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## **Introduction**

JFC Training College is committed to providing a learning environment in which all learners are able to study, participate in College activities and feel secure from the negative impact of unreasonable behaviour of others. Where behaviour prevents others from feeling safe, secure, respected and able to learn effectively or is contrary to the terms of the learning contract between the College and the learner, this may result in disciplinary action as outlined below.

## **Principles**

This Disciplinary Policy is founded on the belief that the best learning environment is one in which a sense of community is nurtured for all. This requires everyone to respect the rights of others, and understand the impact of their own behaviours.

This policy covers misconduct alleged to have occurred on College premises and it apply to all activity undertaken by the College in pursuing its purpose as an educational institution whilst serving its learner, community and other stakeholder interests.

## **Equality and Diversity**

JFC Training College is committed to the promotion and development of equality, diversity and inclusion. We aim to provide a working and learning environment which values individuals equally regardless of age, disability, gender, marriage and civil partnership, pregnancy and maternity, race, **religion or belief, sexual orientation and sex.**

## **Learners with Learning Difficulties/Additional Needs.**

Where a learner has a learning difficulty or additional need which means that they may not understand the process, a risk assessment or case conference process may be used as an alternative to stage three and four.

## **College Learning Expectations**

Learners should bring all the needed resources for lessons and come into college with a learning mind set. Learners should also be on time to all their lessons and be ready to engage in their own learning.

Learners should be considerate of others around them and should be respectful to themselves. Learners should remember that everyone has the right to learn and respect the environment they are in. Learners should be respectful of other people's beliefs, differences, ideas and individuality.

Learners should be aware of the environment around them and be familiar with the Health & Safety guidelines and advice. Learners are responsible for their own safety and should be considerate of others safety. Learners should know where to go to if they need to access support

## **Tutor Learning Expectations**

All lessons and enrichment sessions will have learning expectations set and agreed by the staff and learners. They should follow the same format of college learning expectations.

### **Breaches of Learning Expectations**

If a learner doesn't adhere to the learning expectations, they might be put on the disciplinary procedure depending on the seriousness of the incident. Learners that do not meet expectations constantly will be provided with support to improve however, if there is failure to show an acceptable level of improvement, disciplinary action will be taken.

Members of staff use their discretion to decide what is the appropriate course of action for the behaviours demonstrated. Members of staff will also decide the appropriate help that is required and work with the Learner to support him/her.

### **Early Intervention**

If a learner behaviour could affect their progression, outcomes or could affect their peers, early intervention support is available from Admin Team. The support programme is aimed to refocus Learners, raise aspirations and help them to gain and develop personal and professional skills. The supports programme includes:

- Anger Management Workshop (staff and learner self-referral)
- Positive Communication Workshops (staff and learner self-referral)
- Mediation (staff referral)
- Mentoring (staff and learner self-referral)

Early intervention should take place as soon as it is apparent that the learner is at risk of further disciplinary procedures, non-achievement, dis-engagement or affecting the learning of others. Early intervention can take place take place prior to disciplinary stages and can either be voluntary.

### **How to make a referral**

To access support services please complete the referral form with comment and send an email to the Admin Team who will organise relevant support from our partner organizations. If the support required is of a safeguarding nature, log the concern on the 'Safeguarding Form'.

### **Harassment and Bullying**

The College is committed to creating a learning environment where everyone is treated with dignity and respect and where each person's individuality and sense of self-worth is maintained. It also aims to ensure the prevention and elimination of discrimination on all grounds of the Equality and Diversity Act (2010).

The Policy works on the principle that wherever possible; complaints should be addressed within the informal procedure. However, if the informal procedure either fails to produce a resolution or if the nature of the incident(s) are considered too serious to be resolved informally or indeed where the

concerned parties are not agreeable to an informal meeting, then the disciplinary procedure will automatically follow.

Where bullying includes physical attacks on the person or the victim, then this constitutes assault and would automatically be treated as Gross Misconduct and a disciplinary procedure could be started.

All bullying and/or harassment incidents will be treated seriously and fully investigated. Not all cases will lead straight to a disciplinary procedure. Bullying cases can be resolved through curriculum teams when it is a classroom related incident or through the admin team when related to social spaces. The Admin Team is available to support with all bullying investigations and are happy to make recommendations on supportive intervention outcomes and welfare support.

### **Gross Misconduct**

Gross misconduct is a serious breach of the College Learning Expectations where the behaviour is considered to have put at serious risk the College's duty of care to others. Gross misconduct can result in a learner being put straight onto a stage 4 disciplinary.

A stage 4 disciplinary will be heard by SMT who will refer to all witness statements and comments made to decide on the outcome of the disciplinary.

The outcome can consist of:

- Exclusion
- Returning on a behaviour contract
- Compulsory intervention referral

Behaviour Action Plan SMT will consider the offence but also the background and circumstances of the learner to ensure the right support is put in place and that the majority of the College learners have an opportunity to achieve and progress.

Examples of Gross Misconduct:

#### **Misconduct**

- Violence or vandalism to people or property
- Abuse or harassment as defined in the College's Single Equality Scheme
- Theft
- Irresponsible behaviour resulting from use of banned substances or alcohol
- Promotion of banned substances
- Serious misbehaviour which is disruptive or offensive to College staff and/or other learners or visitors to the College.
- Significant misconduct likely to bring the College into disrepute
- Behaviour likely to cause accident or injury to themselves or others
- Serious damage to College premises and equipment (including IT equipment)

- Unauthorised interference with IT systems or computer configurations, for example hacking  
Inappropriate use of internet and email – accessing or transmitting material which is considered by the college to be offensive, obscene, abusive, sexist or racist.

Please note this list is not exhaustive and, depending on the circumstances, the College may choose to consider other actions as misconduct.

The College is a supportive member of the community who work closely with the local police and Local Authority to ensure a safe environment for Learners and staff. The college is obligated to report potential or actual criminal activity to the police, and/or advise victims of crime to do so themselves. Should the police intervene, disciplinary action may be deferred pending the outcome of criminal proceedings. In exceptional circumstances we may also take the decision to put the learner on fixed term exclusion until the outcome of the proceedings is known.

If a Learner's action requires the police to get involved, the college will also have their separate disciplinary procedure in relation to that incident. The college will work closely with the police in order to bring justice and restore normality to the college.

If a Learner has been sentenced by a criminal court in relation to a gross misconduct incident, the college may choose to seek further action from the disciplinary procedure. If a Learner has been convicted and a custodial sentence has been imposed the college can withdraw that Learner from the college.

If a Learner is charged or convicted with criminal activity which puts others at risk (staff and Learners) then this will be referred to the Student Welfare Officer to assess under the Safeguarding Policy and Criminal Convictions Process to ensure the safety of all on college premises.

### **Apprentices**

If an apprentice is required to attend a college disciplinary meeting their employer must be informed and invited to attend alongside the parent (if the apprentice is under 18 years).

If there are any behaviour concerns regarding the apprentices conduct at work, then the placement should refer to their internal code of conduct policies and inform the apprentice's assessor of any concerns that arise and meetings/actions that take place.

If an apprentice is excluded from their work place, then the apprentice has 6 weeks to secure an alternative work place to remain on the apprenticeship programme in line with ESFA funding rule.

### **Suspending a Learner**

If the situation is considered serious or dangerous, it may require the learner to leave the College premises for an initial two-day suspension which can be authorised by a member of SMT and Director of Studies.

In situations where the learner's continued presence is believed to put themselves, or others, at risk of harm and/or impede the investigation process, then a longer suspension period can be authorised by a member of SMT.

In all circumstances of suspension, the parents/guardians, of any learner under 18 years, should be immediately notified in order to ensure that the duty of care is handed over, by a member of the Admin Team.

If a learner is suspended, then the Subject Area Tutor should ensure work is provided via email and followed up to ensure that the learner stays on track. When possible, it is in the best interest of the Learner to allow them to access their lessons to ensure they remained engaged in their education.

#### Support for suspended learners

All learners who have reached a stage 4 disciplinary and are under a period of suspension from College will be contacted by a member of the Admin Team, within 48 working hours of being notified, to offer support to prepare for the upcoming meeting.

#### **Learner Right**

JFC Training College wants to ensure all learners have the right to fair representation. Once a Learner has reached a Stage 2 on the disciplinary procedure, they will be entitled to be accompanied at any meeting or hearing by a person of the Learner's choice. This person can include: College Admin Officer, Personal Tutor, family member or friend. The representative must not be someone who has been suspended or excluded from the college.

The learner will be informed in writing about their disciplinary meeting by their Tutor and inform him/her that they are entitled to be accompanied. This will allow the learner to receive support whilst going through the disciplinary procedure. It is also the responsibility of the learner to notify the college in advance who they would like to accompany them to their meeting.

If the learner cannot attend the meeting, with good reason, they must notify the college immediately. Where the learner can evidence good cause, the meeting may be postponed at the discretion of the college.

The Learner has no right to legal representation at meetings and hearings. However, the learner has the right to appeal after a Stage 4 hearing and must do so in writing to the Director of Studies.

#### **Process After exclusion**

If a learner has reached stage 4 and the final outcome is exclusion, the Learner is no longer suitable to study at JFC Training College. The Learner should then be referred to Student Officer and the Admin Team for an exit interview and IAG support.

### Recording and Monitoring the Disciplinary Process

All details of verbal, written warnings, suspensions and appeals should be recorded using appropriate format.

Disciplinary meetings will be monitored by Personal Tutors, and Admin Manager. This is to ensure that the policy is being adhered to and that learner is given every option for support and guidance as well moving through the disciplinary stages.

### Process and Stage of Disciplinary

Stage 1: Verbal Warning: Any member of staff can issue verbal warnings.

It is essential to use the appropriate form to record the date and provide a brief description of the reason for issuing the warning.

If a Learner gets 3 Verbal warnings, this may lead to a Stage 2 Disciplinary by the Tutor.

Examples of stage 1 behaviours:

- Constantly causing low level disturbance in the classroom and social spaces
- Refusing to co-operate with staff.
- Swearing

### Stage 2: First Formal Written Warning

A Learner can enter a Stage 2 disciplinary meeting if they have had 3 verbal warnings. The stage 2 disciplinary meeting will be held by the personal tutor and learner. If the learner is under the age of 18 years, then the learner's parents should be contacted, by the Personal Tutor, and offered to attend.

Other teams that can offer support in a stage 2 meeting:

- The Admin Team – welfare support
- Student Welfare Officer – on behavioural workshops and mentoring, IAG and financial support.

The outcome of this disciplinary meeting must be recorded.

The meeting will cover:

- An explanation of the disciplinary process
- Reasons for the stage 2 including any breaches of Learner expectation
- Investigation feedback (if applicable)
- Any support requirements
- Actions and next steps
- Further monitoring/review

### Stage 3: Second Formal Written Warning

Subject Area Leader and the Tutor will meet with the learner; if under 18 their parent or guardian representative. This meeting will usually be as a result of behaviours identified at stage 2 not improving or a particular breach which is deemed more serious as to be higher up the process. The outcome of this meeting may include a contract to identify individual SMART targets. This must be signed, recorded with a copy given to Quality Manager. The learner has to be clear of the next disciplinary stage if these targets are not met.

The tutor will monitor progress and follow-up on any requirement for support.

- An explanation of the disciplinary process in particular Stage 4
- Reasons for the stage 3 including any breaches of The Contract of Learning
- Review of any previous Disciplinary Investigation feedback, if one was carried out
- Any support requirements
- Individual signed contract
- Further Monitoring/review steps

### **Stage 4: Review of Learner's Place on their programme of study.**

Referral to Stage 4 is to be made by the Quality Manager and Student Welfare Officer, the learner needs to be informed that they are going to be attending a meeting with a member of the Senior Management Team (SMT) to discuss their place at JFC Training College.

The stage 4 referral needs to be recorded to inform the Director of Studies and once agreed by a member of SMT, a Stage 4 hearing will be scheduled. A letter confirming and explaining, the stage 4 will be sent to the learner and Parent (if the learner is under the age of 18). The learner will be given an opportunity to respond in writing to support their case. This should be addressed to the Director of Studies.

A stage 4 disciplinary meeting will be chaired by a member of SMT who will refer to all witness statements with comment to decide on the outcome of the disciplinary. The hearing will be scheduled within 15 working days from the day of the meeting.

The outcome can consist of:

- Reinstatement on to a programme of study
- Reinstatement on to a programme of study with supportive measures
- Exclusion with a possibility of re-enrolment in the future
- Permanent Exclusion with no possibility of re-enrolment in the future

SMT will consider the offence but also the background and circumstances of the learner to ensure the right support is put in place and that the majority of the College learners have an opportunity to achieve and progress.

#### **Outcome 1: Reinstatement on to programme of study**

Although this outcome means that there is no further disciplinary action, a meeting may be required between the learner and the Subject Area Tutor. This may be to facilitate mediation, implement support or to discuss any missed work. Action planning may be necessary to help learners who have been suspended to become up to date on their work.

Outcome 2: Re-instatement on programme of study with supportive measure.

The Learner and where appropriate, representative is invited to a return-to-college meeting with the Subject Area Tutor. This will outline the terms and conditions for continuation on course. An agreement will be devised to identify individual targets. This agreement needs to be approved and signed by the SMT before being presented to the Learner. If the Learner does not sign the action plan/behaviour agreement, the Learner may not be allowed on the premises and will be excluded from college.

Outcome 3: Excluded from College with a possibility of re-enrolment in the future

A letter will be sent to the learner and where appropriate, parent/representative confirming exclusion from college. Included is the process for the learner's right of appeal and contact details for progression support.

#### **Outcome 4: Permanent Exclusion from College with no possibility of re-enrolment in the future**

A letter will be sent to the learner and where appropriate, representative confirming exclusion from college. Included is the process for the learner's right of appeal and contact details for progression support.

#### **Stage 5: Appeal of Disciplinary Decision**

An appeal against the stage 4 disciplinary decision may be lodged by the learner within 10 working days of receipt of the letter, confirming the exclusion. The appeal should be made in writing and addressed to the Director of Studies.

The Director of Studies will review all evidence and invites the learner to attend appeal hearing.

To be granted an appeal, it will only be on the grounds that: It is not a "re-hearing" of the Stage 4 disciplinary decision and contains new information not previously considered.

The appeal hearing is chaired by the Principal and in the presence of the previous Stage 4 Hearing and covers:

Explanation of appeal process and an understanding that the outcome is final

- Confirmation of the events that have led to the initial exclusion
- Learner provides and explains additional evidence/information
- Director of Studies will consider additional evidence and makes final decision.

The outcome of the appeal hearing is final and cannot be challenged internally within the College again.

Withdrawal Process

The Admin Manager will complete a withdrawal form, which needs to be authorised by a member of Senior Management Team and then forward to the relevant person who will process the withdrawal.

Disciplinary Policy for Learners and Flow-chart (V.04) 12 If the Learner is under the age of 18 then MIS inform the Local Authority that the Learner is no longer in full-time education.

Physical Intervention

### **Introduction**

JFC Training College aims to provide a safe, secure and welcoming environment for all members of staff, Learners and visitors at all of its associated premises. In order to help achieve this, the College has a responsibility to consider the powers of teaching and other staff to use reasonable force to prevent Learners causing disruption, committing a crime and causing injury or damage.

The purpose of this policy is to outline where, when and by whom the use of reasonable force is an authorised action and to assist staff to clearly understand the options and strategies open to them when intervening physically with Learners in harmful, violent or dangerous situations.

### **The Law**

There is sector specific legislation on restraint in the Education and Inspections Act 2006 Section 165 (Power of members of staff of further education institutions to use force) which inserts section 85C into the Further and Higher Education Act 1992):

“85C Power of members of staff to use force”

*A member of the staff of an institution which is within the further education sector may use such force as is reasonable in the circumstances for the purpose of preventing a Learner at the institution from doing (or continuing to do) any of the following, namely:*

- committing any offence,

- causing personal injury to, or damage to the property of, any person (including the Learner themselves), or prejudicing the maintenance of good order or discipline at the institution or among any of its Learners, whether during a teaching session or otherwise

The power conferred by subsection (1) may be exercised only where-

- the member of the staff and the Learner are on the premises of the institution, or
- they are elsewhere and the member of the staff has lawful control or charge of the Learner.

The Director of Studies holds overall responsibility for the implementation of this policy across the College. SMT have responsibility for implementation and for keeping records of any occasions where restraint has been used.

All members of staff are authorised by Director of Studies to use reasonable force to prevent or stop a potentially harmful or dangerous act taking place where the wellbeing of Learners, other members of staff or members of the public is at risk.

The decision to restrain another person is to be made solely at the volition of the member of staff based on the circumstances of the incident.

**There is no expectation for staff to intervene in any violent, dangerous or potentially harmful situation where they feel their own health or well-being would be put at risk**

Where a member of staff has applied restraint appropriately in accordance with this policy, the College will support their actions. If a Learner or other individual chose to complain or take legal action against a member of staff in relation to the reasonable use of restraint where it had prevented harm to others, the College would support the member of staff.

Members of staff should also be aware that if force is used against Learners or other individuals inappropriately and not considered reasonable, this could be viewed as a disciplinary offence and may result in disciplinary action.

### **Dealing with Complaints**

Learners and their families have a right to complain about actions taken by College staff, including the use of force. If a complaint should arise following the use of reasonable force Learners should be directed to the Complaints Policy and Procedure which outlines what steps they should take.

### **Staff Training**

Training for Admin staff in physical restraint techniques is essential for the proper execution of the procedures within this policy. Such training should therefore be specifically designed to provide the necessary understanding and confidence needed to deliver this policy. This training should also be extended to all staff that may be in a situation where there is a high likelihood of an incident taking place.

## **Prevention**

The first step in JFC College's response to any situation potentially requiring physical restraint is prevention.

All staff are required to be vigilant in the monitoring of the behaviour of others and to act to prevent a violent or dangerous situation arising. Members of staff should be alert to their learning environment and changes in learner group dynamics and act to prevent negative tensions building.

Members of staff are expected to reinforce the high standards of behaviour expected of Learners through consistent engagement and if necessary, intervention with Learners acting outside those standards.

All members of staff should be proactive in approaching Learners who are not following the College's Learning Agreement.

## **Recording of Accident**

Following any incident where it has been necessary for a member of staff to use physical intervention to control or restrain a Learner, the member of staff should advise their Line Manager immediately after the incident. It is essential that a Statement Form is completed and submitted to the Admin Manager by the member of staff as soon as possible after the incident occurred.

The Statement Form should include:

- Your name
- Job Role
- Date and time of incident
- Location

Under Circumstances Please Include:

- Name of Learners
- Name of witnesses
- the reason that physical intervention was necessary along with details of the degree of force used, if any, and for how long
- how the incident began and progressed
- details of the Learner's behaviour; what was said by the parties; any steps taken to diffuse or calm the situation
- the Learner's response, and the outcome of the incident
- details of any injury suffered by the Learner /another Learner /any member of staff, and any damage to property.

Members of staff may find it helpful to seek advice from a senior colleague when writing a report and should keep a copy for their own records.