

## Staff Policy

## Learner Disciplinary Policy

Lead Responsible	Vice Principal Curriculum and Learner Experience
Effective from	January 2018
Approved by	Senior Management Group
EIA Date	July 2013
Approval Date	31 January 2018
<b>Review Date</b>	<b>August 2018</b>

# Contents

	<b>Page Number</b>
1. Background	3
2. Responding to Disciplinary issues in the first four weeks of the year	4
3. Stages in the disciplinary procedure	4
4. Learner Entitlements	4
5. "Cause for Concern" and "Good Performance"	4
6. The role of the Learning Manager	5
7. Dealing with misconduct	5
8. Suspension	5
9. Involvement of the Police	6
10. Excluded Learners	6

# LEARNER DISCIPLINARY POLICY

## 1. BACKGROUND

The **Learner Disciplinary Policy** ensures the safety and well-being of all learners and staff at the College. It sets out the disciplinary policy for learners who breach the **Learner Code of Conduct**. The policy informs the **Learner Disciplinary Procedure**, which describes each stage of the process in detail.

### Scope

**This policy and procedure is designed to deal with disciplinary processes for post 16 students and serious KS4 incidents. 14-16 KS4 learners are normally governed by the KS4 Protocols document which includes multiple levels of behavioural intervention and support. The protocols document is reviewed annually in agreement with sending institutions and is designed to deal with KS4 disaffected learners. In all cases of exclusion or likely exclusion this policy and procedure is to be used.**

This policy applies to all full and part-time learners. The College may choose to apply it at any time during the academic year, whether or not incidents occur during College term time or on College premises.

Annual monitoring will be carried out by demographic groups to pinpoint any groups that may be over-represented in the disciplinary process.

### Higher Education courses

Where learners are on courses delivered as part of validated or franchised programme with a partner institution, learners are subject to the terms of this policy and not that of partner institutions.

In this document the College makes a distinction between “misconduct” and “gross misconduct”.

#### Examples of Misconduct:

- Breaching the **Learner Code of Conduct** or any other policy set by the College.
- Threatening language.
- Racist, sexist, religious, dis/ability remarks and language.
- Disruptive or disobedient behaviour.
- Swearing or spitting.
- Persistent absence or unauthorised lateness.
- Regular failure to come to lessons correctly equipped.
- Persistent failure to meet deadlines or complete course-work.

#### Examples of Gross Misconduct:

- Any action which places learners or staff in physical danger or in breach of the law.
- Violent behaviour.
- Use or possession of illegal substances or alcohol.
- Theft, vandalism, forging signatures to fraudulently obtain money.
- Attempting to enter the College premises when suspended.
- Bullying, harassment or intimidation.
- Abuse of College property.
- Plagiarism or cheating in examinations/assessments.
- Breach of the ICT Acceptable Use Policy – accessing inappropriate material on line.

## 2. RESPONDING TO DISCIPLINARY ISSUES IN THE FIRST SIX WEEKS OF THE ACADEMIC YEAR (PROBATION PERIOD)

If a learner is found to be in breach of the Learner Code of Conduct persistently during the first six weeks after their enrolment, the College reserves the right to terminate their studies with immediate effect. The learner should be given appropriate guidance and support through this period in order to make improvements. But if the learner fails to achieve appropriate improvement, the Curriculum Manager or Head of School is entitled to cancel the learner's enrolment at any time during the first six weeks of study, without recourse to the disciplinary procedure. Learners in this position will be notified in writing by either the Curriculum Manager or Head of School if their enrolment is terminated.

## 3. STAGES IN THE DISCIPLINARY PROCEDURE

Poor behaviour and under-performance by learners should be handled informally in the first instance. Learners should be set clear targets, including behavioural targets and given informal warnings and deadlines for improving their performance by their learning manager and subject teachers. They should receive praise, encouragement and a **Good Performance Comment in ProMonitor**, when they are successful in achieving improvements. If a learner fails to make improvements the following disciplinary stages must be followed. Each stage is described in detail in the **Learner Disciplinary Procedure**. Cases of misconduct can proceed straight to Stage 2, and in the case of possible gross misconduct, should proceed straight to Stage 3.

- ❑ **Stage 1 - Partnership Stage**
- ❑ **Stage 2 - Written Warning and Disciplinary Meeting**
- ❑ **Stage 3 - Disciplinary Hearing**

## 4. LEARNERS ENTITLEMENTS

The learner has the right to:

- Understand the **Learner Disciplinary Procedure** and the **Learner Code of Conduct**, which is included in their induction process.
- Support in understanding the Disciplinary Procedure.
- Be notified in writing before a Stage 2 or 3 disciplinary hearing.
- Bring a parent/guardian or friend (fellow learner, College staff, support worker, signer or language interpreter) to any Stage 2 or 3 hearing to support the learner in understanding, clarifying any issues or points and answering any questions raised during the hearing.
- See any documentation used during disciplinary hearings, although names of witnesses may be concealed to protect the witnesses, at the discretion of the chairperson.
- Receive formal communication of the outcome of disciplinary action not more than five days after the disciplinary hearing has taken place.
- Appeal against exclusion.

## 5. "CAUSE FOR CONCERN" AND "GOOD PERFORMANCE"

If a subject teacher is concerned about a learner's performance they should complete a **Cause for Concern** on ProMonitor and inform the learner and the learner's Learning Manager. If the learner needs to access Additional Learner Support, (ALS) then the Learning Manager should contact the Additional Learning Support team for a diagnostic interview.

All **Cause for Concern** should result in a discussion between the learner and their Learning Manager. If a learner receives three **Causes for Concern** they should normally be placed on stage 1 of the Disciplinary Procedure.

Teachers should make use of "**Good Performance**" when learners are doing well and inform the learner by adding to ProMonitor.

## 6. THE ROLE OF THE LEARNING MANAGER

The Learning Manager is responsible for maintaining the **E-ILP on ProMonitor** (long and short courses) including regularly monitoring and recording progress against target grade and setting SMART targets with the learner, and signing them off when achieved. Also they should keep copies of all letters, forms, outcomes and agreements relating to the disciplinary process for a learner within the Course file. The Learning Manager is responsible for co-ordinating all communication with the learner and other subject teachers during the disciplinary procedure.

Learning Managers will communicate outcomes of the disciplinary by attaching outcomes letters to the relevant disciplinary meeting created in ProMonitor and adding the following staff to that meeting:

- Subject teachers
- ALS staff and other support workers linked to the learner

## 7. DEALING WITH MISCONDUCT

Initially misconduct will result in support for the learner, using a **“Cause for Concern”** and referring the Learner to Support Services as appropriate. In **Stage 1** of the procedure disciplinary action may be involved along with support. Persistent failure to improve performance or a breach of the **Learner Code of Conduct** will lead to **Stage 2** disciplinary action. Repeated breaches or a single act of gross misconduct may result in a learner being suspended or excluded from the College via the **Stage 3** disciplinary process.

**“Cool Off” Intervention;** As part of the stage 1 process managers may opt to utilise a 24 hour “Cool off” intervention. This can be used at any managers discretion where minor misconduct or anti-social behaviour has occurred and a 24 hour cool off period may prevent further escalation. This should not be used as an alternative to suspension. The cool off intervention should be recorded in the learners ILP as a cause for concern and the Head of School informed whenever the intervention is used.

**Where a learner is issued with a Cool Off intervention they should be asked to leave the site immediately and not return until the following day. Their ID badge should be removed and retained at the front reception to be retrieved the following day from security in order to regain access to site.**

**If the learner fails to attend a disciplinary meeting or hearing** a decision can be made in their absence. The learner will be notified of the outcome within five working days.

**Parents/guardians/key workers (for KS4 learners a School representative must be invited) of learners who are under the age of 18 must be invited to Stage 2 and 3 hearings.**

In a case where the learner may pose a significant threat to learners or staff, the College reserves the right to conduct a Stage 3 Disciplinary hearing off-site. **Threats to members of staff** should be taken seriously and lead to immediate suspension, until the date of a Stage 3 Disciplinary Hearing. Where there has been **a victim of gross misconduct**, the victim must provide a written witness statement and may be invited to attend the Stage 3 Hearing as a witness at the chairs discretion. They should also be informed of the outcome of the Hearing by the chairperson.

## 8. SUSPENSION

If the Curriculum Manager or Head of School believes a learner is guilty of gross misconduct or repeated acts of misconduct, they can ask the learner to return his or her **I.D. Card** and leave the premises pending further investigation. The learner should be informed that s/he may not re-enter the College premises until notified.

If a learner is suspended the Head of School must be informed immediately, given the I.D. Card and a completed learner's **Conduct Report Form**. The learner should be sent a formal **notification of Suspension** by the Head of School (see template notice of suspension letter) informing the learner when they may return to College.

Learners between the ages of 14 and 16 should not be instructed to leave the premises unescorted. They should instead be sent to the **Curriculum Manager KS4, Sports & Public Services** who will contact the relevant sending Secondary School staff and parents/guardians.

An email regarding the suspension should be sent by the **Head of School** to the **Head of MIS, the Head of ICT, and Head of Estates who shall notify security and reception staff**.

Parents/guardians of learners who are under the age of 18 must be informed by the Learning Manager if the learner is suspended.

In cases of possible gross misconduct, the learner will usually be suspended until the date of the Stage 3 Hearing. Suspension should be for no more than **5 working days** or until the outcome of a disciplinary meeting.

## **9. INVOLVEMENT OF THE POLICE**

The College reserves the right to involve the police and pursue the legal process, if a learner is found to be in breach of the law. **A Senior Manager should be consulted before the police are involved unless the incident is an emergency situation in which case a Senior Manager should be informed as soon as possible.**

If the police are required to escort a learner from the premises as a result of dangerous or threatening behaviour, the offending learner is automatically suspended for as long as it takes the police to complete their investigations. **The College maintains a zero tolerance approach to drugs and violence. Cases of witnessed assault or drug use** must lead to immediate suspension until the date of a Stage 3 Disciplinary Hearing. If the College is forced to request police intervention, a report of the incident should be placed in the Learner's File.

## **10. EXCLUDED LEARNERS**

**Only Heads of School and Senior Managers acting on behalf of the Principal have the authority to exclude a learner from the College.**

All actions and decisions relating to exclusion should be stored in **the Learner File and on Pro-Monitor**. The Director/Head of School excluding the learner is responsible for informing relevant parties such as parents and employers. The time-scale of the exclusion must also be made clear to relevant staff. When a learner is excluded from college, either as a learner or a visitor, this should be reported to the **Heads of Learner Support, ICT and Estates who will notify security and reception staff and add a note to the College learner record system.**

Excluded learners may reapply to the college in the following academic year. The facts of their exclusion will be available to those carrying out the interview, and will be taken into consideration before a place is offered.