



# **BEHAVIOUR AND 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 on time and prepared
- 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 late 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. The Code of Conduct explains how learners are expected to behave whilst on College premises or where learners are taking part in college-related activities. The College also reserves the right to investigate incidents which occur off-site if they are between two (or more) learners, or learner(s) and staff. Certain forms of wrong-doing, for example where a criminal act or a conviction occurs, may result in a suspension or exclusion even where the incident is not college-related.

All learners must be directed to the Search Policy and the Restraint Policy so that they understand what actions could trigger these actions and the processes involved.

This Policy is to be read with the College's Search and Restraint Policies which will be used in circumstances as set out in this policy. The College has the right to search learners and/or restrain learners who are suspected of being a danger to themselves and/or others.

The College reserves the right to take disciplinary action against learners for incidents not directly related to College that could be considered to put other learners or staff at risk of bring the College in to disrepute e.g. allocations of assault or involvement in illegal drugs.

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. The process can be found in the Appeals Procedure

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 could have a negative impact on the learner's achievement 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 Student 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 persistent and/or sustained minor misconduct a second formal warning will be given to the learner by the Student Support Manager or equivalent in consultation with the Head of Curriculum. The Student 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 or 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 or 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 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. The appropriate Assistant Principal will be consulted before withdrawal

## **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 within 10 working days.

The length of the suspension will be determined in accordance with the suspension tariff. During a period of suspension, the learner must not be on college premises.

### **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.

If any criminal activity by a learner is suspected, the College will follow all procedures as set out in the Search and Restraint Policies.

The College is not bound by the outcome of criminal proceedings.

Where a learner is escorted from College premises by the Police, the learner is deemed to be automatically suspended and a letter confirming the suspension will be sent to the learner and parent/carers/guardians, host family. A copy of all correspondence will be held on the learner's confidential file

## **MISCONDUCT**

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

**Appeal Procedure – please see Appeals Policy**



### Guidance on Categories of Misconduct

#### Minor Misconduct – Stage 1 or 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 and wear the student lanyard around their neck
- 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 or 4

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 and wear the lanyard around their neck
- 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.
- Carrying of items that could endanger the safety of others
- Racial hatred or abusive behaviour.
- Fraud, deceit or dishonesty in relation to the College or its staff.



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- Theft of College property
- Non-compliance with penalties imposed for serious misconduct.
- Non-compliance with the College's Code of Conduct