

LEARNER RELATED POLICY: LEARNER DISCIPLINARY POLICY & PROCEDURE FOR FE LEARNERS

This policy is biennially reviewed to ensure compliance with current regulations

Approved/reviewed by	
Approved by: Deputy Principal Reviewed by: Assistant Principal: Student Experience	
Date of next review	September 2025

This policy and procedure is subject to The Equality Act 2010 which recognises the following as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, Sexual orientation, and Disability.

1. Document Control

1.1. Document Details

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1.3. Distribution

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1. INTRODUCTION

- 1.1 The College delivers its teaching and training through a range of Programme Areas each managed by a Senior Learning Lead (SLL).

Programme Areas are divided into Curriculum Areas, each one supervised by a Director of Learning (DoL).

All of the above-mentioned report to the Deputy Principal who is responsible to the Principal for maintaining high standards of learner conduct and achievement.

- 1.2 The following procedures are designed to uphold these standards whilst, at the same time, ensuring equality, transparency, and consistency of approach.
- 1.3 It is our intention that this policy will have similarities to that of an employment disciplinary process to ensure that learners are ready and prepared for the transition to work if they are not currently employed.
- 1.4 This policy applies to all Further Education learners. In the case of part-time learners, the words 'managing agents' or 'employers' may be substituted for the word 'parents'. For very short one day courses please see Appendix One.
- 1.5 Where learners are sponsored by an employer or attendance is recommended by the Job Centre / Training Advisor, the College will notify them irrespective of the age of the learner.

2. PRINCIPLE

- 2.1 At every stage in the procedure the learner will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before a decision is made.
- 2.2 This disciplinary policy covers issues of behaviour, breach of policies, conduct, attendance, and academic performance.
- 2.3 The procedure may start at any stage according to the learner's alleged misconduct. Immediate suspension may be used in situations of suspected gross misconduct, or where safety/safeguarding is a concern. Suspension in this case does not imply that the learner is guilty of the offence. In the event of suspected gross misconduct involving acts of violence against other students or staff and where there is evidence that the learner presents a

danger to members of the College community, the disciplinary process may proceed without the learner being invited to attend the panel hearing.

- 2.4 The learner will have the right of appeal against any formal disciplinary action taken under Stage 5.

3. SUPPORT PROCEDURES

- 3.1 During a course of study at Boston College, we appreciate that there may be occasions where a learner may experience personal difficulties, and these may have a negative impact on their course of study.
- 3.2 Although the College will do their utmost to provide appropriate support, they need to ensure that the learner continues to achieve their learning goals and make adequate progress on their course.
- 3.3 In this instance we may issue a learner with a green support card with agreed achievable targets for them to aim towards, this may be used to improve attendance, handing in work, or personal issues including mental health etc. This card may be issued by a tutor or a Learner Support Officer.
- 3.4 The length of time that a learner is on a green support card will vary according to his / her personal circumstances. If it is found that the support has been offered or put in place and the learner has not engaged with the process, then the learner may be referred to the disciplinary procedures.
- 3.5 The tutor or a Learner Support Officer will monitor and review the agreed support arrangements.
- 3.6 Further guidance on this can be found in Appendix Two.

4. PROBATION

LEARNERS NEED TO BE AWARE THAT THE DISCIPLINARY PROCEDURES DO NOT APPLY WHILST ON PROBATION.

- 4.1 In some instances it will be appropriate for learners to be placed on probation at the start of their course. Every learner placed on probation will be given a letter clearly stating that they have been put on probation. The probation targets are held on VITAL. This may be due to one or more of the following reasons: -
- any learner applying after 1st August (except for apprentices) will automatically be classed as a late applicant and placed on probation until all application criteria have been met.
 - an unsatisfactory reference.
 - the learner needs to demonstrate that they can undertake the course.
 - a returning learner who has previously been on a final written warning (red report card).
 - learners who have changed course and are continuing at College at the same level.
- 4.2 When the learner is placed on probation their course tutor and/or Senior Learning Lead will provide the learner with clearly defined guidelines on why they are on probation and what they need to achieve to be taken off probation. A learner will only be placed on probation for a maximum of five weeks from the start of their course. If the learner fails to meet the conditions of their probation, then their course may be terminated, and a referral made to the Careers team for alternative options.
- 4.3 The learner will be asked to agree their probation and targets set on VITAL. Learners will not have their probation period extended, however, if reoccurring problems persist after a clear probation period the learner will go through disciplinary procedures in the usual way.

5. COVID-19 ADDITIONS TO THE DISCIPLINE POLICY

If you are found to have coughed or spat at, or towards, any other person, either a learner or a member of staff, this will result in immediate suspension pending investigation and is likely to put your college place at risk. The College will also report this action to the Police for investigation.

There may be elements of online learning which could include (but not limited to) Microsoft Teams, Zoom, live stream lessons as examples. Therefore, learners must be aware that our Disciplinary Policy extends to all of our delivery methods, and this includes online learning.

6. DISCIPLINARY PROCEDURES

Minor infringements of College rules will be dealt with informally but in the case of other breaches, or where the learner is deemed to have brought the College into disrepute, the following procedure will apply and may be commenced at any stage.

If a learner has a recognised and documented disability or illness and the disciplinary matter clearly is indicated as a symptom of that disability / condition, then the matter will be dealt with in the first instance as a support issue. Only if the investigation then shows then the support measures in place are adequate and the learner continues to breach the code of discipline expected by the College will this matter be taken further through the disciplinary process. However, in cases of gross misconduct or where the learner is a risk to self or others the disciplinary procedures will apply immediately.

6.1 STAGE 1 – VERBAL WARNING

A learner whose conduct is unsatisfactory will be seen by their tutor and given a verbal warning and issued with a Stage 1 Verbal Warning (white report card). The warning will be recorded on VITAL or Smart Assessor in the case of apprentices. The Stage 1 (white report card) will last for a maximum of four weeks – or two cards lasting for two weeks each. This will mean that a learner may receive a maximum of two Stage 1 (white report cards) in one academic year. Further guidance on this can be found in Appendix Two. If no improvement is seen after this time it will result in the learner being referred to Stage 2.

If the learner is under 18 years of age (24 years of age if the learner has a learning difficulty or disability) parents/guardians will be informed by letter.

The learner will be advised why they have been given the warning and that this forms the first stage of our formal procedures and that a repetition will result in further disciplinary action.

6.2 STAGE 2 – WRITTEN WARNING

In more serious cases, where there are repeated instances from stage 1, or where a verbal warning has not produced a positive improvement, the learner will be interviewed by the Senior Learning Lead. If it is found that action needs to be taken the Senior Learning Lead will: -

- i) Make clear to the learner the matter of the complaint or concern.
- ii) Identify specific objectives for the learner to attain.
- iii) Record the warning on VITAL or Smart Assessor in the case of an apprentice and issue a Stage 2 Written Warning (yellow card). The learner can stay on one Stage 2 (yellow card) for a maximum of 4 weeks or two cards for two weeks each. Further guidance on this can be found in Appendix Two.
- iv) The warning will state that failure to improve performance or further incidents of misconduct during the period of warning will result in action under Stage 3.

If the learner is under 18 years of age (24 years of age if the learner has a learning difficulty or disability) parents/guardians will be informed by letter.

6.3 STAGE 3 – FINAL WRITTEN WARNING

If the learner's conduct continues to be unsatisfactory, or where the offence is very serious, the learner will be interviewed by the Director of Learning. In the absence of the Director of Learning this step may also be carried out by another department Director of Learning, or member of the Executive Team. Learners need to be aware that if they are in receipt of financial support, they may lose this because of their behaviour.

At this stage the Director of Learning will consider all or some of the following: -

- i) Make clear to the learner the matter of the complaint or concern.
- ii) Identify the specific objectives for the learner to attain.
- iii) Record the final warning on VITAL or Smart Assessor in the case of an apprentice and issue a Stage 3 Final Written Warning (red report card). The learner can be on a Stage 3 Final Written Warning (red report card) for a maximum of four weeks or until a disciplinary hearing is convened where required. A learner will only be placed on a Stage 3 Final Written Warning (red report card) once in an academic year. Further guidance on this can be found in Appendix Two.
- iv) It is acknowledged that when a learner reaches the final warning (red card stage) that the next stage is for them to be referred to a disciplinary hearing, however, it is understood that occasionally a learner may make a minor misdemeanour that does not warrant being taken to disciplinary hearing. In this instance it will be down to the Director of Learning, or appropriate Senior Manager in their absence, to meet with the learner and agree an action plan. This may include one or more targets and needs to be agreed and signed by both parties. Again, a copy of this will be placed on the learner's file, a copy

to Learner Support Officer, a copy given to learner and a copy sent home if the learner is under 18.

- v) If behaviour does not improve the next stage is to be referred to a disciplinary hearing by the Disciplinary Committee, which deals with unsatisfactory conduct, attendance, and academic performance.

The Director of Learning may suspend the learner until the Disciplinary Committee meets if the nature of the alleged offence is deemed of a very serious nature or where safety is a concern. The Director of Learning will inform the learner, and if under-18 the parents, verbally (where possible), that they are being taken to a disciplinary hearing and then in writing. The Curriculum Administrator should send a copy of the letter to the Director of Learning, Senior Learning Lead, Tutor, and in the case of an apprentice, the employer. The Senior Learning Lead must inform the Management Office and supply them with any evidence they intend to provide at the hearing using Part A: Initiating Stage 4 (Disciplinary Panel) of the Learner Disciplinary Policy – Appendix 4.

6.4 STAGE 4

The Learner Disciplinary Committee will be convened as soon as possible by the Management Office and normally within ten working days of the initial verbal notification to the learner. The Management Office will write to the learner, (and if appropriate to the parents/guardian) within 5 working days of notification from the Director of Learning or Senior Learning Lead, with the date of the hearing and a description of the alleged offences. The learner should be clear about the reasons for the hearing. The evidence to be presented should be described and where appropriate included, e.g.: -

- Summary of the evidence to be presented
- Attendance records
- Statements by witnesses
- Disciplinary cards from VITAL/Smart Assessor
- Progress reports from VITAL/ Smart Assessor
- Video material
- Records of interviews.

All information collected as evidence to be presented should be reviewed by the Senior Learning Lead / Director of Learning. It is the responsibility of the Senior Learning Lead to ensure that names of learners (apart from named learner in disciplinary) or information which could lead to a learner or staff being identified should be retracted. This ensures that witnesses are protected from repercussions. The Management Office will undertake a final check prior to the information being sent.

The Committee will consist of three members of staff: -

- i) The Assistant Principal: Quality, Performance & Standards, Director of Learning: Adults and Apprenticeships, Head of Information Services or a member of the College Management Team (other than Senior Learning Leads) or the Executive Leadership Team (except the Principal or Deputy Principal). This member will be the chair of the panel.
- ii) The remaining two members will be either a College Manager, a Director of Learning or a Senior Learning Lead from a different area than the learner is currently studying in.
- iii) The learner may be accompanied by a friend, member of the Student Union or parent / guardian if they are under the age of 18 (if a learner has a learning difficulty / disability or mental ill health issue then we recognise that their parent / carer may wish to accompany them regardless of their age).

The Learner Services department may advise and support the learner if necessary to ensure that the learner is clear on the procedures and what is taking place.

7. FORMAT OF HEARINGS

The chair will: -

- a) introduce those present and explain their roles.
- b) explain the purpose of the hearing and how it will be conducted.
- c) explain the powers of the panel.
- d) ensure that the learner knows and understands the allegations.
- e) ensure the learner has received the Boston College Learner Disciplinary Policy and Procedure for FE Learners and copies of the evidence to be presented at the hearing.

Conduct of the hearing: -

- a) the Director of Learning or Senior Learning Lead from the learner's area of study, will present the case and evidence and call any witnesses.
- b) the learner may question the Director of Learning / Senior Learning Lead and any witnesses.
- c) the panel may question the Director of Learning / Senior Learning Lead and any witnesses.
- d) the learner should present their case and evidence and call any witnesses.
- e) the Director of Learning / Senior Learning Lead may question the learner and any witnesses.
- f) the panel may question the learner and any witnesses.
- g) the Chair should offer the Director of Learning / Senior Learning Lead and the learner the opportunity to withdraw to prepare summing up if they wish.
- h) invite the Director of Learning / Senior Learning Lead to sum up.
- i) invite the learner to sum up.

- j) ask the learner: -
if they wish to make any further points.
if there are any other factors they would like to be taken into account.
- k) the Director of Learning / Senior Learning Lead and the learner will be asked to withdraw to agreed places.

The Decision: -

- a) the Senior Learning Lead and the learner will be invited to return when the decision is announced.
- b) the learner will be informed of the requirements and procedures for an appeal.
- c) the learner will be formally informed of the decision in writing within five working days. The letter will be checked by the panel chair prior to it being sent to ensure that it is consistent with the hearing decision. The learner's sponsors will be informed or parents if the learner is under 18.
- d) the Chair will complete the form 'Record of Decisions and Recommendations' which will be sent to the Management Office who in turn will notify the Director of Learning and the Head of Information Services of the decision. A copy should be kept on the learner's file.

The Learner Disciplinary Procedure is not prescriptive about possible actions or penalties which may be imposed. Where a learner is found to have committed an offence action may include: -

- i) a written final warning, detailing issues to be addressed. If the learner does not meet these requirements, they may be excluded. In this instance the learner will not have to go back to a disciplinary committee and the decision can be made by the Director of Learning.
- ii) placing the learner on report to the end of the academic year, they will then be asked to report to a nominated member of staff at regular agreed timescales set.
- iii) suspension for a stated period.
- iv) Exclusion.
- v) the requirement for a letter or statement of apology.
- vi) other, including support from internal and external agencies.
- vii) Financial compensation for damage.
- viii) A specific period of time where College applications will not be accepted.

8. APPEALS

A learner who wishes to appeal against the decision of the Disciplinary Committee should inform the Deputy Principal in writing within ten working days of the letter being sent. The College will send these letters first class to ensure prompt delivery. If the learner's place is terminated the letter needs to be sent out by recorded delivery.

A learner has the right of appeal if they can demonstrate that either: -

- a) the original hearing was conducted improperly, or
- b) they have new evidence to present.

The Deputy Principal will decide whether there are grounds for an Appeal. All appeals will be heard by the Learner Appeals Committee and any decision of the Committee is final.

The Learner Appeals Committee will consist of: -

- a) the Principal or a member of the Executive Team (Chair).
- b) a member of the College Leadership Team not previously involved in the case or other nominee of the Principal.

The learner may be accompanied by a friend, member of the Student Union, parent, or guardian if they are under the age of 18 (if a learner has a learning difficulty / disability or mental ill health issue then we recognise that their parent / carer may wish to accompany them regardless of their age). If a learner is over the age of 18 they may bring a Student Union representative or colleague to the Learner Appeals Committee.

The Appeal Committee may support, overturn, or vary the decision of the Learner Disciplinary Committee. This will not include the imposition of a more severe penalty.

The decisions and any recommendations should be recorded on the Disciplinary Hearings Record Form and a copy sent to the Director of Learning and Head of Information Services by the Management Office. A copy should also be kept on the learner's file.

The learner should be informed along with parents / sponsors if appropriate.

APPENDIX ONE

LEARNER DISCIPLINARY PROCEDURE FOR VERY SHORT OR ONE DAY COURSES NOTE

This supplement to the College Learner Disciplinary Policy & Procedure should be available to all learners that enrol on very short or one-day courses to ensure they are aware of the procedures that will be used to maintain high standards of learner conduct and achievement.

For very short or one-day courses it is unrealistic to use the same system of verbal and written warnings that would apply to all other learners so the following steps should be taken:

Step One

If a learner's conduct, behaviour or progress is not appropriate the assessor / tutor will verbally warn the learner.

Step Two

At an appropriate break in the session the assessor / tutor will notify their line manager or for commercial courses the Employer Engagement Manager that a learner has been issued with a warning. The assessor / tutor should complete a written report / statement of the incident and send this to their line manager.

Step Three

The manager should then speak to the learner covering the issues raised in the assessor / tutor's written report and explain that if any further problems occur, they will be dismissed from the course. The manager should record any feedback from the learner at this time to ensure fairness, justice, and consistency in handling a disciplinary issue.

Step Four

If the assessor / tutor feels that conduct, behaviour, or progress has not improved following the initial warning the learner will be dismissed from the course. Both assessor / tutor and the appropriate manager should complete a final report on the incident.

In situations of serious misconduct, health and safety breaches or safeguarding issues a learner can be removed from the course without warning.

Step Five

When the learner has been dismissed from the course by the appropriate manager, they should be given details of the College's complaints policy and procedure if they wish to appeal or complain about the decision.

APPENDIX TWO

GUIDANCE NOTES FOR ISSUING DISCIPLINARY CARDS

The following information is for guidance purposes only. The examples given are not exhaustive and progress through the stages does not need to always follow from green to red.

Green Support Card (maximum 4 weeks)

Learners may be placed on this if they have experienced some personal difficulty within their life which is impacting on their education; some examples are: -

- Bereavement of family member.
- Pregnancy, miscarriage.
- Family breakdown.
- Homelessness.
- Carer for someone at home.
- Dependant parent.
- Late or poor attendance.
- Failure to hand in work on time.

For any of the above we would start by supporting the learner to get back on track, if this however does not work it may result in a move to disciplinary action.

Stage 1 Verbal Warning – White Card (maximum 2 cards per year for two weeks each or one card of four weeks in total)

Learners may be given a verbal warning with no green support card previously issued. However, some learners will be placed on Stage 1 following the green support card being ineffective. Learners may be given a verbal warning for one of the following: -

- Repeated poor attendance.
- Failure to meet deadlines.
- Inappropriate behaviour / language / attitude towards a staff member or learner.
- Smoking outside of designated area when warnings previously given.
- Failure to produce ID card when warnings previously given.
- Mobile electronic equipment being used in classroom or workshop (unless in case of emergency which needs to be agreed with Tutor, or as part of an agreed classroom exercise).
- Disrupting classroom learning.
- Not bringing PPE for workshop sessions.
- Spitting or other inappropriate behaviour.

NB STAFF NEED TO BE AWARE THAT LEARNERS MAY NEED TO BE REFERRED TO LEARNER SERVICES.

Stage 2 Written Warning – Yellow Card (maximum 2 cards per year of two weeks each or one card for a maximum of four weeks)

Learners would normally only be placed on Stage 2 following Stage 1 not being effective, however, on occasions some behaviour may be seen as more serious resulting in the learner being placed straight on Stage 2. Examples of this may be: -

- Inappropriate language directly aimed at an individual staff member or learner which causes distress to the recipient.
- Behaviour that would bring the reputation of the College into disrepute, either within College time or externally whilst on course of study.
- Repeat of any issues from Stage 1.

NB. STAFF NEED TO BE AWARE THAT LEARNERS MAY NEED TO BE REFERRED TO ADDITIONAL SUPPORT FROM LEARNER SERVICES.

Stage 3 Final Written Warning – Red Card (one card for a maximum of four weeks)

Learners will normally only be placed on red report card when Stage 1 and Stage 2 have not been effective. Learners can be placed directly onto a red report card, but this will only be in cases of gross misconduct, for example: -

- Plagiarism.
- Forgery of staff signature.
- Bullying, racist, sexist, or discriminatory comments/behaviour
- Physical violence
- Damage to property.
- Verbal abuse, or other action, which is seen as threatening or intimidating.
- Theft.

NB. LEARNER SUPPORT OFFICER SHOULD BE INFORMED OF ALL LEARNERS PLACED ON RED CARDS.

STAGE 3 FINAL WRITTEN WARNING - RED CARDS MAY RESULT IN WITHDRAWAL OF FINANCIAL SUPPORT.

Any further incidents of misconduct during this period will result in the convening of a Disciplinary Committee.

The Management Office will write to the learner within 5 working days of notification from the Director of Learning / Senior Learning Lead, with the date of the hearing and a description of the alleged offences.

All evidence will need to be presented so please ensure that there is a clearly documented trail.

APPENDIX THREE

Dear Learner

PROBATION

As discussed, and agreed at the time of your enrolment, I am writing to confirm that you have been placed on a five-week probation period from the start of your course.

Being on probation means that we have agreed targets with you. You will need to achieve all these targets within the five-week probationary period to have your permanent place confirmed. Failure to meet these targets could result in the withdrawal of your college place for the academic year.

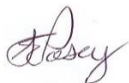
Your targets can be viewed on your VITAL dashboard and will be reviewed by your tutor later.

Probation is an integral part of our Admissions Policy which can be provided via Learner Services. Please note, college disciplinary procedures do not apply whilst you are on probation.

All learners applying to college after the 1st of August will automatically be placed on probation as a late applicant until all the admissions criteria which have been agreed with you have been met.

If you have any queries, please do not hesitate to contact me

Yours sincerely



SHARON POSEY
HEAD OF SAFEGUARDING & WELLBEING

PROBATION FORM

Late Probation Criteria

To be used at LATE ENROLMENT ONLY

Information to be entered onto VITAL by Curriculum after enrolment

(NB learners who have applied to College after 1st August)

Requirements

Please tick

Complete all work set within agreed timescales	
Attend all meetings with the Learner Support Officer if requested	
Attendance at all classes	
Full participation in all learning activities, whether classroom or practical sessions	
To meet all ILJ targets set during probationary period	
Produce satisfactory references	
Provided / copied certificates or results slips to meet entry criteria	
Complete and returned criminal disclosure form	
Returned clear DBS form for Care / Childcare courses	
Complete a health declaration if support required for disability / health issues	
Complete and pass practical or academic assessment task related to area of study	
Complete assessment at an appropriate level for area of study in Maths / English	

You will have a probationary review meeting with your tutor at the end of the five-week period.

Interviewer name (please print):

.....

Interviewer signature:

.....

Learner to sign below to confirm that they understand the terms of their probation and the requirements they must meet.

Name of Learner (please print):

.....

Course:

.....

Date:

.....

I confirm that I have read and understood the terms and conditions of my probation and that I agree to all the targets set. Learner signature:

.....

APPENDIX 4

