

## **Student Accommodation Conduct and Disciplinary Policy**

Our Facilities Support Service is fully committed to creating and promoting a healthy lifestyle for students to enhance their learning experience while with us here at Mardol House Shrewsbury.

This policy (and those laid out in the Licence Agreement, associated policies and Accommodation Guide) are designed to reinforce a culture within our Accommodation where a positive and supportive environment is created where students can excel in their academic studies and develop social and life skills that will support their future careers.

As a result of this, we actively encourage and promote appropriate conduct at all times. All residents, visitors and guests at the Accommodation are bound by this principle and are always expected to behave responsibly. Students are responsible for ensuring that guests/visitors comply with the Mardol House policies and procedures.

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## **1 Introduction**

- 1.1 These Procedures relate to Student Accommodation but equally form part of your chosen learning provider wider Policy on Student Conduct and Discipline
- 1.2 The Procedures are designed to: -
- Deal quickly and informally with minor offences for which a warning, reprimand and/or a fine may be given;
  - Deal formally with more serious incidents for which more serious penalties may be applied and/or whereby a resident may be required to leave the accommodation;
  - Allow students to appeal against decisions made and penalties imposed and for those appeals to be handled fairly and in a timely manner;
  - Escalate and refer appropriate cases to the designated Education Providers wider formal disciplinary procedures.
- 1.3 'Student Accommodation' refers to any owned or managed accommodation provided by Shropshire Council for use by its partners.
- 1.4 Where relevant, this agreement is also in place to deal with misconduct by a resident who is not a student. For example, if accommodation is provided by means of a commercial agreement between Shropshire Council and a partner organisation, conduct and disciplinary matters will also be addressed under this policy.

## **2. Purpose of the Policy**

The purpose of the Policy is to:

- Describe the authority of Shropshire Council to act to uphold standards of conduct;
- Describe the expectations for the Conduct of all residents and guests who fall under the scope of the Policy;
- Provide detailed procedures to be followed in the event of any conduct infringement by a student or resident;
- Set out the rights of student and residents who find themselves subject to disciplinary procedures.
- Set out the roles and responsibilities of those involved in administering the Policy and its Procedures.

## **3. Key principles in dealing with student conduct and discipline**

The key principles underpinning this Policy, and its Procedures are based on principles of natural justice which are that:

- Facilities Support Service will act fairly and reasonably in all circumstances;
- Facilities Support Service will liaise with appropriate colleagues from the students learning establishment to ensure students wellbeing, and to ensure that support is in place and is consistent during any procedures;
- Facilities Support Service will follow procedures in all circumstances;
- Decisions which determine the responsibility, fault, guilt or otherwise of a student will be taken on the balance of probabilities;

- Any penalty or punishment imposed as an outcome of a disciplinary procedure will be proportionate to the offence and, where appropriate, restorative penalties will be considered.

#### **4. Roles and authority for disciplinary action**

- 4.1 Facilities support will regulate and respond to any conduct and discipline of residential students that is Accommodation specific and exercises this authority through those persons and bodies identified within this Policy.
- 4.2 Where conduct and discipline are not clearly accommodation specific and / or there is impact on another area of the students' academic life, facilities Support will liaise with Education or Organisation Provider colleagues to identify the most appropriate course of action
- 4.3 Changes to this Policy and its Procedures will be raised with designated partners of Shropshire Council as appropriate.
- 4.4 Delegated powers and responsibilities for disciplinary action within Student Accommodation are assigned to:
  - Student Accommodation Concierge
  - Concierge Manager, Facility Support Services
  - Compliance Manager, Shire Services Support Services
  - General Manager of Shire Services, Facilities Support Services
  - Assigned partner organisation as deemed appropriate

#### 4.5 Overview of Roles and Responsibilities

Student Accommodation Concierge	On site initial contact with students during incidents, Day to day support and guidance for conduct / discipline,  Responsible for responding to informal conduct and discipline, i.e. informal verbal discussions,  May support early-stage conduct and discipline procedures i.e. attending to give evidence or note taking if appropriate.
Concierge Manager, Facilities Support Services	Offer support & Guidance to Student Accommodation Concierge when dealing with low level, informal incidents  Manage the responsibility for less serious or informal Accommodation conduct and discipline issues  Liaise with colleagues at partner organisations
Compliance Manager, Shire Services, Facilities Support Services	Offer support and guidance to Concierge Manager  Manage more serious or repeated minor infringements

	<p>Manage the formal responsibility for stage one accommodation conduct and discipline issues</p> <p>Form part of the Disciplinary Hearing Panel at stage one, stage one appeals and stage two of this procedure as appropriate</p> <p>Liaise with colleagues at partner organisations</p>
<p>General Manager of Shire Services, Facilities Support Services</p>	<p>Offer support and guidance to the Compliance Manager</p> <p>Manage the procedure for serious incidents</p> <p>Manage the formal responsibility for stage two accommodation conduct and discipline issues</p> <p>Form part of the Disciplinary Hearing Panel at stage one appeals and stage two of this procedure as appropriate</p> <p>Liaise with colleagues at partner organisations</p>
<p>Assistant Director of Education and Achievement</p> <p>Learning and Skills</p>	<p>Offer support and guidance to General Manager of Shire Services</p> <p>Manage and respond to any stage two appeals for serious offences</p> <p>Select appropriate alternative management to lead procedures in case of appeal or complex cases</p> <p>Liaise with Senior executives at partner organisations</p>

- 4.6 Different levels of jurisdiction are required so that cases can be handled according to their severity and, where appropriately, with appropriate speed. Minor breaches, such as excessive noise, unacceptable behaviour, or discourtesy to staff, can be checked to avoid any escalation of misconduct. This level of jurisdiction within these Procedures is limited to the 'sphere of responsibility' of those listed above and allows for a more effective means of dealing with offences related to Accommodation.
- 4.7 Students who are residents in Student Accommodation are bound by the terms of the Accommodation License and Policies which highlights the limits of acceptable behaviour, falling short of these standards will lead to disciplinary action.
- 4.8 Complaints about student misconduct in Student Accommodation may be brought to Student Accommodation Concierge and Facilities Support Managers by partner colleagues, such as Accommodation staff, other Education Provider staff, residents, the Emergency Services, third party colleagues or members of the public who are affected by students' behaviour.
- 4.9 From time to time, the behaviour of individual students in the accommodation may raise concerns about their general health and well-being, which may extend beyond concerns about their conduct within the parameters of this policy. In such cases the Facilities Support team will seek advice from appropriate Educational Provider or Organisation colleagues and appropriate third parties where they have such concerns.

- 4.10 Under these Procedures, Student Accommodation Concierge and Facilities Support Colleagues should be aware that instances of serious misconduct by students who are studying on professional programmes, (e.g. Medicine, Health Sciences) may have significant implications for their fitness to continue to train in these clinical disciplines, and appropriate advice should be sought from senior management and appropriate Education Provider or Organisation Colleagues.

## 5. Limits of jurisdiction in Student Accommodation

- 5.1 Under this Policy the General Manager of Shire Services and the Assistant Director of Education and Achievement have authority to apply all permissible penalties up to but not exceeding the following penalties against students whose behaviour is deemed to warrant such measures. This would be done after discussion and in agreement with partners at a student's learning establishment.
- Suspension from Student Accommodation under conditions which are appropriate to the case;
  - Relocation to alternative accommodation (if appropriate and available);
  - Termination of the accommodation License Agreement;
  - Imposition of a fair, reasonable, and proportionate fine.
- 5.2 Student Accommodation Concierge and Facilities Support Managers have the power of jurisdiction within their usual accommodation / place of work. However, if they feel compelled to make a complaint about a student's behaviour themselves, they should submit this complaint to their line manager in the first instance and then to the Assistant Director of Education and Achievement who as appropriate may appoint a Manager or Colleague from another team or area to judge the case.
- 5.3 Student Accommodation Concierge and Facilities Support Managers have jurisdiction over students who are resident in the student accommodation, providing the offence does not merit penalties outside their powers of jurisdiction. This jurisdiction includes residents' conduct inside and in the vicinity of the relevant accommodation and residents' conduct where it is associated with their accommodation. Where a visitor of a student misbehaves whilst in the student accommodation, the student themselves will be held responsible and would be the subject of any disciplinary action.
- 5.4 The limits to the penalties which can be applied by Facilities Support Managers are:
- Imposition of a fine; and/or
  - Withdrawal of accommodation facilities for a period of up to one month or longer if deemed appropriate; and/or
  - Imposition of a charge for damage caused and/or loss incurred by a student and/or for associated other charges incurred but not in excess of the actual cost of repair or replacement (this may be in place of or in addition to a fine); and/or
  - Delivery of a Reprimand which will act as a warning not to repeat the offence; or
  - Delivery of a Final Warning for a repeated offence.
- 5.5 A *fine* is defined as a sum of money imposed as a penalty following disciplinary action. A *charge* is defined as a sum of money imposed on the student in recompense for damage caused or loss incurred.

5.6 Student Accommodation Concierge and Facilities Support Managers may deny access to a student who is not a resident in the accommodation either temporarily or permanently if there is a risk or behaviour indicates it is necessary. Should a student disregard this request the Facilities Support Manager in these circumstances, may decide to evoke disciplinary action.

## **6. Informal - Dealing with students' engagement with routine housekeeping requirements and good neighbour behaviour.**

6.1 As part of the Licensing Agreement, Good neighbour policy, Code of Conduct and by virtue of being a resident or guest and therefore a member of the accommodation community, students are always expected to exercise courtesy to other residents and guests. This includes keeping noise to a minimum, especially at night, to respect other people's property and to maintain an appropriate level of cleanliness in their own private spaces and communal areas such as kitchens. Students are also expected to maintain courteous and polite relationships with members of staff and are expected to follow instructions of staff when asked to do so.

6.2 In order to deal swiftly with general poor levels of housekeeping and low-level antisocial behaviour such as noise, Student Accommodation Concierge / Facilities Support Managers may impose sanctions not exceeding the following:

- Imposition of fine
- Imposition of a financial charge in recompense for damage/loss/other charges incurred not exceeding the value of any such damage/loss
- Delivery of a warning
- Delivery of a reprimand
- Removal of accommodation facilities for a period to be determined fair and reasonable under the circumstances

6.3 In all cases, however, Student Accommodation Concierge / Facilities Support Managers are required to establish the facts and to investigate any counterclaim made by the perpetrators, and, if necessary, use the Stage One procedures (below) where it emerges that this informal approach will not resolve the issue. There is no right of appeal against actions taken under these circumstances, although a student could, if they wished the matter to be considered further, request that the matter is reviewed using the Stage One procedures below.

6.4 Student Accommodation Concierge / Facilities Support Managers are required to inform any student who is subject to any procedure for handling misconduct of their right to advice and representation by the appropriate Student Support body.

## **7. Stage One – Procedure for dealing with more serious misconduct or repeated minor Infringements**

7.1 Stage One of the procedures is designed to allow more serious incidents or repeated bad behaviour to be dealt with quickly by the Facilities Support Managers to prevent further breaches and sustain appropriate standards of conduct and behaviour of all students in Accommodation. Any complaint about more serious student misconduct or repeated offences should be submitted to the Student Accommodation Concierge / Facilities Support Managers in writing, together with any relevant documentation or other evidence.

- 7.2 Facilities Support Managers will invite the student for an interview, setting out clearly, in writing, the nature of the infringement, alongside any evidence which has been collected. Under normal circumstances, at least 24 hours' notice should be provided to the student unless there is a substantial body of evidence in which case it is advised that at least 48 hours' notice is provided. Where a student wishes to obtain advice and/or representation from a representative from a Student Support body, the timing of such a meeting should take account of this.
- 7.3 The student should be informed of the time and location of the meeting and the people who will be present at the meeting. This would normally be the Facilities Support Managers, and at least one other person who would also act as note-taker, the student should be permitted to bring a friend as a supporter. Normally, this would be a fellow student or a member of a Student Support body. Where a student wishes to be accompanied to the meeting by other people who are acting as witnesses, Facilities Support Managers may ask other staff members to be present.
- 7.4 The notes of the meeting should provide a summary of the issues which were discussed, and a record of the decisions taken at the meeting.
- 7.5 At the meeting the Facilities Support Managers will hear from the complainant, where present, and the student. The student should be given the opportunity to either admit or deny the allegation made against them. Under all circumstances, the Facilities Support Managers will take into consideration all the information and evidence presented and any mitigation offered by the student and will only then decide whether the case against the student is proven.
- 7.6 If the case against the student is proven or the student has admitted to the allegation of misconduct, the Facilities Support Managers may impose a penalty which may include one or more of the following:
- Removal of accommodation facilities for a period to be determined fair and reasonable under the circumstances
  - Removal of right of access to specific locations within the specific accommodation setting, for a period to be determined fair and reasonable under the circumstances
  - Impose a *fine*
  - Impose a financial *charge* in recompense for damage/loss/other charges incurred not exceeding the value of any such damage/loss
  - Issuing of a warning
- 7.7 The imposition of a penalty is at the discretion of the Facilities Support Managers and, whilst the limits of those penalties are set out in this Policy, there is no 'tariff' system in operation. Penalties imposed must be proportionate and be applied consistently with Facilities Support Managers considering the implications for the student of imposing a specific penalty.
- 7.8 Facilities Support Managers will also issue a warning to indicate to the student that further breaches or infringements are likely to lead to more serious disciplinary action. This warning will be included in the outcome letter.
- 7.9 If the case against the student is not proven, this decision should be provided to the student in writing, and no record of misconduct would be kept on the student's file. Where the original complaint was made by another student, the Facilities Support Managers should consider how best to inform the complainant to avoid any undesirable consequences.
- 7.10 A copy of the notes of a Stage One disciplinary hearing and the outcome letter to the student should be retained by the Facilities Support Managers. The outcome of the hearing

and the details of the penalty should be set out, in writing, to the student. A warning should also be included in this outcome letter to indicate to the student that further breaches or infringements are likely to lead to more serious disciplinary action. In the letter. The student should be provided with their right of appeal and details about the grounds and procedures for appeal.

- 7.11 The outcome letter and all related documentation should be retained by the Facilities Support Managers against the student file in a secure location. Such records should be destroyed 6 years after the student has left Education.
- 7.12 Facilities Support Managers will inform the agreed colleagues from any partner organisations of the outcome of any disciplinary procedures relating to accommodation. Where cases are less clear and impact on wider learning establishment matters the Facilities Support Managers will contact the relevant Colleagues such as the Education Provider liaison lead or the Organisation's lead o discuss and agree appropriate action.
- 7.13 Facilities Support Managers will inform Shropshire Council finance colleagues if any fine or charge should be raised once the period of a potential appeal has passed.

## **8. Stage One appeal procedure**

- 8.1 A student may appeal against the Facilities Support Managers decision within five calendar days of receiving the outcome letter. An appeal must be submitted in writing to the Head of Shire Services and should be submitted only on one or more of the following grounds accompanied by any evidence:
  - i. That there was a procedural irregularity in determining the outcome;
  - ii. That new information is now available which, for good reason, was not available at the time that the Facilities Support Managers made their decision, and which, had it been available, may have materially affected the outcome;
  - iii. That the penalty applied is not-within the jurisdiction of the Facilities Support Managers under Stage One of the procedures as detailed in section 7.6.
- 8.2 If the student admitted to the allegation of misconduct, they are not permitted to appeal on the grounds of (ii) above.
- 8.3 The Facilities Compliance Manager will review the appeal statement, and any evidence submitted and will determine whether the student has provided evidence that they have grounds for appeal.
- 8.4 If the Facilities Compliance Manager determines that the student has not provided evidence that they have grounds for appeal, he/she will write to the student within fifteen working days informing them of the decision and the reasons. There is no further right of appeal to the student.
- 8.5 If the Head of Shire Services determines that the student does present information which suggests they have grounds for appeal, they will arrange for a Manager from another service area, who has no previous knowledge of the case, to convene a Stage One disciplinary appeal hearing.
- 8.6 The Facilities Compliance Manager will write to the student to inform them of the decision and to indicate that they will be contacted by the relevant Manager.
- 8.7 The Appeal Managers will appoint two representatives to form an appeal panel. No member of the appeal panel should have had any prior dealings with the case in question.

- 8.8 The Appeal Manager will appoint a note-taker.
- 8.9 Where the appeal is heard on grounds 8.1 (i) and 8.1 (ii), the appeal hearing will be heard in accordance with the Procedures for a Stage One disciplinary hearing.
- 8.10 Where the appeal is heard on grounds 8.1 (iii), the appeal panel will sit in private to decide whether the penalty originally issued was disproportionate.
- 8.11 The possible outcomes of the appeal are as follows:
- To reject the appeal and confirm that the penalties remain in place;
  - To reject the appeal and increase the penalties, if appropriate;
  - To uphold the appeal and wipe off the record any penalties imposed;
  - To uphold the appeal and reduce the penalties imposed.
- 8.12 Increases to penalties can only be made if this can be justified as fair and reasonable and they do not exceed the jurisdiction under Stage One.
- 8.13 The appeal outcome will be provided in writing to the student with a copy of the notes of the meeting. A copy will also be placed on the Facilities student files.
- 8.14 The student has no further right of appeal.

## **9. Stage Two – Procedures for serious incidents**

- 9.1 Where a Student Accommodation Concierge / Facilities Support Managers receives a complaint of serious misconduct the Facilities Support Managers should initiate Stage Two of these Procedures.
- 9.2 Serious misconduct to be handled under Stage Two includes behaviour which shows evidence of malice or reckless disregard for others, dishonesty, or a serious breach of accommodation policy and procedures. Serious misconduct to be handled under Stage Two also includes offences alleged to have been committed by students who have already received two warnings under Stage One of the procedures.
- 9.3 Where the decision is taken to remove the student temporarily or permanently from the Accommodation, the implications for the student's on-going studies and their welfare should be considered and steps taken to avoid any undue disadvantage or prejudging of the disciplinary case. In all cases this should be discussed with the Education or Organisation Provider.
- 9.4 Where the General Manager of Shire Services decides that the breach should be handled by the Facilities Support Managers under Stage Two, the Manager will convene an Accommodation Disciplinary Panel.
- 9.5 Should the General Manager of Shire Services deems that the breach is of a sufficiently serious nature that the outcome, if proved, could result in the termination of the accommodation licence agreement, then the General Manager of Shire Services or the Director of Education and Achievement must sit on the panel.
- 9.6 The Facilities Support Managers should invite the student to the hearing, setting out clearly, in writing, the nature of the infringement, alongside any evidence which has been collected. At least 48 hours' notice should be provided to the student. The student should be informed of the time and location of the meeting and of those who will be present. The student should be permitted to bring one person who would act as a friend or supporter and who would normally be a fellow student or a Representative. The student will also be invited to

call witnesses if they intend to deny the allegations. The complainant also may wish to bring witnesses. Both parties should inform the Facilities Support Managers, in advance of the meeting of the names of the witnesses that are being called. Witnesses will only be called into the hearing at the appropriate time in the procedures.

9.7 Also present would be the complainant (if appropriate) and an independent note-taker.

9.8 The procedure for the hearing is as follows:

- i. The Facilities Support Manager will introduce the Disciplinary Panel members, the complainant and the note-taker and will ask the student to introduce themselves and anyone else present who is accompanying them.
- ii. The Manager will state clearly the allegation of serious misconduct and will ask the student to confirm that they have received written confirmation of this allegation and all relevant evidence.
- iii. The Manager will ask the student if they admit or deny the allegation.
- iv. If the student admits to the allegation, the Manager will invite the student to explain the circumstances surrounding the incident(s) and provide information of any mitigating factors. The Panel members may ask questions of the student. Once this is done, the student, their supporter and the complainant will be asked to withdraw from the room while the Disciplinary Panel decides what action, if any, to take.
- v. If the student denies the allegation, the Manager will ask the complainant first to set out their complaint, calling witnesses if they so wish. The Disciplinary Panel members may ask questions of both the complainant and the witnesses.
- vi. The Manager will then ask the student to respond to the allegations, and to state their case, calling witnesses if they so wish. The Disciplinary Panel members may ask questions of both the student and the witnesses.
- vii. Where the Disciplinary Panel requires further clarification on any point which is in dispute, they may ask questions of both the complainant and the student, but the student should be given the opportunity of making the last statement.
- viii. After both the complainant and the student have stated their case, the Manager will ask both parties (and any supporters) to leave the room whilst the Disciplinary Panel considers the information and evidence provided.
- ix. The Disciplinary Panel will then deliberate over the merits of the case and will decide whether, and on the balance of probabilities, the case against the student is proven.
- x. The student and the complainant will then be invited back into the room for the Manager to inform the parties of the decision.
- xi. Where the case against the student is not proven, the case will be dismissed, and this decision will be conveyed in writing to both the student and the complainant within 5 working days of the Disciplinary Hearing. No disciplinary record will be held on the student's record under these circumstances, although a record of the Disciplinary Hearing should be kept by the Manager for a period of at least 6 years.
- xii. Where the Panel has decided that the allegation against the student are proven, the student will be asked if they wish for any undisclosed offences to be taken into consideration. This means that any other undisclosed offences can be considered in the determination of any penalty at this stage, rather than at any time in the future.

- xiii. The student and complainant will be asked to leave the room again while the Disciplinary Panel decides what penalty, if any, to impose. The Disciplinary Panel may not impose any penalty which exceeds the following:
    - Removal of right of access to specific locations within the specific residence, for a period to be determined fair and reasonable under the circumstances
    - Imposition of a *fine*
    - Imposition of a financial *charge* in recompense for damage/loss incurred not exceeding the value of any such damage/loss.
- 9.10 For serious offences where the General Manager of Shire Services or the Director of Education and Achievement are members of the panel the following sanctions may also be applied: -
- Suspension from Student Accommodation under conditions which are appropriate to the case;
  - Relocation to alternative accommodation (if appropriate and available);
  - Termination of the accommodation License Agreement;
- 9.11 The Manager will write to the student confirming the outcome of the Disciplinary Hearing which will include details of any penalty that has been imposed and the student's right of appeal and the grounds on which the student may appeal. The letter will also contain a Final Warning to the student that if there is any further misconduct, the student may face more serious sanctions or penalties which could include expulsion from the accommodation.
- 9.12 A record of the disciplinary outcome will be retained on the student file by the Manager for a period of 6 years, and a copy of the outcome letter and final warning will be sent to Education Provider or Organisation for the student's central student record.
- 9.13 Where a student has appeared before a Formal Disciplinary Panel on more than one occasion and the allegations were proven, a copy of the outcome letter will be sent to the Education Provider or Organisation.
- 9.14 The Manager will inform finance colleagues if any fine or charge should be raised once the period for a potential appeal has passed.

## **10. Stage Two Appeal Procedure**

- 10.1 A student may appeal against a decision made by a Formal Disciplinary Panel within 10 working days of receiving the formal outcome letter. The student must submit an appeal, in writing, to the Head of Commercial Services. An appeal can only be made on one of more of the following grounds:
- i. That there was a procedural irregularity in determining the outcome;
  - ii. That new information is now available which, for good reason, was not available at the time that the Formal Disciplinary Panel made their decision, and which, had it been available, may have materially affected the outcome;
  - iii. That the penalty applied is disproportionate or not within the jurisdiction of the Disciplinary Panel under Stage Two of the procedures.
- 10.2 If a student admitted the allegation, they are not entitled to appeal on grounds 10.1 (ii) above.
- 10.3 The student should set out the reasons for their appeal and provide any relevant evidence.

- 10.4 On receiving the appeal, the Director of Education and Achievement will determine whether the student has provided evidence that they have grounds for appeal. If they determine that they have not, they will dismiss the appeal and inform the student, in writing, setting out the reasons.
- 10.5 Where the Manager, determines that the information provided does constitute grounds for appeal, they will convene an Accommodation Disciplinary Appeal Panel.
- 10.6 An agreed person will act as note taker to the Accommodation Disciplinary Appeal Panel.
- 10.7 Where the appeal is to be heard on the grounds of procedural irregularity or on the basis that new information is now available (i.e. grounds i and ii), the appeal hearing will be conducted in accordance with the procedures for Stage Two.
- 10.8 Where the appeal is to be heard on the grounds that the penalty is disproportionate, the appeal panel will sit in private to decide whether the penalty or sanction originally issued was disproportionate.
- 10.9 The possible outcomes in the event of 10.8 are:
- To reject the appeal and confirm that the penalties remain in place;
  - To reject the appeal and increase the penalties, if appropriate;
  - To uphold the appeal and wipe off the record any penalties imposed;
  - To uphold the appeal and reduce the penalties imposed.
- 10.10 The decision of the Disciplinary Appeal Panel will be confirmed in writing in a formal outcome letter.
- 10.11 At this stage there is no further right of appeal to the student so those involved will work hard to find a common sense, practical ideally mutual outcome to the situation.

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