

Policy Review

This policy will be reviewed in full annually

The policy was last reviewed and agreed by Adam Russell, Head of Quality on 18th July 2018.

It is due for review in August 2019

Aim of Policy

The aim of our disciplinary policies is to:

1. To ensure the Academy is a safe learning environment for all learners free of, any incidents which involve breaking the law, including all drug related incidents; any behaviour which involves bullying or harassment of any form and where all learners can learn, achieve and succeed.
2. Provide learners with ample opportunity to learn from their mistakes while still preserving the environment where they and all other learners can learn, achieve and succeed.

Discipline as it applies to admissions

When learners are dealing with any member of staff, we expect them to behave respectfully and appropriately. This is doubly true when we are enrolling them in courses and helping them get support or funding.

With that in mind, Admissions reserves the right to refuse service to anyone. This means certain behaviours are considered unacceptable during the admissions process:

- Verbally assaulting tutor or learners, including negative, dismissive, and threatening attitude and behaviour towards staff
- Failure to arrange for payment for course on time and before the course start date
- Lateness or failure in submitting and signing required admissions documents/forms
- Failure to attend admission interviews.

Any of the above behaviours may result in admissions refusing to help the learners, and their enrolment being cancelled.

Discipline as it applies to enrolled learners

The Academy has a zero tolerance to all incidents which involve breaking the law, bullying or harassment or any other behaviour that results in any learner being unable to learn or progress on their course, or a member of staff carrying out their role. Any such incident will be dealt with in line with our disciplinary process. Any incident of this nature will result in immediate removal and expulsion from the Academy. We also reserve the right to contact an external agency such as the Police in severe cases.

All students will be on a probationary period for the first 42 days of a course. During this period students can be excluded immediately without consulting our levels of misconduct framework. We reserve the right to remove students on the grounds of poor behaviour which can be judged on tutor discretion, not meeting assignment deadlines or standards and attendance and punctuality below 95%.

Escalation and Levels of Misconduct

Escalation is the point at which we have no choice but to take disciplinary action on a learner at the next higher level.

Not all offenses are equal in severity. There are different levels of misconduct, each of which will bring a learner.

In all cases of misconduct the Academy reserves the right to use its discretion if an activity is deemed serious to automatically suspend or withdraw a learner pending a disciplinary hearing.

Examples of Each Level of Misconduct

1. Minor Misconduct

The first level of misconduct encompasses minor cases of misbehaviour. The urgency of escalating these minor misbehaviours depends on the level of disruptiveness the behaviour causes the learner or the class.

In all cases of misconduct the Academy reserves the right to use its discretion if an activity is deemed serious to automatically suspend a learner pending a disciplinary hearing.

Minor Examples

(Having 2 or more would be sufficient to escalate to Stage 1 Disciplinary Action)

- Persistent class disruption (verbal or behaviour)
- Consistent lateness (more than 12 late markings)
- Caught sleeping in class more than once
- Speaking or texting on telephone during a class lecture
- Using social networking sites in class time,
- Repeatedly not wearing ID badge,
- Verbal dispute between learners

Urgent Examples

(Having 1 of these would be sufficient to escalate to Stage 1 Disciplinary Action)

- Repeated informal verbal warnings over minor reasons have been ignored
- Excessive absences without prior discussion with tutor (triggers at less than 90% for a quarter, or 5+ total absences for the entire course)
- Undermining tutor in front of class

2. Serious Misconduct

(Sufficient to escalate straight to Stage 2 Disciplinary Action)

- Repeat offence after Stage 1 disciplinary action
- verbally assaulting tutor or learners, including negative, dismissive, and threatening attitude and behaviour towards staff
- Minor vandalism or causing minor damage of College or others' property
- misuse of College pass

3. Gross Misconduct

(Sufficient to escalate straight to Stage 3 Disciplinary Action)

- Repeat offence after Stage 2 disciplinary action
- Outright Theft
- Major vandalism or causing major damage to College or others' property
- Fighting or bullying any learner or member of staff

4. Dangerous Misconduct

(Sufficient to escalate straight to Stage 3 Disciplinary Action, as well as possible Suspension Pending Disciplinary Hearing)

- Repeat offence after Stage 3 disciplinary action
- Aggravated assault of any learner or member of staff
- Bringing a gun or offensive weapon to school
- Illegal drug use
- Drug dealing
- Any activity which would result in a student getting arrested

Suspension Pending Disciplinary Hearing

A learner may only be suspended by the Head of Quality. In cases of dangerous misconduct or persistent gross misconduct, a learner may be suspended immediately pending the disciplinary hearing. A learner must be communicating to both orally and this communication will be confirmed in writing. When a learner under the age of 18, or deemed to be a vulnerable adult, has been suspended, a parent or carer should be informed by telephone, unless this is deemed to put the learner at risk under safeguarding criteria. The maximum a learner can be suspended for is seven lessons.

Please note that if a police investigation is being undertaken it may not be possible to follow the above procedures or timescales.

Informal Disciplinary Procedure

Tutors are expected to manage and deal with minor misbehaviour as part of classroom management strategies. The process to be followed in these cases is:

- Tutor speaks with learner
- Tutor carries out a learner review and sets targets for improved behaviour/attendance

The Formal Disciplinary Process

Stage 1 - Official verbal warning given to learner

Where the misbehaviour has been minor, the learner is reminded of the Academy's Learner Charter and Code of Conduct. If the misbehaviour persists the learner will receive a formal written warning letter.

Stage 2 – Support meeting and written warning

Where a formal written warning letter has been issued and the misbehaviour continues, the learner will be required to attend a meeting with the Learner Support Coordinator. Following the meeting, in most cases the learner will receive a written statement outlining the misbehaviour and the consequences for further misbehaviour. This statement will also contain the length of time the behaviour will be monitored.

Content for Written Warnings

The purpose of these warnings is to show the learner that we are taking the misconduct seriously and show them the consequences of their actions, while giving them fair warning before carrying out more serious disciplinary action.

Contents should include:

- The date and a brief description of the behaviour which led to the contract should be added, including any previous attempts to address the behaviour. If none of these statements are relevant because the seriousness of the behaviour warranted the procedure being invoked urgently or at a higher level, do not use them.
- A warning that further behaviour will lead to escalation.

The warning letter should be signed and dated by both the learner and the tutor upon delivery. One copy should be given to the learner, and another copy will go in the tutor's file for that course cohort.

If the misbehaviour is repeated, further disciplinary action will follow.

Stage 3 – Investigation and Disciplinary Hearing

Where a learner has breached the conditions of Stage 2, and/or has acted in a way that constitutes serious misconduct s/he will be required to attend a disciplinary hearing with the Head of Quality. The Head of Quality will appoint a representative to conduct an investigation into the serious misconduct.

The investigation should include

- Speaking to those involved and taking statements from witnesses
- Speaking to members of staff who recommended the suspension of the learner
- Collating the evidence together in preparation of the meeting

The learner will be informed of the

- Date, time and place of the disciplinary hearing
- Details of the misconduct
- Purpose of the hearing
- Evidence collected as a result of the investigation*
- Right of the learner to be accompanied by a friend or relative**

*The learner must be presented with the evidence prior to the hearing taking place

**The supporting friend or relative should help the learner prepare for the hearing, and ensure the learner understands the procedure. The supporting person must not speak for the learner, but is able to make contributions to the hearing.

The Hearing

Where possible the person investigating the hearing will attend the hearing and begin the procedure by outlining the incident and providing any evidence in support.

The learner will be entitled to speak, stating his or her case and presenting any mitigating factors.

After everything has been heard and no material facts are disputed; and there is no new evidence presented, the Chair will issue a decision either to:

- Permanently exclude the learner
- Suspend the learner for a specific fixed term
- Issue a learner contract
- Take no further action

The learner will receive notice of the decision within seven working days.

Appeal

The learner will have a right to appeal the decision. Notice of appeal must be made in writing within five days and addressed to the Head of Academy. The appeal will be heard within fifteen working days, with the learner receiving at seven working days' notice of the time and place of the appeal interview. The learner will be entitled to be accompanied by a friend or relative. The decision of the appeal will be confirmed in writing to the learner within seven working days.

In the event of a failed appeal, multiple appeals will not be allowed.