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## **LEARNER DISCIPLINARY POLICY**

### **Policy statement:**

Accrington and Rossendale College is committed to ensuring the safety of all learners and to the provision of a safe and secure learning environment where all can achieve their goals and aspirations and leave college prepared for life in modern Britain. The College is committed to the fundamental values of democracy, the rule of law, individual liberty, mutual respect and tolerance for those of different faiths and beliefs.

### **SECTION ONE:**

#### **1:1 POLICY OVERVIEW:**

The following document has been compiled in order that all members of the college body understand the code of conduct to which learners are expected to adhere, and the procedures which will be followed where the code of conduct is breached.

The relationship between staff and learners should be based on mutual respect and consideration.

The basic obligations of learners are:

- To attend regularly and punctually sessions for which they are timetabled, or inform staff as soon as practicable if they are unable to attend
- To adhere to the college Code of Conduct for learners
- All work assignments must be completed on time and demonstrate reasonable progress
- Learners should treat all staff, students and visitors with respect and behave generally in a way which respects the need and aspirations of others who work in or attend college
- Learners should at all times uphold British Values, and adhere to the college rules and regulations, including those relating to health and safety procedures and equal opportunities
- Learners should respect the property of the college, its staff, its learners and its visitors
- To engage fully with all aspects of study and college life

Breaches of the code of conduct, or any of the above obligations, may lead to disciplinary action being taken against a learner and repeated breaches or a single very serious breach may result in a learner being suspended or excluded from the college

- Learners should follow the college code of conduct whilst on trips, excursions, work placements and work experience

These obligations are enshrined in the Student Code of Conduct, and the cross college Behaviour Management Strategy. Each learner will be asked to read, understand and sign the Code of Conduct at the start of their programme (appendix 1) and all staff will adhere to the Behaviour Management Strategy (appendix 2) to ensure that learners are at all times clear with regard to their obligations.

The code of conduct will be displayed in all classrooms to ensure that all learners are fully aware of what is expected of them

## **1:2 SCOPE:**

- This policy and Code of Practice applies to all learners of the college whether full or part-time, work based learners (apprentices) or learners on programmes delivered off site. The policy applies at all times of the year if learners are participating in college activities.
- This policy also includes Higher Education (HE) learners where the College will also adhere to the policies and procedures of the respective HEI's.

## **1:3 STATEMENT OF PRINCIPLES:**

Learner discipline is the responsibility of all members of all staff at all times. All staff have a responsibility to ensure that learners are at all times aware of the high expectations we have as an organisation. This policy aims to:

- Ensure that poor behaviour and misconduct is always challenged and dealt with immediately.
- Reinforce the high standard expected of all college learners at all times.
- Provide the structure and recording mechanism for dealing with poor behaviour or misconduct.
- Be a tool to enhance learner retention by systematically addressing minor issues of poor behaviour, and offering appropriate support, before they are able to develop into something more serious.
- Contribute to creating an environment within the college that is safe and secure and enables learners to enjoy their studies and develop as individuals.
- Eliminate discrimination and promote equality of opportunity for all.
- Form the core of the college retention strategy by swift identification and intervention to prevent escalation.

## **1:4 DEFINITIONS**

A Breach of the Code of Conduct is defined, as that which is **likely to put at risk the learner's chances of successfully completing his or her programme of study and that adversely affects teaching and learning, recreational activities, or the rights of other members of the College community.**

This includes (and this is not intended to be an exhaustive list):

- Failure to adhere to the Code of Conduct
- Failure to uphold British Values
- Failure to meet deadlines or complete set work
- Failure to attend all classes or arrive for classes on time

- Lack of effort and or failure to come to class correctly equipped
- Failure to make progress with academic, skills or English and Maths components of the programme
- Disrupting the learning of others
- Bullying, harassment or discrimination
- Failure to use College facilities with care and respect

**Gross misconduct** refers to the most serious breaches of acceptable behaviour. It may require the immediate suspension of the student under **Section 2** and includes for example:

- Violent, threatening or intimidatory behaviour (including the carrying of weapons both real and imitation and whether or not they have been used or their use has been threatened)
- Harassment or bullying (physical or verbal, including by electronic means e.g. text messages, email, social networking sites, taking or distributing photos/videos without the subject's permission).
- Discriminatory behaviour, or language, which would be in breach of the college Single Equality Scheme which ensures safety for all learners with protected characteristics under the terms of the Equalities Act
- Possession of, or dealing in, illegal substances
- Being under the influence of alcohol/drugs
- Vandalism, on or off College premises
- Theft
- Viewing of, or sharing of, Illegal/offensive websites
- Any activity, criminal or otherwise, which has brought, or may, in the opinion of the Senior Management Team bring the College into disrepute (irrespective of whether it takes place on College property or in College time)
- Cheating in examinations and/or any form of plagiarism or falsifying of evidence

NB: This list is not exhaustive and the College reserves the right to make the decision about whether or not any action constitutes Gross Misconduct

## **1:6 LEARNERS WITH SUPPORT NEEDS:**

The expectation for standards of behaviour to be adhered to is the same for all learners; however, the college recognises that there may be some instances where students with additional learning needs, or learning difficulties and/or disabilities require consideration on a case by case basis to ensure that reasonable adjustment is made.

At every stage of the disciplinary process all staff must be conscious of the needs of students who may be disadvantaged by a process which relies on written communication and formal interviews and for those whose disability manifests itself in inappropriate behaviour.

Staff must consider the individual needs of such students and adapt the process with advice from the Head of Faculty for Foundations, Maths, English Community and ALS in order to ensure that they are treated fairly and equitably. Adaptations may include:

- adapting the language in any written communication
- providing any written communication in alternative formats or languages
- providing additional advice to ensure that the student understands every stage of the process

- providing interpretation services at any disciplinary interview or hearings
- Taking into consideration the student's ability to understand the College code of conduct and the degree to which the student has been supported to understand and follow it. This may be particularly relevant in cases involving students with learning difficulties, who may in a minority of cases need support in ensuring that they are able to follow the College Code of Conduct

If a member of staff has a learner with learning difficulties and/or disabilities and is unsure of how best to proceed, or unaware of strategies to deal with the behaviour presented because of the disability, then guidance can be sought from the Head of Faculty for Foundations, Maths, English Community and ALS. The learning support team have a number of specialist tutors who can offer detailed advice on dealing with disabilities in the classroom.

### **1:7 WIDER SUPPORT FOR LEARNERS:**

The **most important factor** in improving student behaviour is the effective use of informal intervention to challenge less serious breaches of the Code of Conduct, and low-level disruption. When students are consistently and effectively challenged in the right way the need to use the later steps of this process will be minimised. All College staff have a responsibility to challenge inappropriate behaviour. Correct application of the Disciplinary Policy should support retention, improve learner behaviour and reinforce the high standards and expectations that we have of learners at all times.

Learners will sign the code of conduct, and posters will be displayed in classrooms so that they are very clear about what is expected from them.

It is important when initiating the disciplinary process to ascertain whether or not there are any other factors influencing the learner that could be an underlying cause of the breaches of conduct. Issues like:

- Problems at home/outside College
- Difficulty with understanding the work in class that can cause feelings of failure
- Problems with peers e.g. bullying/harassment both in person and online
- Hidden, or undiagnosed disabilities e.g. Attention Deficit Hyperactivity Disorder; mental health problems; dyslexia
- Drug/alcohol problems
- Issues that require the intervention of the Safeguarding team

If at any point it is disclosed that the learner and/or the family have involvement from external agencies such as Social Care, Mental Health services, YOT, Probation etc. or if a learner is Looked After (in care) Leaving Care or a Young Adult Carer, this must be raised with the Head of Safeguarding and Personal Development for advice on how to identify the right support for that learner. If a learner discloses a disability then this must be raised with Head of Faculty for Foundations, Maths, English Community and ALS. Often, once an issue has been identified and support put in place, the unwanted behaviour diminishes.

Where there are a number of learners in a group displaying unwanted behaviour support with behaviour management strategies at group level can be sought from the Head of Faculty for Foundations, Learning Support, English and Maths and Sport and Leisure (HoF F, LS, E+ M, S+L), CPD can be arranged, or bespoke support where needed can also be arranged.

## **1:8 MONITORING AND REPORTING**

All types of disciplinary incident where there has been a breach of acceptable behaviour will be recorded on Pro Monitor creating a central database. Disciplinary will be reported to SLT and the Board of Governors annually.

## **SECTION TWO**

### **2:1 PROCESS:**

To ensure effective implementation of the Disciplinary process it is essential that all staff follow the correct processes and procedures at each stage of the process.

The Head of Safeguarding and Prevent, and the Head of Faculty for Foundations, Maths, English Community and ALS have the overview of the entire process and can be consulted at any stage if there is any confusion about how the processes should be applied.

The Learning Mentor will play a key role in supporting the disciplinary process, particularly in the informal stages, but a member of the vocational team should always be involved, and English and Maths staff where necessary.

At each stage of the disciplinary process checks **must** be made with Learning Support to see if a learner has an identified learning difficulty and/or disability so that support can be offered either in the meetings or with the interventions identified.

### **STAGES OF THE DISCIPLINARY PROCESS:**

- Cause for Concern
- Stage One
- Stage Two
- Stage Three
- Stage Four

\*Please note any inappropriate behaviour can be dealt with at any stage. The disciplinary process does not have to start at a cause for concern and work through the stages. If the behaviour warrants it can move straight to stage one, two or three and if the behaviour constitutes Gross Misconduct then the process begins at stage four, often with a suspension. If in doubt as to the stage needed please contact either the Head of Safeguarding and Personal Development or the HoF Learning support for further guidance. A learner can have more than one disciplinary process running. For example, a learner on a stage three for a serious breach requires action for poor attendance. These can be dealt with separately rather than escalating to a stage four.

### **FAILURE TO ATTEND A DISCIPLINARY MEETING:**

- At any stage failure to attend will result in a second meeting being arranged at the next level
- Failure to attend a stage four disciplinary will result in the hearing being held and a decision made about the incident in the absence of the learner. This may include a decision to exclude.

## **CAUSE FOR CONCERN:**

Where there has been low level breach of the Code of Conduct, as outlined in section one, the first stage of the process is to issue a Cause for Concern. Anyone can issue a Cause for Concern.

- The member of staff dealing with the learner will tell them that the behaviour is unacceptable and that they are issuing a Cause for Concern and this will be sent to their personal tutor and vocational team
- A cause for concern pro forma can be found on Pro Monitor under 'meetings' and should be recorded on the learner profile and should be marked 'FAO all staff'
- An informal discussion should be held with the learner explaining why the Cause for Concern has been issued, checking that the behaviour was dealt with and where appropriate will issue clear guidance for improvement. If needed, an action plan with SMART targets to improve will be issued (see AT RISK guidance for examples) arrangements made for any intervention to support this. This will also be recorded on Pro Monitor
- A learner may receive up to three Cause for Concerns before the matter is escalated to a formal Stage One Disciplinary
- The Cause for Concern stage is an opportunity to begin dialogue with a learner and engage them in seeing why the behaviour is inappropriate; ensuring that they understand support is available if they need it, and encouraging them to take responsibility for their actions. The following restorative questioning technique will support this:
  - Tell me about it
  - What were you thinking about at the time
  - What have you thought about it since
  - Who was affected and how were they affected
  - What are you going to do to put this right
  - How are we going to fix it
- This approach can be used at all levels

## **STAGE ONE DISCIPLINARY:**

- A Stage 1 disciplinary meeting should be held with the learner. This will be dealt with by the subject tutor, involving the personal tutor, where appropriate. The member of staff will state what the issue is, and will hear what the learner has to say. A check should be made to ascertain whether or not the learner has a learning difficulty and/ or disability, and whether or not a representative from Learning Support would be needed at the meeting. Also, checks should be made to see if there are any other influencing factors outlined in Sections 1. If it is agreed that sanctions are required then the learner should be issued with a **verbal warning** and an action plan with SMART targets to improve. This should be recorded on Pro Monitor under 'meetings'.
- A letter should be sent to the learner and parents confirming the verbal warning and should include a copy of the action plan.
- All documentation should then be uploaded to Pro Monitor.
- The subject tutor should monitor the actions within any agreed timescales and report back to the Personal Tutor
- If, when the SMART targets are reviewed, there is still no improvement, or a further recurrence of misconduct, a referral should be made for a **Stage 2** disciplinary.

## **STAGE TWO DISCIPLINARY:**

- A Stage 2 disciplinary is a formal interview will be held with the learner, Team Leader and the subject and/or personal tutor to hear what the learner has to say. A check should be made to ascertain whether or not the learner has a learning difficulty and/ or disability, and whether or not a representative from Learning Services would be needed at the meeting. Also, checks should be made to see if there are any other influencing factors outlined in Sections 1. The parents/ guardian or representative for 16-18 learners should be invited. If it is agreed that sanctions are required the learner should be issued with a **written warning** and an action plan with SMART targets to improve.
- A letter should be sent to the learner and parents confirming the written warning and should include a copy of the action plan.
- All documentation should then be recorded on Pro Monitor under 'meetings' by the Team Leader
- The Personal Tutor should monitor the actions within any agreed timescales and report back to the Team Leader.
- If, when the SMART targets are reviewed, there is still no improvement, or further recurrence of misconduct, a referral should be made for a **Stage 3** disciplinary.

## **STAGE THREE DISCIPLINARY:**

Once a learner reaches stage 3 of the process the Deputy Head of Faculty and Personal Tutor should be involved to ensure that at this stage we have consistency of approach, particularly in defining the boundary between a stage three and stage four.

- A Stage 3 disciplinary is a formal interview held with the learner. This will be dealt with by the Deputy Head of Faculty and the Personal Tutor to hear what the learner has to say. A check should be made to ascertain whether or not the learner has a learning difficulty and/ or disability, and whether or not a representative from Learning Services would be needed at the meeting. Also, checks should be made to see if there are any other influencing factors outlined in Sections 1. The parents/guardian or representative for 16-18 learners should be invited. If it is agreed that sanctions are required then the learner should be issued with a **written warning** and an action plan with SMART targets to improve as identified by the Personal Tutor and the Deputy Head of Faculty. This, and the meeting notes, should be recorded on Pro Monitor and a letter containing the written warning and the expectations sent to parents for all 16-18 learners. All documentation should be recorded on Pro Monitor by the Deputy Head of Faculty
- A letter should be sent to the learner and parents confirming the written warning and should include a copy of the action plan.
- The Personal Tutor should monitor the actions within any agreed timescales and report back to the DHoF
- If, when the SMART targets are reviewed, there is still no improvement a referral should be made for a **Stage 4** disciplinary.

NB: Letters to parents and learners through each of stages 1-3 would normally be arranged through Curriculum Admin.

## **STAGE FOUR DISCIPLINARY:**

- If the decision is taken to escalate to a stage 4 the hearing must be held by the Head of Safeguarding and Personal Development, and the Head of Faculty, or a nominated representative. Parents/guardians or representatives for 16-18 learners should be invited. A check should be made to ascertain whether or not the learner has a learning difficulty and/or disability, and whether or not a representative from Learning Support would be needed at the meeting. Also, checks should be made to see if there are any other influencing factors outlined in Sections 1. Depending on the outcome of the meeting the learner may be permanently excluded, or given a further Final Written Warning with very tight SMART targets to improve or removal from class and referral to the PLC for completion.
- The Personalised Learning Centre (PLC) offers learners a final chance to complete their studies when they need to be withdrawn from the main programme following the disciplinary process. The decision to offer completion in the PLC is entirely at the discretion of the Chair of the stage four meeting.
- Corporate Support will arrange for letters to go to learners and parents with details of the final outcome of the stage four process
- If the learner is allowed back into college with a SMART action plan this will be monitored and reviewed by the Personal Tutor and reported back to the Deputy Head of Faculty
- If when the targets are reviewed there is still no improvement the matter should be referred back to the Chair of the disciplinary meeting for a decision regarding whether or not the learner should continue in college.

### **Gross Misconduct:**

**Gross misconduct** refers to the most serious breaches of acceptable behaviour. It may require the immediate suspension of the student.

**A learner can only be suspended by a Head of Division, the Head of Safeguarding and Prevent, the Head of Faculty for Foundations, Maths, English Community and ALS, or a member of the Senior Leadership Team**

In cases where it is alleged that gross misconduct has occurred or where further misconduct occurs after a second written warning has been given to a learner, a stage four disciplinary may be requested. An investigation should be carried out at this point to gather evidence to support a stage four disciplinary, or Gross Misconduct hearing.

### **INVESTIGATION:**

The person requesting the stage four/Gross Misconduct should act as the Investigating Officer (IO) and complete their investigation. This must be done in the shortest possible time, particularly where a learner has been suspended. The IO will produce a pack of material to be passed to the member of staff Chairing the meeting using the Appendix form.

Once all the evidence has been gathered this should be passed to Corporate Support who will forward the appropriate documentation to the Chair for consideration. If a formal hearing is required Corporate Support will make the necessary arrangements for the hearing including contacting the learner. (**Please note hearings will not be set up without a full evidence pack.**)

The learner will be given written notice of the interview by Corporate Support stating:

- The nature of the conduct complained of and a summary of the evidence for the complaint
- The learner's entitlement to be accompanied by a friend, learner representative or relative. In the case of 16-18 learners the parent/carer will be notified and invited
- Confirmation of the time and place of the interview; and that, because of the nature of the misconduct alleged or because a formal written warning has already been given, it may be recommended that he/she may be excluded or formally suspended from the college as a result
- Corporate Support will make arrangements for the hearing to be recorded formally by a third party.
- The Chair will repeat the allegations made against the learner and give the learner the opportunity to speak about what occurred.
- The learner will be given the opportunity to state his/her case and may call witnesses, who may be questioned by the learner [or representative], the member of staff, and the Chair.
- The case will be summarised. In certain cases the interview may have to be adjourned and reconvened in order to seek further evidence or clarification. Having considered all the evidence, the Chair will decide the course of action to be taken. If the learner is found guilty of Gross Misconduct or if no improvement in behaviour has been made following a final warning he / she will normally be excluded from college
- If a decision can be made immediately the Chair will ask the learner and representative to withdraw to confer with colleagues and arrive at a decision.
- The Chair will recall both parties and inform them of his/her decision.
- If a longer period of time is required to arrive at a decision the learner and representative will be advised and the Chair will confirm the decision within five working days.
- If Gross Misconduct is proven, or no improvement on the behaviour that precipitated the stage four disciplinary, the Chair has the option to exclude the learner from the college or, if appropriate, apply a Final Written Warning.

Written notice of this decision and of the learner's right of appeal must be given to the learner within five working days of the decision.

## Disciplinary Process – summary of who to involve:

Any inappropriate behaviour can be dealt with at any stage. The disciplinary process does not have to start at a cause for concern and work through the stages and should be dependent upon the behaviour or incident identified.

### Cause for Concern

(Informal)

Recorded on Pro Monitor with SMART targets to improve by the person issuing the cause for concern. No more than three Cause for Concern to be issued without escalating to stage one.

If no improvement

### Stage One

Subject Tutor and Learning Mentor (where appropriate)

(Sanction = Verbal Warning)

Recorded on Pro Monitor with SMART targets to improve. Monitored by the Subject Tutor. No more than one Stage One to be issued in any subject and no more than two across the vocational programme.

If no improvement

### Stage Two

Learning Mentor and Team Leader (Sanction = Written Warning - letter to parents)

Recorded on Pro Monitor with SMART targets to improve. Monitored by the Learning Mentor reporting to the Team Leader. No more than one Stage Two to be issued.

If no improvement

### Stage Three

Learning Mentor with DHoD & parent/carer (Sanction = Written Warning - letter to parents)

Recorded on Pro Monitor with SMART targets to improve. Monitored by the Personal Tutor reporting to the DHoF. No more than one Stage Three to be issued.

If no improvement or Gross Misconduct

### Stage Four

HoD with the Head of Safeguarding and Prevent (Chair) (Sanction - Final Written Warning, Dismissal or PLC, No action - letter to parents)

\*Gross misconduct = immediate stage four. If suspension is needed - this should be agreed by specified staff

Recorded on Pro Monitor and in Corporate Support. Note on Pro Solution regarding re-enrolment for subsequent years.

## **SECTION THREE:**

### **3.1 Appeals: Appeal against Recommendation**

The learner will have the right of appeal to the Vice Principal Curriculum and Quality against any formal exclusion. Notice of appeal must be sent within seven working days of receipt of the recommendation.

The appeal must give **brief particulars of the grounds for appeal**.

If a notice of appeal is lodged within the time allowed, an appeal interview with the Vice Principal will be arranged to take place with 21 working days of the notice of appeal being lodged. The learner will be given at least 5 working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, learner representative or relative. Any documents considered at the third stage interview will be available prior to the appeal, together with the notes of the third stage interview.

At the appeal interview, the learner will be invited to explain the grounds of the appeal and to state his or her case.

The Vice Principal may ask questions of the learner and the member of staff to ascertain that process has been followed and that the decision reached was reasonable. She will then consider whether to allow or dismiss the appeal.

If the appeal is allowed, the Vice Principal may decide that disciplinary action lesser than that recommended by the member of staff should be taken, including a shorter period of suspension. The Vice Principal may also revoke all disciplinary outcomes.

If the appeal is dismissed the Vice Principal may not impose any greater sanction against the learner than that recommended by the Chair

Within five working days of the appeal interview, the final decision by the Vice Principal will be confirmed in writing to the learner.

If the learner is dissatisfied with the outcome of the disciplinary procedure and believes they may have been wrongly treated, and the college has exhausted all avenues of the disciplinary procedure, then the learner has a right of appeal to either The Education Funding Agency or the Skills Funding Agency under their complaints procedure.

# Accrington and Rossendale College

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You have the *right* to a safe environment  
You have a *responsibility* to follow safety rules

You have the *right* to voice your opinion  
You have a *responsibility* to respect the opinion of others

You have the *right* to be treated fairly  
You have a *responsibility* to treat others fairly

You have the *right* to be treated with respect  
You have a *responsibility* to treat staff and other students with respect

You have the *right* to receive a high quality education  
You have a *responsibility* to do your best

# *Prepared for learning, prepared for work*

## *College Code of Conduct*

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*We expect you to:*

- ❖ Understand British Values and treat all staff, students and visitors with respect at all times
- ❖ Always use appropriate language
- ❖ Always wear visible ID –Take responsibility for your badge and wear it around your neck so that the lanyard can be seen
- ❖ Attend all sessions, including English, Maths and Tutorial, on time and report any absence to your Personal Tutor
- ❖ Do your best and at all times aim higher – be the best you can be
- ❖ Take advantage of all the support that is available to you at college to get the best possible outcomes
- ❖ Make sure that you always arrive to all sessions prepared to learn – bring pens and paper
- ❖ Make sure that you always have any specialist equipment – PPE, uniforms or tools of your trade
- ❖ Always be aware of health and safety – your own and others
- ❖ Complete all set homework and all assignments on time
- ❖ Make sure that you have a good work placement arranged
- ❖ Only bring water into classrooms – no other food or drink
- ❖ Turn off your mobile phone in class unless the tutor asks you to use it for learning
- ❖ Turn off any music players in class
- ❖ Follow the college acceptable use policy when using any form of IT
- ❖ Report any bullying, harassment, discrimination or failure to uphold British Values to your personal tutor, any member of staff or by emailing [safe@accross.ac.uk](mailto:safe@accross.ac.uk)

**I have read the above and agree to follow the College Code of Conduct**

Print Name .....

Signed.....

Date.....

Course.....

**Appendix 2 – Proforma for evidence for Stage Four Meetings or Gross misconduct Hearings**

**Full student details – name, date of birth, learner reference number**

Name:

Date of Birth:

Learner Reference Number:

Course:

Faculty:

**A detailed incident report (date, time, details of any other learners involvement and disciplinary action**

**All written statements from appropriate people regarding the incident**

**Reference to CCTV footage if available or any other evidence**

**Any other relevant information that needs to be considered** Eg. Attendance, punctuality, progress, attitude to learning and reference to disciplinary

**Confirmation that Learning Support have been contacted, and if the learner has additional need full information from the Learning Support team has been included**