



# South Staffordshire College

## **Learner ABC Standards (Attendance, Behaviour and Commitment)**

### **Learner Conduct Policy and Procedure**

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# **Learner ABC Standards (Attendance, Behaviour and Commitment), Learner Conduct Policy and Procedure**

## **1.0 Procedure Statement**

- 1.1 The purpose of this procedure is to establish clear college guidance regarding Learner/Apprentice Conduct and Behaviour and to establish key principles, structures and monitoring arrangements for the college.
- 1.2 Our expectation is that all learners/apprentices will conduct themselves in a manner compatible with a respectful and tolerant environment. This includes compliance with the Equality Act 2010 and the Prevent Duty incumbent upon the College to promote British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs. We expect our learners/apprentices to attend all scheduled classes; including scheduled trips and visits, work placement and work experience; to proactively engage in remote learning sessions and to meet all assessment deadlines.
- 1.3 To track and monitor learner/apprentice performance and behaviour, the College records all relevant information on ProMonitor/Smart Assessor and expects that all learners / apprentices access their information through ProPortal/Smart Assessor. This will enable learners/apprentices to monitor attendance and punctuality, monitor academic performance against their target grades and review their SMARTER targets to ensure that they are on track and making good progress. All interventions relating to conduct and behaviour will be logged on ProMonitor / Smart Assessor (uploaded to learner files) and reviewed by the Personal Tutor/Apprenticeship Practitioner with the employer.

## **2.0 Procedure Aims/Objectives**

- 2.1 To outline the guiding principles of the College's ABC standards and conduct procedure.
- 2.2 To identify the expected standards of behaviour for learners/apprentices at South Staffordshire College and to promote a culture that reinforces positive learner/apprentice behaviour.
- 2.3. To set out the stages of the College Learner Conduct Procedure and to outline sanctions which may be applied as part of the Learner Conduct Procedure.

## **3.0 Scope**

- 3.1 This procedure applies to all learners, apprentices, staff, governors, clients and partners with whom we work to deliver services.
  - 3.1. The scope of this procedure covers all procedures and processes of the College relating to the promotion of good learner/apprentice conduct as well as challenging and handling inappropriate learner/apprentice behaviour.

3.2. This procedure applies to all learners and staff; and governors, clients and partners with whom we work to deliver services, including those aged 16-18, adults aged over 18, those aged under 16 and apprentices. In the case of school age learners, the College will liaise as appropriate with the learner's school to discuss any conduct concerns and their resolution. In the case of apprentices, the College will judge whether it is necessary to inform the learner's employer about any conduct concerns, although any issues necessitating police involvement would automatically lead to a report to the employer.

3.3. This procedure applies in the following instances:

- When on College premises both in and out of class.
- When attending a College organised trip, visit, placement or event.
- When behaviour outside of the College has a detrimental impact on other learners at the College e.g. breaking the rules of the E-Safety/bullying and harassment

3.4. This procedure does not seek to replace standard classroom management. Staff should seek advice from the Curriculum Manager or Director of Faculty as appropriate in any queries about the implementation of this procedure.

## 4. Principles

4.1. The College expects that **all members of staff** will work with learners/apprentices, Personal Tutors, Apprenticeship Practitioners and Employers, Progress Coaches and Mentors to resolve poor performance or minor issues informally before a warning regarding conduct is considered. However, any conduct that could be considered as Gross Misconduct or a serious breach of the Learner Agreement will be dealt with by moving directly to stage 3 or 4 of this Procedure.

4.2. **All members of staff** have a responsibility, and in some cases a legal duty (for instance concerns arising from safeguarding issues or linked to the 'Prevent' agenda), to report concerns regarding student safety, behaviour or conduct. In most cases, concerns are to be made known to the student's Personal Tutor / Apprenticeship practitioner except where a safeguarding or 'Prevent' issue is suspected (see Safeguarding Policy for further guidance). For apprentices' information can be found in the Mentor guide for employers

4.3. The stages of the Learner Conduct procedure are designed to be supportive of student retention rather than punitive but do detail processes which can lead to a student being excluded from the College.

4.4. Any records of interventions or concerns must be kept by the Personal Tutor / Apprenticeship Practitioner using ProMonitor / Smart Assessor. Each record is essential evidence for any subsequent stages of the procedure.

## 5. ABC standards (Attendance, Behaviour and Commitment)

The ABC procedure sets out our expectations and how we will support our learners/apprentices meet our professional standards.

ABC Standards	
<b>Attendance:</b>	Attend all timetabled sessions including vocational sessions, maths and English, tutorial, e-learning sessions, catch-up workshops, scheduled 1:1 meeting (including Tripartite review meetings), additional support appointments and educational trips and visits (If and when it is safe to do so). There should be no unauthorised absences.
<b>Behaviour:</b>	Behave with respect and consideration for others, upholding the college commitment to fundamental British values and equality of opportunity and recognising the primary function of the College as a learning environment.
<b>Commitment</b>	To develop and always maintain professional standards of behaviour. To be punctual and ready to learn for all planned sessions and activities. Complete all pieces of work to agreed deadlines and to a good standard and show commitment to the ethos of the college. To have a positive attitude towards learning, and a readiness to learn.

### 5.1. Our Promise to learners

#### 1. **Planned Learning:**

All sessions will be planned to ensure that learners/apprentices get the correct knowledge and skills to succeed.

#### 2. **Engagement:**

Staff will ensure learners/apprentices have the opportunity to become actively engaged in every session.

#### 3. **Personalisation:**

We recognise our learners/apprentices as individuals and will ensure that they are treated as such, with specific work prepared to meet their needs.

#### 4. **Challenge:**

Through regular assessment, learning will be adapted to ensure that we are constantly stretching and developing learners/apprentices.

#### 5. **Feedback:**

We promise to offer feedback in a variety of forms, both written and verbally to ensure that learners/apprentices always understand how well they are doing and how they can improve. Marked work will be returned to learners within 10 working days.

#### 6. **Maths and English:**

Maths and English plays an integral role in all that we do. We recognise the importance of these subjects in the modern world of work and promise to help learners/apprentices develop skills in these subjects.

## 7. Learning Space

We will ensure that every area for learning is tidy, structured, informative, and supports effective teaching and learning.

## 5.2. Learner/Apprentice standards

The following standards apply to all learners/apprentices:

### **Attendance and Punctuality Standards**

#### **Attendance Standards**

We expect learners/apprentices to attend **ALL** timetabled sessions including vocational sessions, maths and/or English sessions, catch-up sessions, tutorials, scheduled 1:1 meetings, arranged workplace sessions including on-line learning, tripartite planning and review meetings, additional support appointments, and off-site trips and visits. There should be no unauthorised absences.

- i. An excellent standard is a 92%+ attendance rate
- ii. A good standard is 90-92%
- iii. A satisfactory standard is 89-90%
- iv. A poor standard is less than 88%
- v. Attendance below 80% without authorised absence is considered misconduct (stage 1).

#### **Authorised Absence**

The College accepts that there will be occasions when absence can be authorised and recorded in the register as authorised absence. Examples are as follows:

- A medical or similar appointment notified in advance or a genuine emergency, cannot normally be arranged outside college hours
- Regular appointments with a counsellor or social worker
- Reported absence through illness with a medical certificate or care plan documented by the College
- A religious holiday provided that this has been agreed in advance with the Course Tutor (a maximum of 1 day per recognised festival is allowed)
- A visit to a university to attend an open day or interview or a career related interview
- A **special** external activity such as participating in drama, music, sport or volunteering if agreed in advance with the Course Tutor
- Attendance at a probation or court meeting
- Attendance at a funeral of a close friend/family member
- A practical driving test (but not a driving theory test or driving lesson)
- Attendance at interviews for Work Experience as part of the Study Programme

Evidence of the above, where available and appropriate, will need to be shared with course tutors.

### **Unauthorised Absences**

The following reasons are NOT acceptable and should be recorded as an unauthorised absence. If a Course Tutor requires further guidance, liaise with a Curriculum Manager, Director of Faculty or Head of Apprenticeships as to what can be authorized:

- General illness
- Holidays
- Routine dentist or optician appointment
- Work, either part or full – time (with the exception of Apprentices)
- Non college leisure activities
- Birthdays or similar celebrations
- Babysitting or looking after brothers and sisters
- Shopping
- Driving lessons
- Any absence where agreement has not been sought or obtained from the Course Tutor or Mentor

The learner/apprentice, parent or guardian must notify the appropriate hub team in order for any absence to be considered as authorised. This must take place no later than the day before the absence except in the case of a genuine emergency.

### **Punctuality standards**

Poor punctuality is identified as a learner/apprentice attending late on three or more occasions in one half term. Lateness after breaks is inexcusable and the College regards this as disruptive behaviour. Ongoing poor punctuality should be logged initially through the Early Intervention stage of the procedure.

*All late arrivals should be recorded on the class register.*

### **Actions to support Attendance and Punctuality**

- Staff will outline the expectations of attendance and punctuality at interview/guidance sessions with learners/apprentices and check references for information on attendance and punctuality.
- Induction activities to clearly outline the expectations of Attendance and Punctuality procedures through the *ABC Initiative*.
- Our expectations for attendance and punctuality will be clearly set out in the group contract.
- All instances of learner/apprentice absence, lateness or early departure must be recorded on electronic registers.

- Where reasons for absence are known they must be **logged on ProMonitor** / Smart Assessor
- Help and support should be provided for learners/apprentices during tutorials / tripartite review meetings, in planning and organising their time to establish priorities and identify the time required for learning activities.
- The inclusion of Programme Leaders, progression coaches and Mentors can further support the importance of attendance and punctuality using action plans.
- When learners/apprentices fail to attend without notification, the teacher of the lesson will contact the course tutor who will contact the parent or career, this can be supported by progression coaches where learners are 'at risk'.
- Attendance and punctuality will be reviewed with learners in their personal tutorial sessions / apprenticeship practitioner. They will be given appropriate guidance and will be set targets for improvement where needed. Alternatively, learners/apprentices will be praised for good attendance and punctuality.
- Each learner/apprentice is responsible for catching up on any work they have missed because of absence, this will be coordinated by the group tutor / apprenticeship practitioner and / or progression coach. Learners may be required to attend additional booster sessions outside normal College hours if attendance or punctuality are not satisfactory.
- Regular review of each individual learner/apprentice during ASPIRE meetings will be conducted to support those learners at-risk. This includes a focus on attendance during **English and maths** in addition to the main programme.

## **Working with 'at risk' learners – Stages of Intervention**

When a learner / apprentice is absent from learning without authorisation the attendance monitoring process will commence on the first day of any unauthorised absence. This includes **5 phases of intervention:-**

Parents will only be contacted where a learner is under 19, or under 24 with an EHCP.

### **Phase 1**

On the first day of absence, a text message will be issued by MIS to the learner/apprentice and parent / carer informing them that an unauthorised absence has been recorded on the register. (All provision types excluding futures). Additionally, employers will receive a text message on the first day of absence.

### **Phase 2**

Where learners/apprentices are absent more than once in one week the daily texts will continue and if a learner/apprentice is absent for a full week an email will be sent by MIS to the learner/apprentice and the parent / carer informing them that despite reminders

attendance remains a concern. The learner/apprentice will be asked to contact their tutor if they require any support to return. (All provision types excluding futures).

### **Phase 3**

Where a full-time 16-19 learner has been absent for a full week a telephone call will be made to the parent by the curriculum admin team. An 'attendance monitoring meeting' will be created in ProMonitor and the outcome of the telephone call will be recorded on ProMonitor. Where the curriculum admin team have capacity, they will also call full-time adult learners. Where an apprentice's attendance does not improve the employer will be called.

### **Phase 4**

Where attendance has not improved despite intervention at Phase 3, attendance is below 88% highlighting a learner as 'high risk' progression coaches will review the learner and arrange a meeting where required (full-time learners will be prioritised). The course tutor is expected to work with curriculum admin, progression coach and learner/parents to support them. The course tutor will complete a mentor referral form if requested or implement the ABC procedure at the appropriate stage.

### **Phase 5**

This phase is a continuation for learners on phase 4 only.

Where attendance has still not improved from stage 4, the curriculum admin team will flag to the curriculum manager for review with the group tutor. The ABC procedure will be followed with the learner and parents / carers will be notified.

Any learner who has been or is at risk of withdrawal, is referred to Learner Services for guidance and independent careers advice.

### **High Risk Learners**

High risk learners will be supported by a Progression Coach who will complete an intervention log on ProMonitor.

Interventions of high-risk learners will be monitored and reviewed by the Quality Team and used within the ASPIRE meetings to ensure that intervention targets are SMARTER and learner performance improves.

Any learner who has been or is at risk of withdrawal, is referred to Learner Services for guidance and independent careers advice.

## **Behaviour and conduct**

In addition to our high expectations for attendance and punctuality, learners/apprentices are expected to behave with respect and consideration for others upholding the College commitment to equal opportunities and fundamental British values.

- We expect learners/apprentices to be **READY** to learn by attending lessons with a positive attitude to learning.
- We expect learners/apprentices to behave in a way that shows **RESPECT** for others and the environment by doing the right thing, being kind, caring, honest and trustworthy.
- We promise to offer an environment that is **SAFE** and caring with clear systems in place should learners/apprentices need to discuss and report anything that may be challenging their feelings of safety. We expect all learners/apprentices to follow



our expectations around personal safety and will report any safeguarding concerns in line with current legislation.

- To follow health, safety and security procedures at all times including the requirement to wear ID badges on campus.
- Following College rules and learner code of conduct in every session, on campus and during educational trips, visits and placements.
- Treating others with respect and forming effective working relationships with others.
- Following instructions in class and on campus, adhering to Health and Safety protocols, and engaging positively in all learning activities.
- To positively engage in work experience and placements adhering to health and safety procedures.
- We will support all learners to stay safe online as part of our tutorial process. Where learners do not meet the expectation, we will invoke the learner conduct procedure.
- Follow the guidance on the use of mobile phones and music which is outlined in appendix B.

#### **Actions to support learner /apprentice behaviour and conduct:**

- Staff will outline the expectations of behaviour and conduct at interview/guidance sessions with learners and check references for information on behaviour and conduct.
- Induction activities to clearly outline the expectations of behaviour and conduct through the *ABC Initiative*.
- All groups will have a 'group contract' which will set out expectations for learners and will be adhered to by all staff to ensure a consistent approach to behaviour management.
- **All instances** of learner misconduct (including early intervention) will be logged on ProMonitor in accordance with the Learner Conduct Procedure.
- Conduct and behaviour will be reviewed with learners in their personal tutorial sessions where appropriate guidance, intervention and targets will be set to support improvement.

#### **Commitment to learning**

- To demonstrate a positive attitude and approach to learning.
- Being prepared for learning by having the correct uniform, equipment and learning materials for all classes including practical sessions.
- To complete all assessments in accordance with set deadlines.
- Taking increasing responsibility for learning through proactive engagement in 1:1 tutorial reviews and timely achievement of personalised SMART targets.
- Demonstrating a high level of resilience and/or accessing College support where required.
- To attend stretch, challenge, and catch-up sessions where appropriate.
- Showing high level of perseverance and personal commitment to learning throughout the academic year.

### **Actions to support commitment to learning:**

- The actions to support commitment to learning are set out in our promise to learners.
- Additionally, learners/apprentices will receive pastoral care from tutors, progression coaches and mentors where required.

## **6. Promoting behaviour**

6.1. The College believes that it is important to celebrate learner/apprentice progress and achievement and acknowledging positive behaviour is central to our approach to promoting good behaviour and positive relationships. Learners/apprentices who achieve the expected standards have an opportunity to achieve certificates and rewards for their achievements.

6.2. Curriculum teams, course tutors and apprenticeship Practitioners will nominate learners/apprentices from area / every half term for a Team Award. These learners will have demonstrated a high standard of achievement and commitment to their course, or they could have made the most significant improvement. At the end of term all nominated learners will have an opportunity to be selected as the Faculty Student of the term where they will receive a certificate or reward for their achievement.

## **7. Support and intervention**

7.1. Curriculum Managers and Directors of Faculty will monitor the performance of learners/apprentices against the ABC standards and will support staff in applying the standards and procedure in a consistent and fair manner. Where learners/apprentices are at risk, staff are required to follow the Learners at Risk Procedure.

## **8. Learner conduct procedure**

8.1. The College will provide learners/apprentices with guidance and support to enable learners/apprentices to achieve the ABC standards of behaviour. However, where behaviour falls repeatedly below the expected standards, the learner Conduct procedure will be invoked.

### **Conduct Procedure- Learner Misconduct Stages**

It is an expectation that, any behaviour that falls below the ABC standards set out within this procedure, will be managed in accordance with learner misconduct stages outlined below, including any low-level disruption which may escalate if left unaddressed.

There are **four** learner misconduct stages: -

1. Early Intervention (Informal)
2. Stage 1 (Cause for Concern)
3. Stage 2 (Misconduct Meeting)

#### 4. Stage 3 (Formal Conduct Hearing)

### **All stages must be logged on ProMonitor / Smart Assessor using the Learner Action Plan**

#### **Learner Action Plan (new for 2023/24)**

**Classroom Based - The Learner Action Plan is now electronic and located in Meetings and Comments section of ProMonitor. This is located under 'Manage Learner Meetings' and located in the 'Learner Conduct Category'.**

**Apprenticeships – Apprentice Action Plan Template is available on the intranet for assessors to complete and upload to Smart Assessor.**

A flowchart that shows each of the learner misconduct stages is attached at Appendix A. If a learner has an Education, Health and Care Plan (EHCP), the Additional Learning Support (ALS) team will be invited to attend and/or contribute at each stage of the process. Furthermore, if any misconduct involves a Looked After Child (LAC), the appropriate mentor will be invited to attend.

#### **Early Intervention Stage (Informal)**

The Early Intervention stage should be seen as a preventative measure and used to support learners/apprentice before invoking the formal stages of the learner conduct procedure.

Staff should try and address learner/apprentice conduct issues as early as possible by setting clear expectations for attendance, punctuality and behaviour, effective classroom management, clear target setting and tracking of learner progress (during induction, and through the group contract). Many conduct issues can be addressed before the formal stages through one-to-one discussions with learners in a tutorial or at the end of a class or, where appropriate, through contact with parents/carers of those aged under 18.

**Early Intervention discussions and any agreed targets should still be logged on Promonitor by the course tutor. For Apprentices, discussions and targets should be logged on Smart Assessor**

It is possible that a learner may have Early Intervention meetings throughout the academic year to support them to achieve our expected standards of behaviour. However, if they fail to adhere any agreed actions / targets set out in the early intervention action plan, they will move to stage 1 of the procedure.

#### **Stage 1 – Cause for Concern – Formal Verbal Warning & Action Plan (Course Tutor / Apprenticeship Practitioner)**

##### **Early intervention action plan not achieved.**

Any member of staff or employer may have a cause for concern regarding a learner's/apprentice's behaviour, for example failing to meet the ABC standards due to poor attendance and/or punctuality, persistence disruptive low-level behaviour,

inappropriate language or not handing work in at an agreed time. This concern will be raised with the course tutor who will discuss the issue formally and verbally with the learner and record the meeting on ProMonitor with an action plan to support the learner to improve. Parents/carers of those aged under 18 or vulnerable adults aged 18 or over will be notified in writing by the course tutor.

### **Stage 2 – Misconduct Meeting – Formal Written Warning & Action Plan (Course Tutor, Curriculum Manager and Parent Carer Invited)**

Where misconduct is repeated, previous action plan not met or conduct is considered to warrant a more formal intervention, the course tutor will invite the learner to a misconduct meeting at the College with the Curriculum Manager. Parents/carers of those aged under 18 or a vulnerable adult aged 18 or over will be notified in writing and also invited to attend this meeting.

The course tutor will ensure that the cause for concern and outcomes are recorded in ProMonitor. For apprenticeships, the apprenticeship practitioner will record in Smart Assessor. The meeting will usually take place within 5 days of the cause for concern being raised, or otherwise at the earliest possible opportunity.

Examples of behaviour that could warrant a written warning at this stage include:

8. Misconduct of a more serious nature or where similar conduct has been repeated.
9. Failure to follow the reasonable instructions by a staff member.
10. Persistent lateness or unauthorised absence from classes.
11. Any bullying, harassment or intimidation of others (this could also be straight to a stage 3 if serious).
12. Verbal abuse.
13. Disrupting any classes, learning or development activities.
14. Smoking (including e-cigarettes) outside designated areas.
15. Unacceptable behaviour that affects the neighbours of the College.
16. Misconduct whilst using the college transport system, including distracting the driver, smoking or use of e-cigarettes.
17. Harassment and/or intimidation of other staff or visitors (this could also be straight to a stage 3 if serious).
18. Plagiarism - copying another person's ideas, **words** or writing and pretending that they are one's own work, including violating copyright laws.
19. Inappropriate use of social media to cause embarrassment, harm or undue distress to others (this could also be straight to a stage 3 if serious).

This is not an exhaustive list and the College reserves the right to address behaviour, which is judged to be disrespectful, harmful or dangerous.

The outcome of the misconduct meeting may be a written warning and an agreed action plan to address the misconduct issues that have been identified. The action plan will be agreed with the course tutor, the learner, and parents/carers of those under the age of 18 or of a vulnerable adult aged 18 or over.

The action plan will be monitored by the course tutor and if the misconduct issues have been addressed, no further action will be taken with the learner. However, noncompliance with the action plan may result in the learner being issued with a

revised Action Plan or move to a stage 3 conduct hearing. **All action plans must be completed in ProMonitor.**

In exceptional circumstances, if the information about misconduct presented during a stage 2 misconduct meeting is even more serious than first thought, the Curriculum Manager reserves the right to suspend the meeting and to notify the learner that they are being suspended pending a stage 3 conduct hearing. The learner's parents/carers will be informed of the suspension and agree how the learner will safely depart from the College and reach home. The parents/carers will then be invited, as per the stage 3 learner conduct process, to attend a scheduled hearing with their son/daughter.

The learner may be accompanied in stage 2 meetings by a mentor and/or other supportive College adult. Parents/carers of learners aged under 18 or a vulnerable adult aged 18 or over will also be invited to attend stage 3 hearings. If a learner has an EHCP, the ALS team will also be invited to attend.

### **Stage 3 – Formal Conduct Hearing - Risk of Exclusion and Action Plan created where no Exclusion (Director of Faculty and Course Tutor and Parent/Carer invited)**

Where the misconduct at stage 2 is repeated, previous action plan not met or considered to warrant a more formal intervention, the Curriculum Manager will seek permission from a Director of Faculty or Head of Apprenticeships to suspend the learner from attending college and will oversee that s/he be invited to a formal conduct hearing, which will be chaired by the Director of Faculty or Head of Apprenticeships. Appropriate staff will be invited to attend or send their contributions if they are unable to be present. In exceptional circumstances, any Assistant Principal can chair a stage 3 formal conduct hearing due to the nature of behaviour or availability of relevant staff.

Parents/carers of those aged under 18 or a vulnerable adult aged 18 or over will also be notified in writing of the hearing and invited to attend. The course tutor will ensure that this is recorded in ProMonitor. For apprenticeships, the apprenticeship practitioner will record in Smart Assessor. The hearing will usually take place within 5 days of the cause for concern being raised, or otherwise at the earliest possible opportunity. Pending the hearing, the Course Tutor will seek to provide the learner with guidance on learning that they can undertake whilst suspended from the College.

Examples of behaviour at this stage include, but are not limited to the following:

- Inappropriate, disrespectful, dangerous, harmful or criminal behaviours
- Any form of physical abuse or violence (actual or threatened)
- Causing damage to any College buildings, transport, furnishings, equipment, books or the property of others, either through negligence or a deliberate act
- Any behaviour which has an adverse effect on the work of the College, including damaging or interfering with the buildings, College vehicles or equipment
- Sexually offensive behaviour
- Racially offensive behaviour
- Any behaviour offensive to those with a learning difficulty or disability
- Any criminal or dishonest acts
- Dangerous or inconsiderate driving, including speeding, on College premises
- Any behaviour which could bring the College into disrepute

- Any unauthorised interference with software or data belonging to or used by the College
- Appearing to be under the influence of alcohol or drugs
- Possession with the intent to supply illegal drugs or banned illegal substances on College premises
- Any other behaviour which is unreasonable and offends other members of the College community, including visitors, learners and staff
- Excessive misuse of social media to bring the College into disrepute
- Bringing offensive weapons onto College premises

The learner may be accompanied in stage 3 meetings by a mentor and/or other supportive College adult. Parents/carers of learners aged under 18 or a vulnerable adult aged 18 or over will also be invited to attend stage 3 hearings. If a learner has an EHCP, the ALS team will also be invited to attend. The employer will be notified of any disciplinary action with an apprentice learner.

A stage 3 conduct hearing may result in:

- A written action plan for the learner/apprentice to improve their conduct within an agreed timeframe. This will be monitored by the Curriculum Manager and Head of or Director of Faculty
- A suspension with action plan if the absence of the learner/apprentice is required before commencing studies.
- Alternative provision identified to the learner/apprentice if the current curriculum offer does not meet their needs.
- Permanent exclusion from the College if it is judged that the misconduct has been sufficiently severe to warrant it, or that the learner appears unwilling or incapable of altering their behaviour at College for the foreseeable future. **The learner / apprentice will then be notified of their formal exclusion within 5 working days of the misconduct hearing.**

If the misconduct issues identified in the action plan have been addressed, no further action will be taken with the learner. However, noncompliance with the action plan at stage 3 may result in permanent exclusion from the College.

Any learner **formally excluded** from the College will have this result recorded in their details on the College MIS system. If a further course application is made at a later date the Assistant Principal - Learner Services or Curriculum and Quality will oversee an assessment as to whether it would be right or proper for the learner to be admitted to the College.

### **Operation of stage 2 meetings and stage 3 hearings**

The staff member leading a stage 2 or stage 3 meeting will ensure that the learner / apprentice has every opportunity to speak to state their case, including details of any mitigating factors, and will be invited to ask questions or raise objections at appropriate intervals.

The Chair of a stage 2 or stage 3 meeting reserves the right to exclude from the proceedings any person, including the learner and/or their parent/carer or supporter in attendance, who behaves unreasonably. The meeting will continue, with a final

decision made on the alleged misconduct, even if the learner is absent from the remainder of the meeting.

If a learner / apprentice is unable to attend a misconduct meeting or a conduct hearing for genuine reasons, the College will seek to reschedule the meeting on a date, time and location which is mutually convenient to the College and the learner. If the reason for a rescheduling request is judged to be unreasonable, or if the learner fails to attend the rescheduled meeting, the meeting may go ahead in his/her absence, with a decision on the alleged misconduct reached in their absence.

### **Duration and recording of misconduct and outcomes**

The decisions and action plans emanating from misconduct hearings will continue to apply to the learner in consecutive years unless conduct issues have been addressed. For example, a learner on a misconduct action plan agreed in May of one year will continue to have that plan applied to them if they return in the next academic year on any course or programme funded by the College.

### **Use of Reasonable Force**

- In recognition of the duty we have as a College to ensure the safety of our learners/apprentices, staff and visitors, it may be necessary for a member of the College community, including a staff member, to use reasonable force when the behaviour of a child or vulnerable adult is so challenging and dangerous that there appears to be no alternative but to use reasonable force in order to protect someone from injury or to protect life.
- Reasonable force should never involve using more force than is necessary to regain control of a situation. It should be used as a last resort and should always be reasonable, proportionate, and always in the best interests of the child or vulnerable adult. Examples include guiding a learner to safety by the arm or the more extreme example of breaking up a fight where a learner needs to be restrained to prevent violence or injury.
- There is no legal definition of 'reasonable force'. Assessments of what is reasonable and when are matters of judgement and depend upon the precise circumstances of individual cases. Prevention of injury, violence or aggression should be the primary aim, thus avoiding the need to use any force wherever possible:
  - 'Restraint' can include holding a learner back physically to bring them under control if they are about to injure or are in the throes of injuring someone.
  - 'Control' in a situation can include passive physical contact such as standing between learners or blocking a learner's path, or active physical contact such as leading a learner by the arm out of the classroom.
  - Staff can minimise the likelihood of situations occurring which might require the last resort of reasonable force by promoting a calm, orderly and supportive environment.
  - Staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not be possible.

- Staff should avoid touching or restraining a learner in a way that could be interpreted as sexually inappropriate conduct.

The decision on whether to use reasonable force or not is down to the individual professional judgement of the staff member. A member of the College safeguarding team should always be notified immediately after such an incident.

## 5. Right to appeal

Learners have the right to appeal the outcome of a misconduct meeting / hearing.

- At stage 1 this appeal should go to the Curriculum Manager
- At stage 2 this should go to the relevant Director of Faculty/Head of Apprenticeships
- At stage 3 this should go to the relevant Assistant Principal or the Deputy Chief Executive if the stage 3 was issued by an Assistant Principal

Appeals must be in writing (email or letter) and be sent to the relevant person within 7 working days of being issued with a warning or attending a misconduct hearing. The college will investigate and work towards holding an appeal and outcome known within 7 working days

This policy does not cover every eventuality that may occur in the future and decisions to incorporate certain acts or behaviours will be subject to the evidence available and impact on others. In exceptional circumstances, the Chief Executive and Principal has the decision-making power to waive the right to appeal based on the nature of offence committed.

Complaints in relation to the outcome of a misconduct meeting / hearing or any other sanction are handled in accordance with this procedure where there is an opportunity to appeal. Therefore, any complaints relating to the Learner Conduct Policy would be heard under the appeal and would not be heard separately under our complaints procedure.

When the appeal has been exhausted and a resolution has not been achieved, the complainant has the right to complain to the colleges regulatory body, in this instance of Further Education, this is the ESFA (Education and Skills Funding Agency). If your complaint is in relation to Higher Education then it would be the validating Higher Education Institution.

## 10. Linked policies and procedures




- Equality, Diversity and Inclusion Policy
- Learner Attendance and Punctuality Procedure
- E-Safety Policy
- Child Protection, Safeguarding and Prevent Policy
- Comments, Compliments & Complaints Policy
- Health & Safety Policy
- Mental Health Strategy

## 6.0 Monitoring, Review and Responsibility

- 11.1 This Policy and Procedure will be reviewed by the Assistant Principal Curriculum and Quality every two years.



## Appendix A – Learner Conduct Flowchart

<p><b><u>Early intervention</u></b></p> <p><b>Staff involved: Course Tutor / Apprenticeship Practitioner</b></p> <p>Before invoking the stages of the learner conduct procedure staff should try and address learner conduct issues by setting clear expectations for attendance, punctuality and behaviour, effective classroom management, clear target setting and tracking of learner progress. Staff should refer concerns to the learner's course tutor for discussion. Early intervention targets should be set on ProMonitor / Smart Assessor in relation to the issue/issues discussed.</p>

<p><b><u>Stage 1: Cause for Concern – Verbal warning</u></b></p> <p><b>Staff involved: Course Tutor / Apprenticeship Practitioner</b></p> <p>Progress to stage one when early intervention action plan is not meet. Any member of staff can raise concerns with the course tutor / apprenticeship practitioner who will discuss the issue formally and verbally with the learner / apprentice and employer. The meeting will be recorded on ProMonitor / Smart Assessor and an action plan completed to support improvement. Parents/carers of those aged under 18 or vulnerable adults aged 18 or over will be notified in writing by the course tutor / apprenticeship Practitioner.</p>

<p><b><u>Stage 2: Misconduct Meeting – Written Warning &amp; Action plan</u></b></p> <p><b>Staff involved: Curriculum Manager/Course Tutor/Apprenticeship Practitioner and Employer and Parent/Carer</b></p> <p>Progress from stage one when action plan not met, or a learner / apprentice can enter straight at stage two for serious misconduct. I.e. bullying. The course tutor / apprenticeship practitioner will invite the learner / apprentice to a misconduct meeting at the College with the Curriculum Manager. Parents/carers of those aged under 18 or a vulnerable adult aged 18 or over will be notified in writing and also invited to attend this meeting. The course tutor / apprenticeship practitioner will ensure that the cause for concern and outcomes are recorded in ProMonitor / Smart Assessor and an action plan is in place. The meeting will usually take place within 5 days of the cause for concern being raised, or otherwise at the earliest possible opportunity.</p>

<p><b><u>Stage 3 – Formal Conduct Hearing – Risk of Exclusion</u></b></p> <p><b>Staff involved: Director of Faculty/Apprenticeships/Course Tutor/ Apprenticeship Practitioner and employer and Parent/Carer</b></p> <p>For repeated misconduct, failure to follow the action plan or a serious cause for concern, the learner may be suspended and invited to a formal conduct hearing chaired by the Director of Faculty/ Apprenticeships. Parents / carers of those aged under 18 or a vulnerable adult aged over 18 are invited to attend. <b>The Outcome of this meeting carries the risk of exclusion.</b> If the learner is not excluded an action plan to support improvement is required and should be uploaded to ProMonitor / Smart Assessor.</p>

## Appendix B - Guidance on the use of mobile phones/devices and Music in college

### Mobile phones

Mobile phones/devices are a great way of keeping in touch with friends and family and are an important part of all our lives. The temptation may be to be constantly checking our phones because we do not want to miss out on what is going on. However, in a work environment this would not be acceptable, regardless of the job you are doing. We want to model the workplace as much as we can and as such, we have certain expectations (rules) about the use of mobile phones in workshops, classrooms, and any other teaching space. In some cases, this is because it is not safe for you to be using a mobile phone whilst in a workshop or kitchen – you might get distracted resulting accidents and injuries. In other cases, it is because it shows that you are not giving our tutors and peers your full attention, and this does not meet our expectations around respect.

**We trust all our students to use their mobile phones/devices in line with our expectations, however, you may be asked to put your mobile somewhere else if you cannot or won't meet our expectations.**

These are our expectations:

- Please turn your mobile to silent and put it in a bag or a coat pocket whilst in a teaching space. In workshop spaces, salons, and kitchens you may be asked to leave your mobile phone in your bag.
- Sometimes we might use mobile phones as part of a lesson. If this is the case a member of staff will ask you to get your mobile phone out and provide instructions as to the activity. They will trust you to only use your mobile phone for this activity and to put it back in your bag when the activity is completed.
- You may also be able to use laptops and tablets in class, please use them for learning only.
- If you are expecting an urgent call for example from a Dr. please let your tutor know you are expecting such a call so you will need to turn your phone to silent or vibrate, this can be on the desk next to you but should only be used to receive the expected call.

Our tutors and staff will model the behaviour we expect they will not use their own mobile phones in lessons unless it is part of their teaching activity.

### Music

Music is a very important part of all our lives; it helps us relax and can sometimes help us make friends. Smaller and blue tooth speakers mean that we can all listen to our music wherever we like. However, in a big college with 100s of people, if we all brought a speaker and played our music loudly it could cause upset. Because of this we ask that you only listen to your music through in-ear or other types of headphones, **only using speakers where appropriate**. In some cases, you may be allowed to listen to music through headphones in class, in some cases this might be to help you with concentration or because we have agreed this as part of a support plan. This must be with the agreement of the tutor. However, this will only be during times of self-study and not when you are expected to be working in a group or listening to a tutor.

