases of Serious or Serious Misconduct while on Professional Placement/Practice by a Senior Manager?	4
How does the Code Extend to Conduct during Attachment to Placement for Professional Placement/Practice?	5
Code of Professional Conduct	5
Procedures	5
Procedure for monitoring and upholding the Professional Standards of students.....	5
Breach of professional standards: Category 1 – misconduct.....	6
Breach of Professional Standards: Category 2 - gross misconduct	6
Investigations	7
Disciplinary Hearings.....	7
Outcomes from Disciplinary Hearings	9
Informal Warnings.....	9
Stage 1 – Formal Written Warning.....	9
Stage 2 – Final Written Warning	9
Stage 3 – Withdrawal or Exclusion.....	9
Withdrawals	100
Exclusions	100
Withdrawal/ exclusion arrangements.....	100
Appeal	111
Appeal against Recommendation to Exclude.....	111
Further Investigation.....	111
Sponsored students.....	12
Examination fees/grants	12
Review	12
Additional Information.....	12
Professional Conduct of Students on Placements and work-based learning.....	12
Students’ rights	12
Students’ responsibilities	133
Student responsibilities to the Placement Provider	133
Student responsibilities to the college.....	133

Welcome

Students enrolled on to a Higher Education or Higher Skills programme at Kirklees College will be prepared to enter a profession which carries with it responsibility and accountability.

Higher education students should be proud of the profession they are preparing to enter into, and look forward to upholding the values and standards.

It's important all Higher education students conduct themselves professionally at all times and during their studies. The course will develop and assess the knowledge, skills and attitude the student needs to be successful in their chosen career.

The College is committed to providing the highest quality service to its students and to ensuring that they have every opportunity to achieve their learning goals.

Code of student professional conduct

What is the purpose of the Code of Student Professional Conduct?

This Code of Student Professional Conduct sets out the framework for dealing with alleged misconduct. The Code applies to students following programmes leading to a professional qualification. The Code applies to all cases initiated after 1 September 2022. The next scheduled review is to take place no later than June 2024.

Higher Education and Professional qualifications include, but are not limited to, programmes in the following areas:

- Business studies
- Computing
- Early Years Education
- Engineering
- Counselling
- Teacher training
- TQUK
- Professional courses
- Higher and Degree Apprenticeships

The current policy sets out the expected conduct by all students. The following procedures set out how we deal with allegations of misconduct by students following professional programmes.

These procedures apply to attendance at Kirklees College and to attachment on professional placement.

A student may be neutrally withdrawn from current, or forthcoming, professional activities. Below we set out the arrangements for neutral withdrawal. Any subsequent disciplinary

action follows the Student Disciplinary Procedure and/or the Fitness to Practice/Professional Suitability Procedure, depending on the circumstances.

What is the Definition of Misconduct in relation to Professional Conduct?

The definitions of misconduct set out in the Policy on Unacceptable Behaviour apply to students following programmes leading to a professional qualification.

Misconduct includes breaches of the Code of Conduct of the relevant regulating or advisory professional body. Generally, students must conduct themselves in a manner appropriate to their particular profession.

The faculty offering programmes leading to a professional qualification provides guidance about professional conduct for students.

What are the arrangements for Neutral Withdrawal by the College?

The withdrawal of a student from current or forthcoming professional activities is a 'neutral' action pending the following of the appropriate disciplinary procedures.

The Head of Higher Education and Higher Skills, Head of Faculty, or Curriculum Area Manager, or a specific individual designated to act on their behalf, may initiate the immediate neutral withdrawal of a student. The neutral withdrawal can be from current or forthcoming professional activities and/or College attendance.

What are the Arrangements for the Immediate Removal of the Student in Cases of Serious or Serious Misconduct while on Professional Placement/Practice by a Senior Manager?

A senior manager in a school, college, hospital, engineering firm or any other form of placement may require the immediate neutral withdrawal of the student from the placement.

Where the allegation is of serious professional misconduct requiring the student's immediate withdrawal, the senior manager reports the action, together with the reasons.

The senior manager makes the report to the Head of Higher Education and Higher Skills and the Head of Faculty or designated nominee as soon as is practicable. Where the student is not an employee, the student may be subject to disciplinary action. This may be under the Student Disciplinary Procedures and/or the Fitness to Practise/Professional Suitability Procedures as appropriate.

Neutral withdrawal applies to allegations of serious professional misconduct where a student is an employee. It applies where the circumstances leading to the student's removal relate

to any professional or academic work associated with a qualification programme. In such cases, the College will inform the employer of the decision following any disciplinary action taken by Kirklees College.

How does the Code Extend to Conduct during Attachment to Placement for Professional Placement/Practice?

The Code extends to the conduct and demeanour of all students on attachment outside College premises. This includes those on placement or undertaking professional practice.

Code of Professional Conduct

The College may act if a student's conduct fails to meet the standards required by particular professions. This may include neutral withdrawal from a placement, as set out above, on the following grounds:

(i) Where the allegation of misconduct by the student on professional placement/practice is in line with the Policy on Unacceptable Behaviour;

(ii) where the student breaches the regulations and practice of the placement provider. Examples of such breaches, which do not constitute an exhaustive list, include:

a) where the student fails to comply with a code of conduct;

b) where the student is repeatedly absent without satisfactory notice and explanation;

c) where the student fails to meet standards of presentation or hygiene stipulated by the placement provider;

d) where criminal investigations affect the professional suitability of the student.

(iii) where the student is unsuitable and/or unsafe for professional practice due to a state of mind or health. In these circumstances, the College reserves the right to refer students for Occupational Health assessment before agreeing any recommencement of study;

(iv) where there is an allegation the student falsified documents relating to assessment, or any other matter under the jurisdiction of the College and/or placement.

Procedures

Procedure for monitoring and upholding the Professional Standards of students

Kirklees College recognises the importance of monitoring student academic performance and student conduct. The following procedure involves taking appropriate action where a student's conduct falls below that expected by the rules and regulations of the College or where the academic performance of a student fails to meet the standards, targets, and

deadlines required.

The procedure is binding on all students who are enrolled on a course of study at the College, regardless of location. Persistent or gross misconduct may lead to the exclusion of the student.

Students with declared additional needs may use an advocate to put forward their case if they are unable to do so themselves. Throughout the procedure the use of the phrase 'the student' should be read as including this support. If a student needs assistance with physical support to use this policy (e.g.: holding a meeting on the ground floor) they should ask their tutor, student adviser, or the Director of Student Services to arrange this. For the purposes of this procedure, and in relation to student conduct, the following two categories of inappropriate behaviour are defined.

Breach of professional standards: Category 1 – misconduct

Examples of behaviour which would be defined as misconduct, are as follows (this list is not exhaustive and the College retains absolute discretion on the interpretation of these regulations):

- Minor damages to any College property
- Offensiveness to others e.g.: abusive language
- Antisocial behaviour e.g.: obscene gestures
- Failure to comply with any of the student's obligations under the Rules and Regulations of the College
- Minor breaches of health and safety requirements
- Possession of illegal drugs
- Failure to submit assessments without good cause

Breach of Professional Standards: Category 2 - gross misconduct

Examples of behaviour which would be defined as **gross misconduct** are as follows (this list is not prescriptive and the College retains absolute discretion on the interpretation of these regulations):

- Continued failure to submit assessment without good cause
- Serious breaches of health and safety regulations and requirements
- Any deliberate (or by gross negligence) damage to the College property or the property or work of other students.
- Possession of any weapons.
- Theft or any other dishonest acts.
- Bullying, intimidating or harassing any person.
- Threatening behaviour
- Violence to persons, property or premises
- Supply or use of illegal drugs (including bringing alcohol onto College premises and supplying this to another student)

- Being drunk or under the influence of illegal drugs while on College premises
- Offences in connection with the College examinations or assessments
- Acting in a manner (including through the use of information technology) which would bring the College into disrepute
- Unlawful behaviour which interferes with the legitimate freedom of speech, ideas or action of any other student or member of staff
- The possession of any obscene material on College premises or the use of College resources to access or distribute the same
- Serious antisocial behaviour (e.g.: acts of indecency)
- Plagiarism

Investigations

Allegations of poor academic performance, misconduct or gross misconduct will normally be investigated before disciplinary hearings are held. Individuals who refuse to co-operate with an investigation may be judged on the evidence available.

Disciplinary Hearings

A student invited to attend a disciplinary hearing will be given at least 3 working days written notice stating:

- The nature of the conduct complained of and a summary of the evidence for the complaint
- The student's entitlement to accompaniment
- Confirmation of the time and place of the hearing
- In the case of a Stage 3 hearing, that, because of the nature of the misconduct alleged or because a final written warning has already been given, it may be recommended that s/he may be excluded or formally suspended from the College
- Such a recommendation will be considered by the relevant member of SLT

Documentation to be used at the hearing or appeal must be exchanged by the student and the College at least two working days before such a hearing.

Parents/guardians of students who are under 18 will be invited to attend any disciplinary hearing. If the student is a looked after child, then the student's social worker should be informed and asked to attend.

If the student fails to attend the hearing the decision will be made in the student's absence.

The student will be entitled to be accompanied by a friend, student representative or relative (but not by a legal or professional adviser) at the hearing. The member of staff conducting the hearing will not have had prior involvement in any previous stage of the disciplinary process relating to the complaint.

Disciplinary hearings and appeals under this procedure will be conducted fairly and firmly by the member of staff conducting the hearing, who may be accompanied by other members

of staff. A note taker may also be present.

The member of staff conducting the hearing may exclude from the proceedings any person (including the student or the student's friend, representative or relative) who behaves unreasonably or who disregards the instructions of the member of staff with regard to the hearing. If the student does not attend any hearing, disciplinary action may nevertheless proceed.

The member of staff conducting the hearing will take the student through the allegations which have led to the complaint of misconduct. The student will be given the opportunity to state his or her case (including any mitigating factors) and asked to state whether the alleged facts are disputed and, if so, which facts. If material facts are disputed, the student will be asked to identify any sources of evidence supporting his or her case.

Witnesses may be present to give evidence. The student will have the right to question any evidence presented in the form of a written statement. If a witness wishes to retain their anonymity, their evidence can be given in private.

Written statements which do not reveal the name of the witness will not be considered, other than in the most exceptional circumstances.

At each stage of the procedure, dependent on the full consideration of the evidence and circumstances, different actions may be recommended or no action at all.

Outcomes from Disciplinary Hearings

Normally, the formal stages of the Procedure will be followed in the order of the stages set out below. However, offences of a more serious nature may be brought into the Procedure at any stage.

Informal Warnings

Informal attempts to resolve a difficulty in respect of student conduct may result in an informal warning. This will normally be conducted by the Course Tutor and will be recorded on the student's Record.

If the evidence is upheld, the student will be given a **verbal warning** (appendix 1)

Stage 1 – Formal Written Warning

If the student commits a further/different offence after having an informal warning, then stage 1 of the procedure will be initiated. The student will be invited to a hearing with the Course Leader. If the evidence is upheld, the student will be given a **formal written warning** (appendix 2). The student has a right to appeal to the Head of Faculty against the written warning (See Appeals section)

Stage 2 – Final Written Warning

If stage 1 does not achieve the desired result, or if a further/different offence is committed, then the issue will progress to stage 2 and the student will be invited to a hearing with the Head of School. If the evidence is upheld, the student will be given a **final written warning** (appendix 3)

The student has a right to appeal to the Head of Higher Education against the final written warning

Stage 3 – Withdrawal or Exclusion

Withdrawal is normally for a failure to meet the academic requirements of the programme. Exclusions are usually reserved for dealing with either a single extreme behavioural incident or a pattern of persistent behavioural problems that have resulted in a series of escalating warnings.

The decision to withdraw a student should be taken in a formal hearing chaired by an impartial Head of Faculty, with the appropriate Head of Faculty, Head of Quality Performance and Standards and Head of Higher Education and Higher Skills present, attended by the student, parent/guardian or supporter (if required) and any other tutor involved.

If the decision may be exclusion then the panel should be made up of the Head of Quality Performance and Standards, an Impartial Head of Faculty and a member of the Senior Leadership Team (curriculum) attended by the Head of Higher Education and Higher Skills and the appropriate Head of Faculty, the student, parent/guardian or supporter (if required)

and any other tutor involved.

Withdrawals

Students can be withdrawn from a programme or an individual course for a range of reasons including the following:

- Consistent failure to complete assignment work or meet deadlines
- Standards of work which consistently fail to meet the required criteria
- Persistent poor attendance and punctuality
- Plagiarism
- Persistent disruptive behaviour in learning settings
- Persistent breaches in Health and Safety practices
- Breach of Behavioural Contract
- Significant health, well-being or behavioural difficulties

Exclusions

Procedures for exclusion will normally be initiated when students have either continued with a range of behaviour which has incurred previous warnings or are reasonably suspected of having committed a serious offence.

- Offences which may lead directly to exclusion include:
- Vandalism
- Theft or conspiracy to commit theft
- Violence on or off College premises
- Bullying, harassment/physical threats to fellow students, members of the public or staff
- Intoxication through drugs or alcohol
- Plagiarism
- Serious breaches in health and safety practices
- Repetition of behaviours which have led to the issuing of written warnings and behavioural contracts.

Withdrawal/ exclusion arrangements

Students should normally be issued with appropriate warnings before any withdrawal/exclusion procedure is initiated. Normally the learner will have received a Final Warning to indicate that any further breaches of regulations would result in a withdrawal or exclusion.

Tutors are normally expected to use the staged warnings, using a Disciplinary Form to document the process of informing the student of their breach of Learning Agreement, and to give the student opportunities to improve their behaviours. These warnings may need to be issued in the absence of the student and sent by post. Consideration must be given to mitigating or extenuating circumstances such as learning difficulties or disability, serious personal or family problems but these factors may not excuse unacceptable behaviour.

Tutors may move directly to a Final Warning for severe breaches of the learning agreement. Some offences are severe enough to move directly to a Hearing without going through intermediate stages.

Appeal

A student who wishes to appeal against a written warning, a final written warning or recommendation to withdraw or exclude should inform the Head of Higher Education in writing of the grounds of their appeal within 7 working days of posting of written confirmation of the decision.

Any appeal will be on one of the following grounds:

- Procedural error(s) which has fundamentally* undermined the application of the Disciplinary Procedure;
- Disciplinary sanction applied is inequitable against similar cases in the organisation;
- New evidence relating to the allegation(s) has come to light, which would fundamentally affect the outcome of the original disciplinary hearing.

Appeal against Recommendation to Exclude

A student who wishes to appeal against a recommendation to exclude should inform the Assistant Principal for Adults and Higher Education in writing.

A panel comprising of a member of the Senior Leadership Team (curriculum) and an impartial Head of Faculty will take place as soon as possible and normally no later than fourteen working days after the Assistant Principal has received the notice of appeal. The hearing will be conducted in accordance with College procedures. The decision of the appeal panel will be notified to the student in writing within five working days of the appeal hearing and will be final and binding.

Further Investigation

If the student disputes material facts relating to the allegation, the Chair of the hearing may adjourn the hearing for a future date to allow relevant evidence (including from sources identified by the student) to be made available. The Chair of the hearing may arrange for witnesses to be available in person for the reconvened hearing or (where in the view of the Chair of the hearing that is not practicable) for written statements to be taken by another member of staff.

Criminal offences

Where a member of staff has reason to believe that a student may have committed a criminal offence, the College may refer the matter to the police. The College may continue disciplinary proceedings under this procedure, or suspend the student pending the outcome of police

enquiries and any charges which may be brought against the student.

In the case of a student being suspended under this provision, when the results of those enquiries and any criminal proceedings are known, the College reserves the right to recommence proceedings under this procedure in relation to the matter.

Any disciplinary action relating to alleged criminal offences will be based on the genuine belief of the member of staff taking the action, after a proper investigation, and will not require a criminal conviction. It is emphasised that in relation to the application of this procedure the College is not bound by the results of any criminal proceedings against students.

Sponsored students

Where a student/trainee who is sponsored by an employer is suspended or subject to formal procedure, the employer will be informed wherever practicable.

Examination fees/grants

Students who are excluded will be expected to pay for their examination fees.

MIS and Student Services should be informed so that they can inform the appropriate authority and stop any further grant, loan or payments being issued.

Review

This procedure will be kept under regular review and may be amended or withdrawn by the Corporation as deems appropriate.

Additional Information

In addition to the above, the College will endeavour to comply with the Disability Discrimination Act, Part IV, which requires public bodies to make every effort to support persons with a disability.

Professional Conduct of Students on Placements and work-based learning

Students' rights

Students have the right to expect that opportunities will be available to enable them to achieve the learning outcomes established for a placement by the department

The student needs to be in a position to understand the risks and to make informed judgements. The College and the placement provider will provide general information about the placement and information on health and safety factors to the student before the student accepts a placement. The student should be encouraged to seek out further information and to consider the risks associated not only with the placement provider but with the environment in which they will live and socialise. The amount of information that the student will need in advance will depend on the extent to which the placement is unusual, complex, or involves significant risk.

In all cases the student should also be provided with the following information:

- instructions about the general requirements and arrangements for the student to report any concerns about their health and safety while on placement.
- extra information on any additional issues or concerns highlighted by the risk assessment
- a copy of the Colleges expectations of the student, the placement provider, and the department with regard to their specific placement.
- As placement students continue to be registered Kirklees College students, they have the right to access student support services available.

Students' responsibilities

Generally, the student has the following basic set of health and safety responsibilities, though these may need to be amended so that they are relevant to the placement.

Student responsibilities to the Placement Provider

- Abide by all rules regarding health and safety requirements, and other practices and procedures of the placement organisation.
- Carry out the work or study programme specified by the placement provider under the supervision of the specified supervisor(s).
- Inform the placement provider of any health concerns or disability that may require adjustments.
- Report any concerns about health and safety at their placement to their placement provider

Student responsibilities to the college

- Attend briefing sessions and access all provided information.
- Inform the Placement Learning Co-ordinator of any personal factors (e.g. health, disability, linguistic or of differing national expectations) that may affect the level of risk or may require adjustments.
- Consult with the Placement Learning Co-ordinator prior to seeking any changes in the terms and duration of the placement.
- Report any incidents in which they are involved and any health and safety concerns that are not addressed by their placement provider to their Placement Learning Co-ordinator.