

## Learner Disciplinary & Suspension Procedures



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| <b>Document title</b> | Learner Disciplinary & Suspension Procedures |                |     |
| <b>Reference No.</b>  | LD&SP 18.19                                  | <b>Version</b> | 0.2 |
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| <b>Issue date</b>     | 12.10.18                                     |                |     |

### DOCUMENT CONTROL

| Version | Name        | Comment   | Date     |
|---------|-------------|-----------|----------|
| 0.1     | Alison Dann | New Issue | 30.10.17 |
| 0.2     | Alison Dann | Review    | 12.10.18 |
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## Learner Disciplinary & Suspension Procedures

### LEARNER DISCIPLINARY AND SUSPENSION PROCEDURES

#### 1. INTRODUCTION

- 1.1 B2W expects all learners to behave in a way that demonstrates high standards of personal and group discipline and respect for others. A learner who does not meet the required standards of behaviour makes him/herself liable to disciplinary action, suspension or exclusion in sufficiently serious cases. By signing the Learning Agreement at enrolment learners are agreeing to abide by the Learner Code of Conduct and comply with B2W's rules, regulations and policies, including these procedures.
- 1.2 It is recognised that for minor breaches of discipline, less formal procedures should be followed, whereby a member of staff discusses the matter with the learner to resolve the issue. These instances will be recorded on the e Portfolio as comments and have an outcome e.g.
- Setting of attendance or progress targets
  - Referring on for additional support
  - Notification of concerns to the parents/guardians or carers
- These informal discussions are not the subject of this procedure document but for learners who do not respond to informal discussions or offers of support, this could lead to formal disciplinary action
- 1.3 These procedures are in place to help and encourage learners to achieve and maintain acceptable standards of conduct and to ensure consistent and fair treatment in disciplinary action taken in response to allegations of unacceptable conduct or behaviour.
- 1.4 B2W has the right to manage its reputation and acts carried out by learners that may bring the B2W into disrepute will be reviewed and investigated through the disciplinary process.

#### 2. SCOPE

- 2.1 These procedures apply to full time, part time learners and apprentices when they are at B2W buildings, near B2W or on an B2W organised trip, placement or event. The procedures also apply when behaviour outside of B2W has a detrimental impact on others from the organisation e.g. Cyber bullying.

#### 3. GENERAL PRINCIPLES

- 3.1
- No disciplinary action will be taken against a learner until the circumstances have been investigated but a learner may be suspended whilst the investigation is carried out.
  - A learner will be advised of the reason for the disciplinary meeting.
  - They will hear the evidence against him/her.
  - They will be given opportunity to state his/her case.
  - 16-18 year old learners can be accompanied by a parent/guardian or carer.
  - Parents/guardians or carers will be informed of the outcome by telephone, e - mail or letter at Stages 1 and 2 and by letter at Stage 3.

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- Adult learners (aged 19+) can be accompanied by a friend or relative.
- If a learner fails to attend a disciplinary meeting, the meeting will still take place and a decision made in his/her absence.
- If the disciplinary process results in a warning about unacceptable behaviour, attendance or academic performance, then relevant support will be offered to help him/her reach the required standards. The learner will be expected to engage fully with the support offer.
- For learners linked to primes, any disciplinary action will be taken in conjunction with the relevant partner.
- Learners with a recognised learning difficulty or disability will have this given consideration to during any disciplinary process;
  - At every stage of the disciplinary process, staff should be aware of the needs of learners who may be disadvantaged by a formal and written process.
  - Staff must consider individual needs of such learners and adapt the process, so that everyone is treated fairly and equitably.
- All stages of the formal procedure will be recorded on e-portfolio. Each stage will be recorded as a meeting with a reason and clear targets will be recorded and dated for review. These will be visible to both staff and learners
- The outcomes from stage 1 and stage 2 meetings will normally stay on a learner's record for 1 year. They may be closed if a learner meets the targets set as part of the process but will remain visible should the behaviour be repeated.
- Stage 3 meetings may stay on a learner's record permanently and could impact on the learner's ability to progress or to re-join the B2W at any future point. Where a learner is excluded as the outcome from a stage 3 meeting then they should write a letter to the Head of Quality who will always be required to have an interview before they can access a place at B2W.

### 4. FORMAL WARNING PROCEDURES

- 4.1 Normally procedures will be followed in the order of the stages set out below. However, incidents of a serious nature may be brought into the procedure at any stage. The reasons for the warning, the targets set for improvement, and any time limits will be made available to the learner and kept in the learner's B2W records. Parents/guardians of learners aged 16-18 will be informed of the warning. Other B2W procedures may supersede or be used in conjunction with the Disciplinary Procedure. If this occurs, the learner will be informed about the procedure

### 4.2 FORMAL WARNING PROCEDURES

#### 4.3 Stage 1 – First Formal Meeting

If a learner's behaviour or academic performance does not meet the required standards, the learner will normally be given a First Formal Warning. This could relate to a failure to fulfil a commitment to B2W by, for example, regular lateness, poor attendance, disruptive behaviour, failure to complete and submit work on time, or disrespectful behaviour towards staff or fellow learners.

A first formal warning will normally be issued by a Head of Department.

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### 4.4 Stage 2 – Second Formal Meeting

If a learner who has received a first formal warning fails to meet the set targets, repeats the issues for which they received the first formal warning or departs from the B2W's standards in other aspects of his/her behaviour or academic performance, he/she will normally be given a Second Formal Warning.

A second formal warning will normally be issued by the Head of Quality

### 4.5 Stage 3 – Final Formal Meeting

A Final Formal Warning is extremely serious and will normally be given if:

1. There is no significant improvement in behaviour or no achievement of the targets set at the Second Formal Warning
2. The learner's actions are so serious – Gross Misconduct, for example – that the learner is taken straight to the final stage without having to go through stages 1 and 2.

This will be a formal disciplinary meeting with a Director. The outcome of this meeting will not be given on the day and will be provided in writing to the learner and parent/ guardian of 16-18 year olds.

Learners can be excluded as an outcome from a Final Formal Meeting

### 4.6 Examples of incidents that can lead straight to a Final Formal Meeting

These may include, but are not limited to, the following:

- bullying or harassment including by text, email or social media
- threatening and/or intimidating behaviour, fighting or assault
- foul and abusive language used toward another learner or staff member
- being under the influence of alcohol or drugs
- using alcohol or illegal substances on the B2W site
- endangering the Health and Safety of others
- offensive abuse of I.T. or internet facilities
- discrimination of any kind, including racial, homophobic and disability
- cheating, plagiarism
- forgery and gambling
- being investigated or charged with a serious criminal offence whilst studying at B2W
- failure to disclose a serious offence

## 5 PARENTS / GUARDIANS / CARERS

5.1 The B2W reserves the right to restrict conversations with parents until the scheduled meeting time and date. This is to ensure that events are investigated thoroughly and impartially before the meeting.

5.2 It is expected that parents/guardians and carers support the B2W to raise the expectations for and of the learner, through positive engagement and support for the disciplinary process.

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### 6. EXCLUSION

- 6.1 Should the learner continue to fail to meet the targets, to comply with the conditions set or if there is any further incident, or the incident is deemed serious enough at the Stage 3 meeting, the learner will not be given a further warning but will normally be permanently excluded from B2W. Exclusions will last for the remaining part of the academic year in which they take place. Where a learner has been excluded and wishes to return in a different academic year they should write a letter to a Head of quality will always be required to have an interview before they can access a place at the B2W.
- 6.2 Learners who are progressing within B2W and are subject to a 4 week contract will proceed straight to a final stage 3 meeting or exclusion if they fail to meet the requirements outlined within the contract.

### 7. CONTACT WITH POLICE

- 7.1 Where staff suspect a learner of committing a criminal offence or being involved in criminal activity, the B2W reserve the right to report the matter to the police. The B2W will always comply with its lawful obligation to help investigate alleged criminal activity

### 8. SUSPENSION PROCEDURE

- 8.1 Suspension is a neutral act and does not pre-judge a situation or a learner, there may be some occasions when immediate action is required to remove a learner from B2W premises. Examples of such occasions may include, but are not limited to the following:
- to prevent immediate risk of harm to others or damage to the premises;
  - to prevent interference with evidence of misconduct;
  - as a response to the possession of illegal substances;
  - for serious misuse of internet sites.
  - to ensure individual safety
- 8.2 In such circumstances, the learner may be required to leave the premises immediately. This will be authorised by a Senior Manager who may also involve the police. The learner is not allowed to enter B2W during the period of the suspension and any attempt to enter the B2W during this period will be regarded as a serious breach Of discipline.
- 8.3 The parents of learners aged 16-18 will normally be informed of the suspension immediately or as soon as is practicable. A disciplinary meeting will normally be arranged within 5 working days of the suspension. A learner who is facing possible expulsion will normally be suspended until a disciplinary meeting is held

### 9. THE APPEALS PROCEDURE

#### 9.1 Stage 1 and 2

- 9.2 Learners are unable to appeal against the outcome of Stage 1 and Stage 2 meetings.

#### 9.3 Stage 3

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- 9.4 At Stage 3, learners can make a formal appeal against a decision if they have information or evidence that they do not think was presented at the original Stage 3 meeting or if they think they have been unfairly treated.
- 9.5 The learner must write a letter detailing the reason for the appeal within 5 days of receiving the outcome of a Stage 3 meeting. This should be addressed to the Head of Learner Services
- 9.6 The appeal will be reviewed by a nominated member Senior Management Team.
- 9.7 Following an appeal being considered and concluded by a nominated member of the Executive team, the learner will be notified in writing, with reasons, of the decision made on their appeal. This will normally be within 10 working days. This decision is final and there will be no further right of appeal within the B2W.
- 9.8 For Further Education learners only – At the end of this process learners will be informed of the right to appeal to the Skills Funding Agency
10. **OTHER ASSOCIATED POLICIES AND DOCUMENTS**
- 10.1 This procedure is also linked to the following policies, procedures and documents:
- The Learner handbook
  - Anti-Bullying Policy
  - Safeguarding Young People and Vulnerable Adults policies
  - Equality and Diversity Policy

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### 11. APPENDICES

#### 11.1 THE DISCIPLINARY PROCEDURE FLOWCHART

