



Brockenhurst College

Reviewed and Approved by SMT  
June 2018  
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2018

# LEARNER DISCIPLINARY POLICY

## Introduction

Brockenhurst College's educational aim is to provide all of its learners with an environment that will help them make the most of their lives through learning. The College is committed to develop the individual holistically to be the best version of themselves. An important aspect of this development includes the learner taking an active part in managing their own health and wellbeing so that they can achieve their potential. Consequently the College expects its learners:

- To take responsibility for their attendance and punctuality thereby maximising their learning potential and have a positive attitude to learning
- To develop moral, cultural and self-awareness
- To develop good employability skills
- To attend all timetabled, e-portfolio, booked sessions
- To arrive on time to lessons, fully prepared and stay for the duration of the session
- To take the appropriate steps if they are late by knocking on the door and waiting outside the room until they are given permission to enter. Late arrivals are expected to join their group/session, causing minimal disruption. On entering the class later arrivals are expected to apologise for their lateness and they should discuss their reason for lateness with the teacher/lecturer/assessor at an appropriate point. It is not College policy to refuse learners access to lessons on the grounds of poor punctuality. However on rare occasions it is accepted that the teacher, lecturer, assessor may wish to use discretion in this matter. If this should occur, the learner is expected to report to Student Services where they will be seen by the Pastoral and Welfare Manager.
- To participate and engage with the learning objectives and schedule for the programme including handing in work on time.
- To make learning successful for everyone by behaving in a way that promotes a co-operative, positive and productive learning environment
- To take responsibility for their learning by participating in all learning activities and progress target setting and review processes.
- To communicate concerns or issues they have regarding any learning activities via their teacher/lecturer/assessor.
- Where absence is unavoidable, learners should follow the procedures for non-attendance
- To ensure that all missed work, due to absence from a learning session, is covered and understood at the first opportunity. This includes catching up on any work set and being aware of the deadlines.

This policy is designed to support learners to fulfil their potential, specifically it is designed to:

- Identify learners at risk of preventing themselves or others from successful study
- Intervene in a supportive manner to resolve the situation
- Agree with the learner concerned an appropriate action plan
- Identify issues and offer appropriate support which may result in referral to Skills Development or the Intensive Support Team
- Enable all learners to complete their course successfully
- Ensure that all learners are treated fairly and impartially
- Safeguard the property and business of the College and the health and safety of all learners, staff and visitors
- Enable the College to permanently exclude learners whose behaviour is consistently unacceptable and/or which is negatively affecting the ability of other learners to make progress.

All learners will be asked to sign a Code of Conduct Agreement at the beginning of their course which sets out what is expected of them as learners at Brockenhurst College. It is of

crucial importance that all learners are made aware of both the content of this Code of Conduct and the Disciplinary Policy and Procedure during induction. This policy is also available on the College's website.

No learner will be suspended or asked to leave College for a first breach of College discipline except in the case of gross misconduct.

Learners with Special Learning Difficulties and Disabilities will need an approach that recognises their specific needs; staff will need to be aware of any special considerations with regard to communication difficulties and equal opportunities.

The learner will have the right of appeal against any disciplinary action and imposed sanction.

It is the role of the Pastoral and Welfare Manager to offer advice to staff as required.

### **Stage 1 First Written Warning from teacher/lecturer/assessor – Amber Contract**

If a learner's behaviour or performance does not meet acceptable standards their teacher/lecturer/assessor will arrange to meet with the learner to discuss the action required for improvement and the support needed. The learner will be given a formal warning. The learner will be informed of the improvement required and the timescale to improve by and this will be presented on an amber contract. This will be confirmed in writing and sent to the learner and, if under 19, their parent, carer, guardian, host family, employer. It will warn that the next stage (stage 2) will be invoked if there is no satisfactory improvement.

It is not intended that learners will be issued with separate 'Stage 1 Warnings' for different matters of minor misconduct. Such matters will affect the learner's ability to achieve and will contribute to the overall performance of the learner. Therefore, if a learner has been issued with a Stage 1 warning for poor attendance and then fails to hand in work or is repeatedly late, then the Learner Support Manager or equivalent will escalate to Stage 2. If a Stage 1 warning has been issued and improvements have been made within the timescale stated the disciplinary episode/amber contract is closed.

### **Stage 2 Second Written Warning – Red Contract**

If there is a more serious cause for concern; if a learner fails to respond positively to stage 1; the learner misses a timetabled tutorial session or the learner engages in minor misconduct a second formal warning will be given to the learner by the Learner Support Manager or equivalent in consultation with the Head of Curriculum. The Learner Support Manager or equivalent will arrange a meeting with the learner who will be advised of the improvement required and the timescale by which the improvement is expected. This will be written into a red contract. This will be confirmed in writing and sent to the learner and, if under 19, their parent, carer, guardian, host family, employer. It will warn that the next stage (stage 3) will be invoked if there is no satisfactory improvement.

### **Stage 3 Final Written Warning – Purple Contract**

A final written warning or purple contract will be given by the Head of Curriculum when either:

- Stage 2 has been invoked and there is no improvement within the given timescale  
OR
- The breach of the College's Code of Conduct is serious enough to warrant only one written warning but not serious enough to require the learner to leave College.

The Head of Curriculum/Pastoral Support and Welfare Manager will meet with the learner and in the case of under 19 year olds the parent, carer guardian, host family, employer will be invited to the disciplinary meeting. The Head of Curriculum/Pastoral Support and Welfare Manager will give details of the concerns/allegations and will make it clear that the learner will be asked to leave College if there is no immediate satisfactory improvement. This will be confirmed through a purple contract letter and sent to the learner and if under 19, their parent, carer, guardian, host family, employer.

#### **Stage 4 Possible exit from College**

At stage 4, the learner will meet with their Assistant Principal and Head of Curriculum/Pastoral and Welfare Manager and parent, carer, guardian, host family, employer will be invited to attend if under 19. A decision will be made with regard to the learner's future at the College and the outcome confirmed in writing.

#### **Suspension**

In cases of suspected/alleged gross misconduct a learner may be suspended pending an investigation and a Stage 4 meeting. Suspension may only be carried out by the Head of Curriculum or the most senior member of staff present at the site where the gross misconduct has taken place.

A written account of the reasons for suspension will be made and formal confirmation of the suspension will be sent to the learner and if under 19 the parent, carer, guardian, host family, employer. A stage 4 hearing will be held in 10 working days.

#### **Length of Time a Disciplinary is operational:**

Stage 1: A fixed period is set out in the amber contract (usually 10 College working days). If the learner successfully completes the contract within the agreed time span the disciplinary episode is closed

Stages 2 and 3:

The disciplinary stands for the life of the learners' course and in certain circumstances it may be extended to the learner's duration at College.

An annual report will be made through to SMT and the Finance and Standards Committee of the Governing Body.

#### **MISCONDUCT**

**Explanations and examples are given in Appendix 1 and Appendix 2**

**Appeal Procedure – please see Appeals Policy**

**MISCONDUCT**

Examples of misconduct included, but are not limited to:

- a) Acts or attempt(s) of dishonesty resulting in the loss of property of another (eg an appropriation or taking away of property belonging to another).
- b) Acts or threat(s) of violence towards a person(s).
- c) Acts of vandalism.
- d) Allegation(s)/charges of criminal activity(s) pending a court case.
- e) Breach of the examination procedure.
- f) Disruptive behaviour in class and/or on campus and/or on transport to or from the College or College activities and/or on field or other trips.
- g) Deliberate refusal to carry out reasonable and/or lawful and/or safe instruction(s) relating to the health and safety of the learner and/or other learners and/or staff (eg smoking cigarettes other than in designated area[s]).
- h) Reckless driving on the College site such that the property or safety of learners, staff or visitors is at risk.
- i) Gross negligence leading to loss or damage of property or personal injury or death.
- j) Criminal conviction whilst at Brockenhurst College.
- k) Criminal activity that results in a caution whilst at Brockenhurst College.
- l) Failure to disclose criminal conviction(s) where it is required.
- m) Interference with the College software and/or network of computers.
- n) Misconduct as defined by the College Anti-Harassment Policy or Equal Opportunities Code of Conduct.
- o) Selling Student Union event ticket(s) or other such merchandise for more than the Student Union agreed purchase price.
- p) The possession, taking or selling of illegal drugs, alcohol or toxic substances including psychoactive substances (commonly known as 'legal highs') whilst on or in proximity to the College campus, on College transport or travelling to College, at a Student Union event or whilst on a College trip. (In the case of alcohol at Student Union events this is qualified by the requirements of being over 18 years old). Being intoxicated or suspected of being intoxicated by any of the above.
- q) Willfully ignoring responsibilities (as expounded in the Charter, Learner Planner, Learner Agreement etc) or instruction(s) as given by staff of Brockenhurst College and thereby placing a learner(s) and/or staff/third party in danger.

## Guidance on Categories of Misconduct

### Minor Misconduct – Stage 2

Minor Misconduct includes persistent disruptive behaviour, behaviour which causes a disturbance or nuisance to others. The following examples of minor misconduct are for illustration only – the list is not prescriptive or exhaustive.

- Repeated inappropriate use of mobile phones in classes or the library.
- Failure to display learner ID card.
- Non-compliance with regulations regarding study areas (e.g. eating or drinking in unauthorised areas).
- Addressing staff or fellow learners in an impolite, inappropriate or offensive manner.
- Poor attendance and/or punctuality and/or unauthorised attendance.
- Misuse or unauthorised use of College facilities or property (this could also be serious misconduct, depending on the offence).
- Obstruction or disruption of College processes and procedures
- Failure to follow a reasonable instruction from a member of staff.

### Serious Misconduct – Stage 3

Serious Misconduct includes threatening behaviour and bullying or harassment of staff or learners. The following examples of serious misconduct are for illustration only – the list is not prescriptive or exhaustive.

- Abusive, threatening or bullying behaviour towards staff and learners via any means including phone, text, email or on internet blogs, forums, Facebook, Twitter or any other social media.
- Intentional or reckless damage or defacement of College property or the property of other members of the College community.
- Plagiarism – please refer to the College's Plagiarism Policy.
- Repeated failure or refusal to display learner ID card.
- Fraud, deceit or dishonesty in relation to the College or its staff.
- False or malicious allegations against College staff e.g. fabricated complaints that may have been raised initially as part of the College Complaints Procedure.
- Non-compliance with penalties imposed for minor misconduct.
- Failure to comply with College policies or procedures.

### Gross Misconduct – Stage 4

Gross misconduct is behaviour which calls into question a learner's status as a learner of the College. The following examples of gross misconduct are for illustration only – the list is not prescriptive or exhaustive.

- Bringing the College into disrepute.
- Dealing in, possessing or using illegal substances.
- Physical assault on a member of staff or a learner.
- Use or threaten to use a weapon.
- Racial hatred or abusive behaviour.
- Fraud, deceit or dishonesty in relation to the College or its staff.
- Theft of College property
- Non-compliance with penalties imposed for serious misconduct.