



Learner Discipline Policy



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Title:

Dyddiad Cyhoeddi:
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Adolygu a Chymeradwyo / Review and Approval

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1 PURPOSE

- To generate a positive approach to the establishment and maintenance of the **Learner Code of Conduct**. (*Appendix A1*) and to foster an ethos which supports the development of the personal, social and learning skills of all learners.
- To encourage positive and cooperative behaviour and attitudes in all learners.
- To provide clear guidelines to staff, learners, parents, carers and employers on the disciplinary procedures to be adopted when the Code of Conduct is not adhered to.

2 POLICY STATEMENT

The Learner Discipline Policy forms part of a group of related policies (*Appendix A2*) which set out:

- What the learner can expect from the College (Contract).
- Action to be taken in the event of a breach of Learner Entitlements (the **Complaints Procedure**).
- What the College expects of its learners (the **Code of Conduct**).
- The action to be taken in the event of a breach of the Code of Conduct (the **Learner Discipline Policy**).

3 IMPLEMENTATION

This policy applies to all learners across all funding streams and therefore the implementation of this policy will need to take into account:

- Current legislation.
- The role of parents/carers/employers.
- The age and other factors and circumstances relating to the learner.
- The involvement of learners in production and implementation of the policy.
- Our equality duties as a public body (for example considering disabilities or emotional/learning difficulties or social circumstances which may affect learners' behaviour and cultural differences that may impact on understanding and compliance).

Each case must be considered on its own merits.

The College is committed to providing a fair and just hearing for all learners. As part of the contracted arrangement made at the point of joining the College, learners (and, where appropriate, parents, carers and employers) will be directed to the Learner Contract and the Code of Conduct. This information, along with an overview of the Learner Disciplinary Procedures, is available on the College website and Learner Intranet and will form part of Induction guidance.

The behaviour of a learner whilst studying at college forms part of their learner record and is held as such. The scope of the policy also includes inappropriate behaviour on College transport, in the environs of any college site or whilst on external visits and activities. Information relating to disciplinary actions may be disclosed to parents, employers (prospective or existing), support agencies, where appropriate, or in the form of a reference where requested to appropriate organisations. In the case

of more serious offences, the college will fully cooperate with the relevant authorities. The sharing of this information will always be in line with any UK data sharing protocols or laws.

14-16 year old learners may be attending the college on either full time courses or as part of school links courses. Aspects of this policy do apply to these learners, and the learners are included in this Disciplinary Policy, however, the local authority and/or the school must be contacted at the outset to ensure that they engage with the process. Following discussion with the local authority and/or school if a different course of action is agreed, this needs to be fully documented and included on the learner record where appropriate.

4 PROCEDURES

The procedure is designed to be sequential, however, stages may be omitted if it is felt that the learner misbehaviour is serious enough to warrant missing stages. If an incident is considered to be serious misconduct then the process must be started at Stage 4.

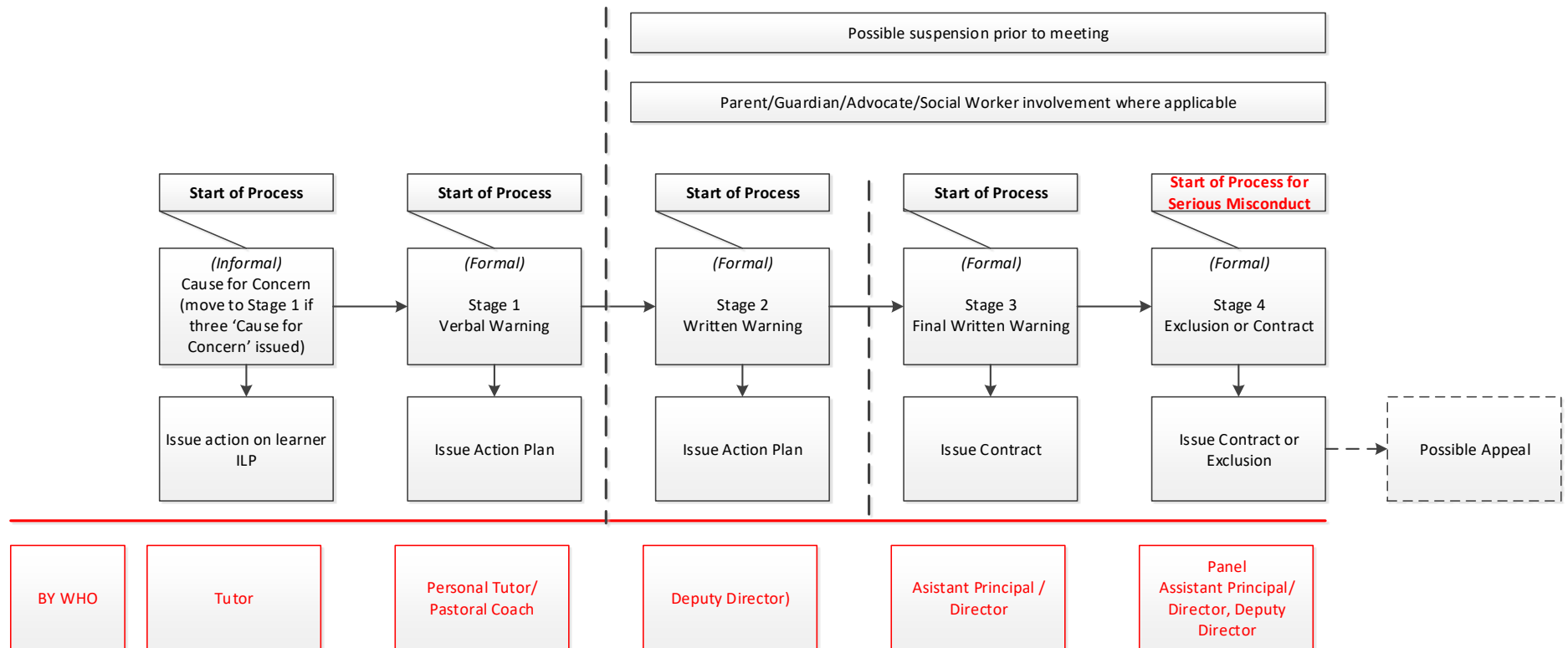
It is impossible, given the wide and varied nature of our learner body, to fully define or grade degrees of misbehaviour which can be classified as serious misconduct. Any behaviour, including bullying of any kind, which puts the health and safety of other college users at risk will take precedence over other duties or responsibilities. Any learner whose behaviour outside the college constitutes a serious offence and is seen to bring the college into disrepute or, could be interpreted as a danger to others, may be suspended until actions by external organisations are complete.

Decisions made by the college will be based on information available to the college managers in the disciplinary meetings and may not reflect decisions made by outside agencies (e.g. Police). Managers will take account of breaches of the college code of conduct and any previous disciplinary action incurred by the learner.

5 STAGES IN THE DISCIPLINARY PROCEDURE (except in cases of serious misconduct – see section 5.5)

The attached flowchart may be of use in visualising the stages.

LEARNER DISCIPLINARY PROCESS



5.1 POOR/UNACCEPTABLE BEHAVIOUR

As a matter of policy, other than for incidents of serious misconduct, which are dealt with in section 5.5, each learner is normally entitled to go through each stage of the procedure in sequence. These stages relate more usually to the persistence of poor/unacceptable behaviour. However, there may be occasions when the nature of the poor/unacceptable behaviour results in an appropriate written warning being given although it may be the first time such behaviour has been exhibited. There is no requirement to move through each stage and if warranted a learner can enter the process at any stage.

There are normally four stages:

- *Verbal Warning*
- *Written Warning*
- *Final Written Warning/Contract*
- *Exclusion (one of the penalties available to the Disciplinary Panel, see section 6)*

The stages apply in cases other than serious misconduct where a Disciplinary Panel is immediately convened and the learner may be suspended from College on a temporary basis pending the meeting of this Disciplinary Panel (see section 6). It is not necessarily intended that these procedures be brought into play at the first demonstrations of poor behaviour and/or performance. All staff who come into contact with learners are expected to go through the usual 'Cause for Concern' logged on the EBS On-Track as a concern in an effort to bring about an improvement in behaviour and/or performance. If these efforts fail after repeated attempts, then the procedures outlined overleaf can be followed as appropriate.

The appropriate Deputy Director will be kept informed at every stage of the disciplinary procedure when a learner from their area is involved. The Assistant Principal/ Director will be informed immediately if a learner is suspended from the College or if any incidents occur which could be construed as serious misconduct.

Each stage in the process, other than where a learner is excluded, is to be accompanied by a learner action plan in order to encourage the learner to improve performance/behaviour. This is to be monitored by their Personal Tutor/ Pastoral Coach.

It may be appropriate, in the case of learners with emotional and/or behavioural difficulties, to apply the concept of 'Time Out.' This is **not** intended as time out from College, but the removal of the learner from the situation or circumstance which is causing or precipitating the behaviour to a place where they can discuss/express their frustration and be facilitated to calm down and subsequently rejoin their studies. The use of 'Time Out' should not be deployed for long periods without regular review by the Personal Tutor/ Pastoral Coach and other appropriate staff.

It should be noted that, when a learner may be issued with a first or final written warning/contract, they are required to attend a **Disciplinary Meeting** to discuss their behaviour. This should not be confused with the final stage of the disciplinary procedure which is a **Disciplinary Panel**, an outcome of which may be the exclusion of the learner.

A Disciplinary Meeting is held by the appropriate Deputy Director for first written warnings or the Assistant Principal/ Director for final written warnings/contract. The

learner is informed of the actions being taken under the Learner Disciplinary Policy, e.g. first written warning, and is required to agree an action plan.

A learner will normally be advised in writing of the date, time and location of the Disciplinary Meeting. Reasonable attempts will be made to reorganise the meeting should the learner be unable to attend but if the learner continues to avoid attendance at the Disciplinary Meeting the meeting can take place in their absence and the next stage of the Learner Discipline Policy will/can be applied.

5.2 STAGE 1 – VERBAL WARNING

- a To be issued to the learner, normally by the Personal Tutor/ Pastoral Coach (or Deputy Director where no Personal Tutor/ Pastoral Coach has been allocated). This should be issued at a private informal meeting.
- b The learner should be made fully aware that this is the first stage of a process and that a time limit applies to improvements in the behaviour under review. The learner will be set actions against which achievement should be monitored.
- c The warning is recorded and the action plan will be retained in the learner's EBS OnTrack records for the duration of the learner's studies at College.

NOTE TO STAGE 1

In some circumstances, more than one verbal warning may be issued before progressing to the next stage, but normally no more than two verbal warnings will be issued. Learners should be given time to modify their behaviour before progressing to Stage 2.

5.3 STAGE 2 – WRITTEN WARNING

If behaviour deteriorates further or if, after reasonable time has been allowed for improvement, the required improvement has not been made a written warning can be issued. A written warning can be issued without a prior verbal warning being given where it is judged the poor/unacceptable behaviour warrants it.

- a. A letter inviting the learner to a disciplinary meeting should be sent by first class post to the learner and to the parents/guardians or carers of under 19 year olds and vulnerable adults. This is subject to permissions under GDPR legislation. The letter should contain details of the meeting which the learner is required to attend:
 - 1) *to discuss the behaviour / incident that has triggered the meeting*
 - 2) *to reach a decision as to the penalty to be imposed*
 - 3) *to discuss an appropriate action plan*
- b. The meeting is run by the appropriate Deputy Director. The warning, if appropriate, should be issued after the disciplinary meeting by the Deputy Director in the presence of the Personal Tutor/ Pastoral Coach if this is deemed appropriate; and in the case of those under 19 or who are classed as vulnerable adults, parent/guardian or carer should they wish to attend. Actions, detailing improvements to be made and timescales will be set at this time and recorded on EBS OnTrack.

5.4 STAGE 3 – Final Written Warning/Contract

- a If, following the issue of the written warning, and allowing a reasonable period for agreed actions to be carried out, a learner fails to make the required improvements, then a contract will normally be given by the Assistant Principal/ Director, in the presence of the Personal Tutor/Pastoral Coach/ Deputy Director. A contract can be issued without a prior verbal warning, or a written warning being given, where it is judged that the poor/unacceptable behaviour warrants it.
- b The procedures are as for 5.2 with the addition that the learner, and others as appropriate, be made aware that failure to meet the requirements of the contract agreed at the Disciplinary Meeting will result in the requirement to attend a Disciplinary Panel and this may result in the learner's exclusion from College.
- c The letter, to be sent by first class post, must contain details of a Disciplinary Meeting which the learner is required to attend:
- 1) *to discuss the failure to meet the required action plan targets*
 - 2) *to reach a decision as to the penalty to be imposed*
 - 3) *to discuss an appropriate action plan/Contract*
- d A checklist for conducting Disciplinary Meetings can be found in Appendix A3.

5.5 SERIOUS MISCONDUCT

- a Examples of serious misconduct include, but are not limited to:
- Being on College premises or attending a College event whilst under the influence of drink or illegal drugs
 - In possession of or caught dealing drugs on College premises
 - Violent behaviour towards staff or another
 - Use of abusive language towards a member of staff or another learner
 - Harassment or bullying towards another learner or member of staff
 - Knowingly plagiarising others work
 - Serious breach of health and safety.
- b In an incident of serious misconduct including such cases where the safety and wellbeing of others on the premises or on College transport or on authorised College activity off site is deemed to be at risk, and where urgent and immediate action is required, the normal stages of the procedure are overridden and the following procedure applies.
- c If deemed necessary and if practicable the learner must be removed immediately from the premises, vehicle or off site venue and given verbal notice of suspension. Suspension can be authorised **only** by an **Assistant Principal/ Director** or other **Senior Manager** and assistance sought if necessary, from security staff, to remove the learner from the premises. In all cases the staff member suspending the learner must notify the relevant Senior Post Holder with site management responsibilities. If the learner is under 18 every effort must be made to make contact with the parents / carer and arrangements made if they need immediate removal from site (subject to GDPR permissions).

Learner Discipline Policy

- d The Assistant Principal/ Director sends a letter **on the day of suspension** to the learner (and a copy to parents/guardians/carers if appropriate) informing them of the reasons for and the terms and conditions of suspension. This letter will also detail the date, time and venue of the disciplinary panel and informing the learner of their rights. The date of the Panel meeting will wherever possible be within 5 to 10 college working days of the incident.
- e It should be noted that suspension is not a disciplinary action but exists purely for the purpose of investigation of the alleged breach of discipline.
- f Guidelines on the conduct of Disciplinary Panels are included in section 6.
- g The learner should normally be informed in writing of the outcome of the panel within two working days, unless there are significant extenuating circumstances.
- h Where the actions of a learner have resulted in police involvement the College may exclude a learner regardless of the outcomes of any criminal proceedings.

6 DISCIPLINARY PANEL

- a In the case of learners previously issued with a final written warning/contract where the required improvements have not been met, or in the case of serious misconduct, a Disciplinary Panel normally follows. The Disciplinary Panel is normally led by an Assistant Principal/ Director.
- b The learner will be advised in writing of the requirement to attend the Disciplinary Panel. Copies of evidence, together with a copy of the Learner Discipline Policy will be included with the letter. The supporting evidence will normally include copies of documentation relating to the previous stages of the disciplinary procedure, e.g. any written warnings, together with any written evidence relating to the panel (e.g. Incident report Form). All correspondence must be sent by first class post.
- c The outcome of this panel could be the temporary or permanent exclusion of the learner from College, or a contract being issued (see section 6.2 - d).

6.1 Guidelines for Disciplinary Panels

- a The member of staff chairing the disciplinary panel (the Assistant Principal / Director) will arrange for a colleague to be present at the panel to act as a witness. A further Admin member of staff will be present to take notes, but not take part in the meeting discussion. At least one of the members of staff present should where practicable be of the same gender as the learner being reviewed. Where the learner has additional needs, appropriate arrangements should be made to ensure these needs are fully met, this may involve Student Services.
- b The learner should be encouraged to have a parent/guardian, carer, advocate or friend present during the panel and that person can make representation during the panel. If the learner does not have someone with them, they should be offered support from a member of the Student Services team.
- c The Assistant Principal/ Director should introduce all staff present to the learner and his/her accompanying colleague and explain the role of everyone. These should be recorded in the notes.

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- d The Assistant Principal/ Director should explain the reason for the panel and should present the College's case against the learner. The supporting evidence will normally include copies of documentation relating to any other stages in the disciplinary process, attendance and performance data, together with any written evidence relating to the panel e.g. police statement. The written evidence will be divulged in full to the learner.

The interviewer should also explain the possible outcomes of the panel i.e.

- no further action
 - 1st or final written warning with Action Plan
 - recommendation of exclusion from college.
- e The Assistant Principal/ Director may feel it appropriate to call witnesses to present evidence in person. In such instances, the learner should be given the opportunity to question witnesses. However, common sense must prevail and confidentiality must always be considered before calling a witness. When considering calling a witness to appear at a Disciplinary Panel, consideration should be given to possible negative repercussions for the witness should the learner who is the subject of the allegations return to the College.
- f The learner should be invited to present his/her version of the case and be given the opportunity to call witnesses if he/she so wishes. The learner must inform the Assistant Principal/ Director in advance of who they are inviting as a witness. The learner is responsible for asking their witness to attend. Again common sense must prevail and the Assistant Principal/ Director must make a judgement on the appropriateness of calling some witnesses (for example where they are the aggrieved party).
- g The Assistant Principal/ Director should consider the evidence they have heard and decide whether or not a breach of the code of conduct has been committed. The learner should normally be informed, in writing, of the outcome of the panel within two working days, unless there are significant extenuating circumstances the suspension will remain in force until the outcome of the panel has been finalised and communicated to the learner.
- h The Disciplinary Panel may go ahead in the learner's absence if they do not respond to the letter or fail to attend for the panel. However, an attempt must be made to contact the learner to ensure there is no reasonable reason why they did not attend.

6.2 Outcomes of the Disciplinary Panel

- a If, as a result of a panel, a decision is made to readmit the learner from an agreed date, all relevant teaching and support staff must be informed. The panel must make a decision on the level of warning issued, if appropriate, and the specific actions the learner must follow.
- b In such circumstances, the learner may be required to sign a 'contract' or Action Plan with the College depending on the severity of the warning and agree to abide by any specific conditions put on his/her return.
- c Parents/carers/employers, as appropriate, will be sent a copy of the contract / action plan by the Director concerned.

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- d If, after exhausting the above procedures or as a result of the panel, the learner's conduct is deemed unsatisfactory then exclusion will normally result. In the event of the Disciplinary Panel recommending exclusion approval of the Principal must be sought prior to exclusion, this approval must be documented. It should be noted that exclusion applies to all College sites and premises, including the use of any non-curricular facilities such as sport or fitness centres, restaurants etc. Any subsequent trespass on college property may result in Police involvement.
- e Appropriate teaching and support staff must be informed of the decision to exclude the learner.
- f The information is to be logged with the Learner Information & Funding Services/ Admin Team Leaders, who will amend the Individual Learner Record (ILR) and on the Learner Disciplinary Database.
- g The learner must be informed in writing. The letter must clarify the reasons for and terms and conditions of exclusion.
- h In the event of exclusion the learner will have the right of appeal to the Senior Post Holder for each Site. A learner who wishes to appeal against exclusion should write to the Assistant Principal/ Director within 5 working days of the notification of exclusion explaining the reasons why the action taken is felt to be unfair or unreasonable, they will then process this appeal to the Principal. The Principal will undertake necessary investigation and discussions and reply to the learner in writing within 2 weeks, this may also result in a meeting being called with the learner during this time to discuss the reasons for the appeal. The learner may be accompanied by a parent / carer / friend/ advocate at this meeting.

7 MONITORING

The Principal will be responsible for the production of regular monitoring reports on disciplinaries to the Senior Management Team and the Governing Body (or relevant sub-committee). Monitoring reports will not name individual learners.

8 ENROLLING ON FUTURE COURSES

If a learner has been excluded from the college they will, at the time of exclusion, be given a timescale which prohibits a return to the college site or enrolment on any college course for a set amount of time. If the learner has chosen to leave the college following a final written warning or contract, enrolment on future courses will require approval of the Director from their previous course.

End.

Coleg Cambria Learner Code of Conduct

CAMBRIA CODE OF CONDUCT

We want you to enjoy your time at college; to be safe, respected by others and to feel valued. Whatever you are doing on or off site, on the bus or at home online, **wherever you are, you are a Cambria student and we expect you to behave in a respectful way to others and the college.**

As a Cambria student I will be:

POLITE AND CARING	RESPECTFUL	EMPLOYABLE	SAFETY AWARE	EAGER TO LEARN	TAKING EVERY OPPORTUNITY
<p>This means I will:</p> <p>Celebrate that people are different and may have different ways of looking at things.</p> <p>Always be polite and friendly to other students, staff and visitors.</p> <p>Consider what others may feel about what I say and do.</p>	<p>Respect our college facilities and equipment.</p> <p>Always use college bins and recycle when I can.</p> <p>Follow college rules.</p> <p>Only smoke or vape in the college's designated areas.</p>	<p>Attend all lessons and be punctual.</p> <p>Bring all the equipment and kit needed for learning.</p> <p>Use polite language (no swearing). This includes on social media networks.</p> <p>Dress appropriately for my course and for learning.</p>	<p>Follow any rules about how to behave in classes and workshops.</p> <p>Switch off my mobile phone (unless otherwise instructed).</p> <p>Not eat or drink (except water, where allowed) in any classrooms and workshops.</p>	<p>Work hard to the best of my ability.</p> <p>Have a motivated and positive attitude.</p> <p>Hand work in on time and follow the strict rules on plagiarism (not copying the work of others).</p>	<p>Strive to be the best. Never settle for 'good enough'.</p> <p>Believe and have confidence in myself.</p> <p>Ask for help when I need it.</p>

I understand that breaking the following rules will result in swift disciplinary action which may mean that I am asked to leave College:

- Do not bring alcohol or illegal substances into college**, or be under the influence of these while in college or taking part in external activities.
- Do not bring knives**, unless required as part of essential equipment for your course, **or anything which could be used as an offensive weapon** into college or on college transport.
- Do not fight, be aggressive, bully, harass, threaten or intimidate others in any way.** This includes the use of social networking sites, emails, texts and phone calls.

Attendance and Punctuality

You should attend all your timetabled sessions. If you know you are going to be absent you should let your Tutor/Programme Area Admin Office know as soon as possible. Leave of absence is not normally given for holidays, family outings, driving lessons or similar activities.

Punctuality for all sessions is essential to help you achieve the most out of College and to reach your full potential/realise your ambitions. Persistent lateness or absence will be monitored and followed through with further action, after discussion with your tutor. Please apologise to the tutor concerned if you are unavoidably delayed for any reason.

Programme Area Office	Deeside / Northop / Llysfasi Number
Access	01244 831531 Ext 4094
Animal Care and Equine Studies	01352 841004
Art & Design	01244 831531 Ext 4024
Business	01244 831531 Ext 4374
Floristry	01352 841004
Health & Social Care	01244 831531 Ext 4665
Horticulture	01352 841004
Catering	01244 831531 Ext 4402
Computing & IT	01244 831531 Ext 4402
Construction	01244 831531 Ext 4225
Engineering	01244 834537
General Education – A Levels/GCSEs	01244 831531 Ext 4374

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Hairdressing & Beauty	01244 831531 Ext 4024
Management	01244 834545
Prospects	01244 831531 Ext 4024
Public Services	01244 831531 Ext 4374
Secretarial & Office Technology	01244 831531 Ext 4402
SILS	01352 841004
Sport	01244 831531 Ext 4374
Travel & Tourism	01244 831531 Ext 4402
Coleg Llysfasi	01978 790263 Ext 2090
Wrexham Training	01978 363033
Wrexham Grove Park – Art Only	01978 316487 or 01978 311794 Ext 4029
Wrexham Grove Park – All areas inc General Education	Gen Ed - 01978 311794 Ext 2061 or Ext 2020
Wrexham Bersham Road	01978 316 411

Disciplinary Procedure

Staff will make you aware of any issues of concern by logging this on EBS On Track. Your personal tutor/ pastoral coach will then help you to plan to resolve any problems and move on. If these efforts fail after repeated attempts, then the disciplinary procedure will be followed.

All learners are normally entitled to go through each stage of the disciplinary procedure (other than for incidents of serious offences). However, there may be times when the nature of behaviour results in a written warning, or even more serious action, even though it may be the first time such behaviour has taken place.

There are normally four stages to the Disciplinary Procedure:

- *Verbal Warning*
- *Written Warning*
- *Final Written Warning / Contract*
- *Disciplinary Panel*

COLLEGE POLICIES AND PROCEDURES RELEVANT TO LEARNER DISCIPLINE POLICY

- Code of Conduct (*Appendix A1*)
- Substance Misuse Policy
- Fitness to Study
- Complaints Procedure
- Assessment, Verification and Moderation Procedures
- Equal Opportunities Policy
- Guidelines for dealing with alleged candidate malpractice arising during official examination tests and assignments
- Plagiarism guidelines

CHECKLIST FOR HANDLING DISCIPLINARY MEETINGS

A disciplinary meeting is held when a learner may be issued with a written warning. For a first written warning, this will be in the presence of the Personal Tutor/ Pastoral Coach and Deputy Director. For a final written warning this will be held in the presence of the Deputy Director and/or Assistant Principal/ Director. The following checklist should be used in each case:

1. Check the facts – have all relevant details to hand.
1. Check previous warnings. Are they for similar offences or breaches? Are they current? (how long?).
3. Retain impartiality and be aware of a requirement for a common standard.
4. Ask learner if he/she wants friend, parent or carer to be present. If offer declined suggest a member of Student Services team be present, record on file outcome of decision.
5. Adopt a positive approach. Regard the warning as a way of changing person's behaviour to an acceptable standard.
6. Allow learner to state his/her case. Adjourn, if necessary to clarify facts/seek advice and to make decision.
7. Issue warning (if appropriate), filling in all details. Cover all points in detail, giving times/dates, if appropriate.
8. Give the paperwork stating the warning to the recipient to read. Once signed, give a copy to the individual concerned and retain a copy on his/her file.
9. If a Final Written Warning/Contract is issued, the learner must be aware that if they fail to adhere to the contract the college can request that they leave.
10. Complete an action plan with the learner which the learner and manager signs as appropriate.