

# Positive Intervention Strategy & Learner Disciplinary Policy

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## Positive Behaviours Strategy Learner Disciplinary Policy Outline

Burton and South Derbyshire College [BSDC] actively promotes a positive and engaging learning environment to create a culture of mutual respect between staff and learners. The positive intervention strategy, learner disciplinary policy and procedure sets out guidance for college staff in providing a learning environment which sets clear expectations of learners' behaviour, attitude, and progress. The document contains informal steps which should be taken by college staff to challenge and support learners where behaviours, attitudes or progress falls below the expected standard.

However, there are occasions where, despite attempts by staff to manage learner behaviour effectively, a learners' behaviour continues to be unacceptable. This document sets out procedural steps that should be taken where a learners' behaviour, attitude, or progress fails to respond to positive strategies and remedial measures. The policy and procedures are designed to ensure that all matters relating to learners' behaviour, attitude or progress are dealt with consistently and fairly. Alongside disciplinary procedures the policy includes, where it is deemed appropriate the use of a range of positive interventions to support learners to reduce the possibility of reoccurrence and escalations of poor or negative behaviours, attitudes, or progress.

## 1.0 Scope & Purpose

The document outlines:

- The positive intervention strategy and learner disciplinary policy applies to all learners enrolled at the College, whatever their mode of attendance, whether or not their course is validated by, or associated with, any other institution.
- The College's respect agreement and College general rules which learners are expected to adhere to following their admission and enrolment on to any educational programme.
- The strategies and procedures which should be followed by staff members to provide a positive and engaging environment and culture for learning.
- The informal actions that should be taken where it is deemed necessary to support learners towards improving their own behaviour, attitudes and progress.
- The College's formal disciplinary proceedings and sanctions, alongside a series of positive interventions to support learners to reduce repetition and escalation.

## 2 Positive Behaviours for Learning

### 2.1 Introduction

Quality learning occurs when learners feel that they are in a purposeful and constructive environment. Creating an exceptionally positive climate for learning requires a behavioural expectation for all. Positive behaviours for learning emphasises the crucial link between the way in which learners learn, their social knowledge and their behaviour. Positive behaviours for learning establishes positive relationships between self, others, and the curriculum. However, there are occasions where, despite attempts by staff to manage learner behaviour effectively, a learners' behaviour continues to be unacceptable.

The learner disciplinary sections below set out the steps that should be taken when a learners' behaviour has failed to respond positively to these approaches and strategies.

### 2.2 Behavioural management strategies

Appropriate language and tone of interactions need to be modelled daily by all learner facing and support staff with invaluable strategies including positive correction and being assertive but not autocratic to build healthy relationships and boundaries.

2.21 Build healthy relationships. When learners trust their tutors, they make greater efforts of listening to them. The tutors should make an effort of getting to know the learners on a personal level for deeper understanding.

2.22 Appreciate the achievers. Celebrate the hard work of the learner by giving them frequent appreciation. Set milestones and identify and celebrate individual achievements, encouraging them to share their experiences with peers.

2.23 Develop respect, not authority. Tutors should set the rules and boundaries at the start of the programme. For those learners who do not abide by the College's respect agreement or fail to meet the expectations of the study programme these should be professionally and consistently challenged.

2.24 Make learners feel involved. The rules are more effective when learners are involved in creating them. You can ask learners to help in framing the rule they are supposed to follow. This method is better than just handing them a set of rules to follow from nowhere.

2.25 Encourage group tasks and projects. For better teamwork and to build leadership skills, you can include group projects amongst learners to instil all these qualities. Learners who work with each other, also tend to develop a sense of respect and partnership with one another.

2.26 Documenting and framing classroom rules. As tutors hand out assessments, also distribute a list of rules for that assessment that are finalised at the end of the class discussion. Doing this actually symbolise that you respect their decisions, and you intend to consider their point of view as well. And in future, if a learner break any of those rules, you can easily point that out by referring to the list of rules.

2.27 Avoid classroom punishment. Behavioural issues can be tackled in several ways, rather than punishing a learner in front of the entire class. Punishment can hurt your relationship with the learner affecting all other classroom management strategies.

2.28 Use non-verbal communication. Words accompanied with actions helps in retaining the feedback better. Instruction strategies should include non-verbal communication by including gestures and expressions. Tutors can also use external content like videos and infographics to convey their points.

### Approaches

- Become a mentor, not a friend. Help and support your learners in dealing with their challenges as a mentor, and not as a peer.
- Have a warning system in place. Individual warnings will help in preventing distractions in your classroom and set an example for other learners.
- Deal with problems without any delay. When you deal with smaller problems, you prevent them from blowing out of proportion and affecting the learning environment.
- Prevent clutter in the classroom. This will help eliminate distractions and instil a good habit.
- Dress professionally. Formal dressing is likely to have a positive impact on your learners, who will take your instructions seriously.
- Adopt a non-biased approach. Appreciate the achievers, but you should recognise whom to appreciate and when.
- Walk when you teach. This will help in keeping a better eye on the activity of your learners and improve their concentration.
- Plan and organise your sessions beforehand. This is critical to keep your learners engaged and prevent a lull in the classroom.
- Use ProMonitor. Technology can aid your efforts in making learning more effective and holistic. Classroom management software helps track learners' performance, grades, and the overall learning curve.

### 3.0 BSDC Respect Agreement

- Always display my ID card on my lanyard at all times and will never allow others to use my ID to gain access to any college buildings or facilities
- Treat fellow learners, staff and visitors with courtesy and respect, refraining from using physical, violent, aggressive language or behaviours towards others
- Be inclusive and respectful of everyone's individuality
- Act as an ambassador of the College whenever involved in any college related activity
- Treat the College environment and equipment with respect
- Report in confidence any safeguarding concerns or incidences of bullying, harassment, verbal or physical abuse
- Follow reasonable instructions from staff and listen when others are talking
- Ask permission to leave teaching or workshop sessions
- Be positive and committed to my learning
- Be work ready, arriving at least 5 minutes prior to the session or workshop and be ready to learn with the correct equipment
- Complete all my work within the set deadlines and to the best of my ability
- Aim for my attendance to be 100%, and when I am ill to report absences in line with the College procedure
- Only use mobile phone devices including headphones and air pods, in lessons for directed learning activities when instructed to do so
- Be work ready, dressing appropriately and presenting myself in a professional manner, wearing the correct uniform if required to do so
- Remove coats/hats promptly at the start of the session, placing bags under the desk

- Not consume food or drink within learning spaces, including workshops (only water)
- Log off any computers and turn off other electrical equipment after use to ensure we are all working on reducing our carbon footprint
- Be committed to keeping myself and others safe online and when using all forms of digital media
- Adhere to all college policies

#### 4.0 Disseminating Learner Respect Agreement

Learner facing staff should educate learners about the College's respect agreement. Educating learners about the College's respect agreement should be undertaken during a learner's induction and revisited regularly to reinforce a positive and engaging environment which leads to effective and learning.

#### 5.0 Informal Disciplinary Procedures (where applicable)

Whilst it is not mandated, nevertheless where practically possible all informal disciplinary and positive interventions should be conducted by the following College Staff members:

- Course or Programme Leader (Primary)
- Trainers Work-based (Primary Apprenticeships only)
- Course or Programme Tutors
- Progress Coaches

##### 5.1 Informal (Stage one)

- 5.1.1 Ensure positive behaviours for learning have been established and ground rules confirmed.
- 5.1.2 Ensure the learner is aware and familiar with the College's respect agreement.
- 5.1.3 Instances of poor behaviour and attitude towards learning have been consistently challenged.
- 5.1.3 Instances of poor behaviour, attitudes and progress concerns are being documented within the learner's ProMonitor record.
- 5.1.4 Checks have been undertaken to establish whether the learner's behaviour, attitude or progress concern is a result of any unknown support needs, whether educational, emotional, physical or financial, and if so, appropriate action is taken to remove any barriers.

##### 5.2 Informal (Stage two)

Where the learner fails to respond to stage one.

- 5.2.1 A one-to-one informal supportive meeting should be held with the learner to discuss the behavioural, attitude or progress concerns. This should be conducted by the member of staff who witnessed any instances of poor behaviour and /or any breach of the respect agreement.
- 5.2.2 The meeting should outline the behaviour attitude and / or progress expected, and where applicable reference made to the College's respect agreement.
- 5.2.3 A series of milestones or targets should be set and agreed with the learner, giving them the opportunity to, and where necessary support them to bring about the improvements required.
- 5.2.4 The learner may be referred where appropriate to the Learner Services Team to undertake one of, or a series of positive intervention initiatives, but only where the learner is willing to participate, and where it is deemed would have a significant positive impact.

5.2.5 A record of any meetings and resulting targets, milestones or interventions should be documented within the learner's ProMonitor record, with the appropriate staff copied into the comment.

### 5.3 Informal (Stage three)

Where the learner fails to respond to stage two.

5.3.1 Where applicable contact should be made with the learners designated next of kin, if the learner is aged 18 and under or has an Education and Health Care Plan (EHCP) in place, to discuss and outline the College's concerns regarding behaviour, attitude, or progress. This should be seen as a supportive process and where applicable the learners' Progress Coach should be present.

5.3.2 The learner should be warned that unless actions are taken to address the concerns raised then the College will have no choice but to start disciplinary proceedings, and this therefore constitutes a verbal warning.

5.3.3 A record of any communication with next of kin and any verbal warning given to the learner should be recorded on the learner's ProMonitor record.

5.3.4 Where the learner fails to respond to stage 3 of informal interventions then the College's formal disciplinary proceeding should be initiated.

## 6.0 Formal Disciplinary Procedures

The following steps should be followed by staff dealing with all disciplinary-related matters. Requests can be completed by any member of college staff and should be sent to the Curriculum Administration Team.

### 6.1 Disciplinary Hearing Referral (step one)

A positive intervention and disciplinary hearing referral request must be completed prior to any formal disciplinary action being taken and can be located using this link [positive intervention and disciplinary hearing referral form](#). The referral will be reviewed by an appropriate member of the College's Curriculum Leadership Team or their delegated authority, to determine what actions should be taken.

Where a learner either has an Education and Health Care Plan (EHCP), Safeguarding arrangements, or is a Looked After child then the Learner Services should be informed.

Prior to any referral being made it is expected that practical steps will have been taken to address any undesirable breach of the College's general rules, respect agreement or failures to meet the expectations of their programme of study as outlined within the informal disciplinary stages. However, where there is continued poor behaviour, or a single incident which has caused a rule to have been breached or suspected of being breached, then disciplinary proceedings should be initiated, as set out in section 6.4.

Where it is decided that disciplinary proceedings should not be initiated then this will need to be documented on the learner's ProMonitor record and copied to the relevant staff members, including where applicable the learner's Progress Coach and other relevant members of the Learner Services Team.

## 6.2 Investigation (step two)

Where it is necessary, an appropriate staff member will be appointed to carry out any necessary investigations. The investigating officer will not have been involved in the alleged misconduct and will complete their investigations in an objective, fair and timely manner.

## 6.3 Temporary Suspension:

A temporary suspension may be sought in circumstances when a learner's continued attendance at college might be prejudicial to the satisfactory investigation of the allegations or may be undesirable for some other valid reason. In these instances, a member of the College's Senior Leadership Team (SLT), Assistant Principals, Directors and Head of Services for Learners, or in exceptional circumstances, a delegated authority approved by a member of the Senior Leadership Team (SLT) shall have discretion to suspend a learner pending the investigation of allegations of a breach or suspected breach of discipline. In these instances, the learner should be informed in writing (by the Curriculum Administration only) of the College's decision to temporarily suspend, and where learners are aged 18 years or under, or are under 24 years with an education health care plan (EHCP), then the next of kin should be informed.

### Where temporary suspensions are approved:

- 6.3.1 The investigation should be completed as soon as possible and take no longer than 10 working days unless there are exceptional circumstances.
- 6.3.2 Options should be explored to see if the learner can complete work elsewhere while the investigation is carried out.
- 6.3.3 Wherever possible, contact must be made with a parent, guardian or carer when a learner is aged 18 years or under to inform them what has happened, checking the learner is able to get home safely and confirmation that the suspension details have been sent to the next of kin by the Curriculum Administration Team.
- 6.3.4 Considerations should be made around individual curriculum activities planned, such as exams or work experience and a suitable plan put in place to ensure access arrangements are made wherever possible.
- 6.3.5 Tutors should ensure that work is provided for the learner, to avoid them falling behind on any work while the investigation takes place.
- 6.3.6 Once resolved the learner should be supported back into the classroom; taking account of work/activities missed or resolution of other issues directly resulting in the accusations or suspension, including conflicts in group or with peers.

## 6.4 Informing a Learner of a Disciplinary Hearing (Step three)

- 6.4.1 The learner will be given at least three working days' (excluding weekends and holidays) notice of a disciplinary hearing. The notice informing the learner of a disciplinary hearing should contain the following information.
- 6.4.2 The name of the person who will chair the disciplinary hearing.
- 6.4.3 The time, date, and location of the disciplinary hearing.
- 6.4.4 A description of the allegation.
- 6.4.5 The name of the member of staff presenting the complaint (investigating officer).
- 6.4.6 Advise that the learner may be accompanied at the disciplinary hearing by one other person and / or call witnesses or provide documentation to support their case, provided that they notify the person conducting the hearing 2 working days prior to the hearing taking place.



- 6.4.7 Advise learners who are under 18 years or under 24 years with an EHCP in place that a parent, guardian or carer should accompany them at the disciplinary hearing.
- 6.4.8 Advise on any accompanying staff member who will be in attendance. This could include where appropriate a Progress Coach, Additional Learning Support Team Leader or Safeguarding Officer.
- 6.4.9 To avoid delays in learners' education, the College reserves the right to conduct disciplinary hearings in the absence of the learner and / or NOK.

## 6.5 Conduct of a Disciplinary Hearing (Step four)

- 6.5.1 Disciplinary hearings under this procedure will be conducted fairly. The member of staff chairing the hearing must not be the same person who has been involved in any investigation linked to the hearing. The chair will give instructions in relation to the conduct and format of the hearing.
- 6.5.2 A disciplinary hearing will be conducted and chaired by any of the following staff members.
- Member of the Senior Leadership Team (SLT)
  - Member of the College Management Team (CMT)
  - Curriculum Team Leaders (CTL)
  - Apprenticeship Standards Managers
- 6.5.3 The disciplinary chair will explain its purpose and the procedure to be followed during the hearing.
- 6.5.4 The person presenting the investigation will explain the case against the learner introducing evidence in support of the complaint, exhibiting documents and calling witnesses as appropriate.
- 6.5.5 The learner will have the opportunity to review and question any evidence presented.
- 6.5.6 The learner or others in attendance will have the opportunity to present their case and provide any evidence which supports their position or provides mitigation for the actions taken. This could include but is not limited to exhibiting documents and/or calling witnesses as appropriate.
- 6.5.7 The disciplinary chair will have the opportunity to question the learner and any of their witnesses on the evidence provided.
- 6.5.8 The disciplinary chair may exclude from the proceedings any person (including the learner or accompanying individual) who behaves unreasonably or who disregards the instructions of the member of staff chairing the disciplinary hearing.
- 6.5.9 If the learner does not attend the hearing, the disciplinary may still go ahead and an outcome reached in their absence.
- 6.5.10 When the hearing has concluded and all evidence heard, the disciplinary chair will consider what action is to be taken and inform the learner of this, and if necessary, explain the rights of appeal.
- 6.5.11 All formal disciplinary hearing outcomes will be communicated to the learner in writing by the Curriculum Administration team only and documented within the learners ProMonitor record. The communication will also set out the learner's right of appeal.

## 6.6 Disciplinary Outcomes (Step five)

- 6.6.1 All disciplinary outcomes are shown below, with sanctions listed in increasing order of severity with a clear explanation and definition. Other than in exceptional cases, no learner will be excluded. If a learner has previously been the subject of disciplinary action and subsequently commits a further breach of discipline, the normal response will be to proceed to the next highest level of sanction. However, the repetition of offences, which in isolation might be regarded as minor, may be treated as misconduct or even gross misconduct, and dealt with accordingly.

6.6.2 No Sanction - No Disciplinary Action Required: The learner has been cleared of any wrongdoing or involvement in the complaint or allegation. The outcome should be communicated to the learner and where possible the designated next of kin for individuals aged 18 and under. If the learner was suspended from college pending investigation, then a prompt return should be arranged.

6.6.3 Stage 1 Sanction – Written Warning: Following the disciplinary hearing, where it has been deemed the learner has conducted a minor breach of the College’s respect agreement or failed to meet the expectations of the programme of study. The outcome will be recorded in the learner’s record on ProMonitor. The learner should be reminded of the College’s respect agreement to avoid any repetition or escalation.

6.6.4 Stage 2 Sanction – Written Warning: Following the disciplinary hearing, where it has been deemed the learner has breached the College’s respect agreement (misconduct) or has repetitively failed to meet the expectations of the programme of study, then the learner will be issued with a written warning. The outcome of the disciplinary hearing will be recorded in the learner’s record on ProMonitor.

6.6.5 Stage 3 Sanction – Final Written Warning: Following the disciplinary hearing where it has been deemed the learner has significantly breached the learner respect agreement (misconduct) and/or the learner has repetitively failed to meet the expectations of the programme of study, then the learner will be issued with a final written warning. The outcome of the disciplinary hearing will be recorded in the learner’s record on ProMonitor. When a final written warning is issued then this may affect the learner’s ability to progress their studies with the College in the following academic year.

6.6.6 Stage 4 Sanction - Exclusion: Following the disciplinary hearing where it has been deemed the learner has seriously breached the learner respect agreement (gross misconduct) then the learner will be issued with an exclusion. All exclusions must be approved by a member of the College’s Senior Leadership Team (SLT) prior to being issued. It must be noted that action will be taken, including appropriate criminal or civil proceedings, against any former learner who trespasses on college property or otherwise causes a nuisance.

6.6.7 Exclusions are generally limited to the academic year during which the exclusion took place, unless stated otherwise. Following exclusion, a learner may re-apply to enrol on a college course in the proceeding academic year. The application will be considered by a member of the Senior Leadership Team (SLT) with due consideration to relevant evidence.

## 7.0 Positive Interventions

7.1 To enable the learner to make the necessary behavioural changes, positive interventions will be interwoven alongside punitive disciplinary sanctions. The aim of the positive intervention is to reduce the chance of recurrence or escalation in negative behaviours, attitudes, and/or actions.

7.2 Where it is deemed by the disciplinary chair that a positive intervention would benefit the learner, then these will be discussed during the hearing and outlined within the disciplinary outcome communications, which will need to be communicated to the Learner Services team by the Curriculum Administration team. In all cases positive interventions will be specifically aligned to meet the individuals need and be facilitated by the College or its partnering organisations. Examples of these include short awareness sessions on topics such as healthy relationships, positive behaviour management, mental wellbeing support and motivation to learn, alongside other internal and external support services. Participation within positive interventions will not be mandated, however strongly advised, and encouraged

## 8.0 Right of Appeal

8.1 The learner will have a right to appeal if they feel that their disciplinary hearing hasn't followed the correct procedure. All appeals must be sent to [LearnerDisciplinaryAppeals@bsdc.ac.uk](mailto:LearnerDisciplinaryAppeals@bsdc.ac.uk) within 5 working days following the receipt of the disciplinary outcome.

8.2 Please note all appeals must document the full grounds and reasoning for the appeal.

8.3 Following formal receipt of an appeal an appropriate staff member will be assigned to review the case. The appeal must not be undertaken by the same member of staff who conducted either the original investigations or chaired the disciplinary hearing. The assigned individual will formally review and investigate the grounds of the appeal.

8.4 The outcome of the appeal will be formally communicated in writing within 10 working days following its receipt.

8.5 The staff member reviewing the appeal will choose one of the following outcomes.

- I. Finds insufficient grounds to uphold the appeal and the disciplinary outcome stands. The outcome of this appeal will be final and there will be no further right of appeal.
- II. Finds sufficient grounds to uphold the appeal and will chair and conduct a new disciplinary hearing as set out in section 7.0. The outcome of this disciplinary hearing will be considered final and there will be no further right of appeal.
- III. Finds sufficient grounds to either revoke or reduce the original outcome of the disciplinary hearing. The outcome of this appeal will be final and there will be no further right of appeal.

## 9.0 Special Circumstances

No disciplinary or appeal hearing under this procedure shall be invalidated by the failure of the learner to attend and the hearing may proceed at the discretion of the person conducting it.

## 10.0 Criminal Offences

Where any member of staff has reason to believe that a learner may have committed a criminal offence, the College may refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the learner pending the outcome of police enquiries and any charges which may be brought against the learner. Where the learner has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known, the College reserves the right to recommence proceedings under this procedure in relation to the matter.

Any disciplinary action relating to alleged criminal offences will be based on the genuine belief of the member of staff taking the action after a proper investigation and will not require a criminal conviction. It is emphasised that in relation to the application of this procedure the College is not bound by the result of any criminal proceedings against learners.

## 11.0 Time Periods

With the exception of the time allowed for lodging an appeal, time periods stated in this procedure are for guidance and may be varied by the College if it is not practicable to adhere to them. Written notice of any such variation will be given. Periods of days in this procedure are working days.

## 12.0 Variation & Amendments to Policy or Procedure

In some cases, it may be desirable that variations should be made to this procedure. The College may make such variations as it sees fit, subject to informing the learner concerned and subject always to considerations of fairness. Without limitation, such variations may include when disciplinary proceedings will commence taking into account the learners' individual circumstances, or appeals hearings being conducted by different persons, if the person who would otherwise be conducting the hearings has previously had close personal involvement in the matter to be considered.

## 13.0 Related College Policies or Schemes

- Single Equality Scheme
- Disclosure Policy
- Harassment and Bullying Policy
- Misuse of Drugs / Alcohol Policy
- Smoking Policy
- Information Technology Usage Policy
- Safeguarding Policy
- General Health & Safety
- Respect Agreement
- Academic Offences

## Appendix a) MISCONDUCT Definitions

The following list provides examples of what the College would consider to be cases of misconduct:

- Any breach of any of the Respect Agreement set out above (including any breach of Health and Safety or other regulations of the College)
- Any bullying, intimidation, taunting, verbal abuse or the use of any violence or threat of violence towards any person
- Any behaviour which is in breach of the College's policies, specifically with regard to the Single Equality Scheme
- Any failure to follow the reasonable instructions of a member of staff
- Smoking or vaping in any of the College buildings
- The use of mobile phones, digital devices and personal media players or similar in college buildings other than in communal areas or unless under the direction of a member of staff to support teaching, learning and assessment
- The use of skateboards, roller skates or the playing of unauthorised ball games inside or immediately outside college premises
- Any cheating, plagiarism or copying of the work of other learners or of published authors
- Any unduly noisy or any unruly behaviour or the use of foul or abusive language
- Disrupting any class or any other College activity, whether or not involving staff or other learners (including the raising of false alarms on the College's fire/intruder warning systems)

- Any improper use of the internet or unauthorised interference with software or data belonging to or used by the College (please refer to the Information Technology Usage & Data Handling Policy for specific details)
- Any theft of property or any other dishonest acts
- Any behaviour which could bring the College into disrepute
- Any illegal act which may have an adverse effect on the work of the College or other learners

#### Appendix b) GROSS MISCONDUCT Definitions

The following list provides examples of what the College would consider to be cases of gross misconduct:

- Any misconduct involving violence or a serious threat of violence or aggression
- Deliberate damage to property, endangering the health or safety of others or themselves
- Any criminal activities affecting the College or other learners (or which could bring the College into disrepute) are likely to be treated as gross misconduct
- Theft of property belonging to the College, staff or fellow learners
- Gambling, consumption of alcohol or intoxication on college premises or whilst engaged in any activity associated with the College or the use, possession or supply of any illegal drug including illegal highs and other associated drug paraphernalia.
- Engaging in any activities linked to extremism