



# **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 academic development as well as their health and wellbeing so that they can achieve their potential.

Where issues occur, these will generally fall into two distinct categories:

- Academic issues, such as poor academic performance or attendance
- Behavioural or attitudinal issues, such as attitude to work or breaking of College code of conduct.

The College disciplinary policy is designed to support both categories of issue, although there might be differences between the two.

It is recognised that learners with special learning difficulties and disabilities may 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. It is the role of the Pastoral and Welfare Manager and her team to offer advice to staff as required.

### 1. Academic issues:

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 attend all timetabled, e-portfolio, or 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 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 occasion 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 or student support manager.
- 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.
- To develop moral, cultural and self-awareness as part of their learning programmes.
- To develop good employability skills as part of their learning programmes.

Should academic issues start to arise the College will seek to put procedures in place that supports learners such that:

- It provides an intervention in a supportive manner to develop a resolution to the situation
- It agrees with the learner concerned an appropriate action plan and communicates this action plan to parents/guardians (where learner is under 19)
- It identifies issues and offers appropriate support which may result in referrals to skills development or the intensive support team
- It ensures that all learners are treated fairly and impartially
- It safeguards the property and business of the College and the health and safety of all learners, staff and visitors.

Where possible, an initial conversation will take place between the student and the relevant member of staff to raise the concern. This will then follow the disciplinary procedures stages 1 – 4 as detailed below.

## 2. Behavioural and attitudinal issues.

All learners must 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. For the 2020/2021 academic year the College has also introduced a COVID Code of Conduct for Learners to manage behaviours and expectations associated with the pandemic. All learners are made aware of both the content of this Code of Conduct and the Disciplinary Policy and Procedure during induction. These policies are also available on the College's website.

All readers should be aware of the following related college policies which may be invoked if issues occur related to behaviour or attitude.

- Learner code of conduct
- COVID code of conduct
- Learner search policy
  - Learner restraint policy
  - Plagiarism policy
  - Suspension tariff

The College reserves the right to investigate incidents which occur off-site if they are between two (or more) learners, or learner(s) and staff, or incidents deemed as bringing the College into disrepute. It also 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, or brings the College in to disrepute e.g. allegations of assault or involvement in illegal drugs. This also includes activities that might be conducted online.

Should a learner be in breach of the code of conduct then it would be normal to follow the disciplinary procedures stages 1 to 4 as detailed below. However, it might be deemed that a learner should progress directly to a higher stage immediately depending on the nature of the disciplinary issue.

## **Suspensions and serious incidents.**

In cases of misconduct or any other incident which contravenes the College code of conduct or COVID code of conduct, a learner may be suspended from College for a finite period of time. This may happen either at the time of the incident or following a disciplinary hearing, depending on the nature of incident. The duration of the suspension will be at the discretion of the manager dealing with the incident who will take guidance from the College's suspension tariff.

In cases of suspected/alleged gross misconduct, criminal activity, issues where the safety of others has been or might be put at risk or any other incident which the College would deem as serious, a learner may immediately be suspended indefinitely pending investigation. A member of the senior management team (other than the Principal) will normally conduct this investigation and following this the learner may have their place at College reinstated subject to a disciplinary hearing, or be excluded on a permanent basis.

In all cases 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.

During a period of suspension, the learner must not be on college premises.

Should the decision be made to permanently exclude, this will be confirmed in writing to the parent, carer, guardian, host family, employer if the learner is under 19, or directly to the learner if over 19. The learner will be given a right of appeal to the Principal, except in cases detailed below, details of which will be found in the letter confirming withdrawal. The Principal's decision in these matters is final and there is no further means of appeal.

Situations where no right of appeal will apply:

- Exclusions regarding criminal activity or dangerous behaviour where it is deemed unsuitable for the learner to return to the College in the interests of the safety of others or the reputation of the College.
- Exclusions where the safeguarding of the individual or others is at risk or the College is unable to guarantee the safety of the individual or others due to the behaviours exhibited.

## **Stages of Disciplinary Procedures**

### **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/student support manager will normally 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 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 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 engages in persistent and/or sustained minor misconduct, or poor attendance 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 normally 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 or other senior manager 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 final written warning but not serious enough to require the learner to leave College.

The Head of Curriculum or other senior manager will normally 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 details of the concerns/allegations will be made clear and will make it clear that the learner will be asked to leave College if there is no satisfactory improvement. It is normal for the concerns to be monitored over a period of time to ensure there is not repeat of the issues or to ensure that consistent improvement is being maintained. This will be confirmed through a purple contract communication and sent to the learner and if under 19, their parent, carer, guardian, host family, employer.

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

If the conditions of the 'purple' contract are not met, then at stage 4, the learner will normally meet with their Head of Curriculum/Pastoral and Welfare Manager or other senior 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 any withdrawal is made.

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

### Stage 1:

A fixed period before review is set out in the amber contract (usually 10-15 College working days).

At the point of review this may be escalated to the next stage, reissued at the same level or closed depending on the outcome of the review.

### Stages 2 and 3:

#### Either:

A fixed period for review is set out in the 'red' or 'purple' contract. At the point of review this may be escalated to the next stage, reissued at the same level or de-escalated to the stage below depending on the outcome of the review.

#### Or:

If the circumstances surrounding the concern are on going (such as a repeat of a specific behaviour) the disciplinary may stand for the duration of the learners' course or in certain circumstances it may be extended to the learner's duration at College.

## **Examples of Misconduct and Behaviours Contrary the Learner Code of Conduct.**

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



**Guidance on Categories of misconduct / behaviours contrary to the learner code of conduct. In all cases it is at the discretion of the manager dealing with the issue to assess the severity of the concern.**

### **Minor Misconduct – Stage 1 or 2**

This may include disruptive behaviour, behaviour which causes a disturbance or nuisance to others. The following examples are for illustration only – the list is not prescriptive or exhaustive.

- Repeated inappropriate use of mobile phones in classes or the library.
- Not having ID card or failure to produce learner ID card when requested.
- 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 may include more disruptive threatening behaviour and bullying or harassment of staff or learners. The following examples 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 follow an instruction by a member of staff.
- 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.
- Breach of COVID code of conduct.

### **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 or alcohol.
- Physical assault on a member of staff or a learner.



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- 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.
- Theft of College property.
- Non-compliance with penalties imposed for serious misconduct.
- Dangerous or illegal behaviour.
- Repeated non-compliance with the College's code of conduct
- Serious or repeated breach of COVID code of conduct