

Quality Assurance

Procedure Title:	Learner Behaviour and Conduct Procedure
Procedure Ref:	OP/8GS/SP108
Approved By:	Daniel Braithwaite
Responsible Person:	Irene Farragher
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1. Purpose

The aim of the procedure is to ensure that all learners receive consistent and fair treatment, to encourage improvements in standards of conduct, behaviour and performance. This will aim to encourage positive behaviour and prevent the repetition of conduct that does not meet shared expectations.

2. Scope

The procedure applies to all learners who are 16 and over when starting their programme of learning at Lakes College, or who are under 16 and for whom College is their only educational provider. Learners on School programmes, who show a lapse in conduct or performance, will be referred back to their school, as per original agreements.

3. Responsibility

The Assistant Principal is responsible for reviewing the procedure.

All Lakes College staff members have the individual and collective responsibility to promote and demonstrate positive behaviours acting as role models for learners. Following the Lakes College core values of;

- **Ready**
- **Respectful**
- **Potential**

These values are placed at the heart of demonstrating respectful and tolerant behaviours toward all those within Lakes College learning community.

Our 'Shared Expectations' are also central to supporting our learners to demonstrate the behaviours to equip them to be socially responsible individuals ready for their career journey.

- 3.1 Following any allegation and subsequent investigation into a lapse in conduct or behaviour the Curriculum Operational Leaders (COL) and Curriculum Team Leaders (CTL) have the delegated responsibility to chair disciplinary hearings and allocate sanctions to the level of written warning.

The college Senior Leadership Team members (Directors of Curriculum & Skills, Dean of Higher Education and Quality Manager) have the delegated responsibility to allocate sanctions up to the level Final Written Warning. Only a member of the Executive Management Team has the authority to exclude a learner however, if circumstances arise this authority can be delegated to a Senior Leadership Team member.

4. Procedure

4.1 Informal Actions

- 4.1.1 Any member of Lakes College staff, who observes a lapse in conduct or behaviour may warn the learner that their conduct is inappropriate. They should challenge the learner directly and record the incident in the central pastoral system as a Behaviour and Conduct note.

- 4.1.2 A '**3 strikes**' model will be used to ensure that a learner's conduct is approached in a constructive and timely manner. When a lapse in conduct or inappropriate behaviour results in a learner having a recorded note on e-Trackr this will account for '1 strike'. This will only account for minor issues and not be seen as a step to be taken prior to formal actions being taken. If a learner amounts '3 strikes' then this will lead to a Cause for Concern followed by a Motivational Interview on the 4th incident outlined in 4.1.3. The Progress & Welfare Coaches will usually lead on initial discussions in conjunction with subject tutors where appropriate.

- 4.1.3 A **Cause for Concern** can be noted on the central pastoral system by any member of staff where behaviour or conduct is continuously an issue or the incident that occurs needs to reflect an escalation of the informal process. Guidelines to support making a judgment of when to use the cause for concern referral are included within the pastoral system user guide and an appendix to this procedure.

- 4.1.4 Following 3 strikes a **Motivational Interview (MI)** should be requested through Cross College Administration (CCA) informing learner and parents by letter inviting them to the meeting. This will be carried out by the Course Leader (CL) and should aim to support the learner to consider ways to improve their behaviour. Improvement and performance targets are agreed, recorded and monitored via e-Trackr with a two week monitoring process to be reviewed by CL and Progress & Welfare Coach. This information may be used at any later formal Disciplinary hearing to show what steps have been already taken to bring about a change in behaviour, conduct or performance. This stage is to be repeated twice before escalation.

4.1.5 If no improvement is evident following this stage a meeting between COL/CTL and CL to discuss targets and interventions reviewing pastoral system notes. An MI will then be booked with CL through CCA informing learner and parents by letter. New targets will be agreed and recorded on the central pastoral system. Setting a review date with learner and parents

4.2 Formal Actions

4.2.1 If the Motivational Interview has not resulted in a change in behaviour or performance, or if the lapse is more serious, a decision to move into the formal process is usually made by the Curriculum and Course Leadership Team. The Progress & Welfare Coach will also play an active role in this decision making. The learner must be interviewed and told of the lapse in performance or conduct. A statement will usually be taken at the time. If the learner admits their misconduct, a Disciplinary hearing will be arranged through The Executive Support Team.

4.2.2 If the situation is ambiguous – the evidence of the lapse is inconclusive or the learner disputes the allegation – **there must be an investigation** and the learner is told how the investigation will be conducted. The learner's parents may be asked to attend if the learner is under 19. The Investigating Officer (usually the COL/CTL or CL), interviews anyone who may have information about the lapse. Factual information is recorded in writing. A report is written up by the Investigating Officer, outlining the evidence and the information gathered during the investigation.

4.2.3 The learner (or learner's representative) can ask for an outline of the investigation and has access to statements. However, in any cases where it is felt the people providing statements may be intimidated or harassed by the learner, names will be withheld.

4.2.4 A decision is made by the interviewer (and usually their line manager), as to who conducts the hearing, depending on the seriousness of the allegation. This should be in line with section 3.1 of this procedure. The person who conducts the hearing must not be the Investigating Officer.

4.2.5 The Executive Support Team will arrange formal correspondence and coordinate hearing dates/times in accordance with the flow chart included within Appendix 3.

5. The Disciplinary Hearing

5.1 The learner (and parents if appropriate) are given at least five working days' notice, in writing, of a Disciplinary hearing. The date of the hearing may be brought forward if mutually agreed. The information provided includes the following:

- The date, time and venue of the hearing,
- The name of the person chairing the hearing
- The reason for the hearing, including the nature of the complaint and an outline of the outcome of the investigation,
- That the purpose of the hearing is Disciplinary,
- The possible outcome,

- The entitlement to be accompanied by a parent (if under 19 when starting their course) or advocate, (not legal counsel),
 - That non – attendance will result in the hearing being conducted in their absence.
- 5.2 If the learner is under 19, the Parents or Guardians are also informed. If an employer has sent the learner to College, the employer is informed and representative invited.
- 5.3 During the hearing, the person conducting the hearing:
- Explains the purpose of the meeting,
 - Identifies those present, ensuring the learner has a representative,
 - Informs the learner of reasons for the interview,
 - Presents the evidence or asks the investigator to outline the case and give details of evidence, such as reports from College staff and learners or CCTV footage,
 - Listens to the learner's case and evidence (which may include witness statements),
 - Takes into consideration any mitigating circumstances,
 - Checks whether any further information is available,
 - Decides the outcome, in consultation with the other staff attending the interview,
 - Either informs the learner immediately of the outcome, or gives a time (usually within 24 hours) when the outcome will be decided and finally, Summarises the hearing, together with the outcome and records all information's on the college central pastoral system.
- 5.4 The person conducting the hearing ensures that the learner is informed in writing of:
- The sanction(s), which could be a recorded oral warning, a written warning, a final written warning, an exclusion and /or other appropriate action,
 - The reason for the sanction(s),
 - The date the sanction(s) will take effect,
 - The duration of the sanction(s) and,
 - Agreed targets for improvement and timeline for review (where appropriate).
- 5.5 This is recorded on the central pastoral system by the chair (or delegated administration support where appropriate).
- 5.6 If the learner fails to attend the Disciplinary hearing, without reasonable cause, or cannot be contacted by the College, the person conducting the hearing will determine the outcome based on the available evidence. This will be communicated as per 5.4.
- 6. Exclusion**
- 6.1 If the outcome of the hearing is exclusion, the Executive member will inform the Principal and thereafter the Corporation (through appropriate reporting

structure). A letter confirming the outcome, is sent to the learner and parent, where appropriate. It will clarify the duration of exclusion and that the reapplication and admission process will require a review by Lakes College Inclusion Panel prior to enrolment on any programme of learning.

6.2 Any appeal against exclusion, is heard by the Appeals Committee.

7. Appeals

7.1.1 A learner may only appeal against a decision to exclude them from College if:

- they feel that the hearing has not been carried out fairly and equitably, i.e. the process described has not been substantially followed and,
- There is significant new evidence which if available at the time of the hearing may have resulted in a different outcome.

An appeal will not be granted solely on the basis of the decision reached at the initial hearing.

7.2 Notice of the appeal and the grounds for the appeal must be given to the Principal in writing within five working days of the date, upon which the learner received written notification of the outcome.

7.3 The Learner Disciplinary Appeals Committee hears any appeal against exclusion. This is comprised of three Governors, including the Principal in his/her capacity as Governor. If the Principal has conducted the prior Disciplinary hearing, another Governor will join the panel.

7.4 The Clerk to the Governors will attend to take notes and ensure that the meeting is conducted according to the rules.

7.5 The appeal is heard as soon as possible, but the learner is entitled to five working days' notice of the date, time and venue of the appeal hearing, unless an earlier date has been mutually agreed.

7.6 The Learner Disciplinary Appeals Committee has access to all the reports and statements used in the hearing.

7.7 At the appeal hearing the learner, or their advocate, outlines the grounds for the appeal. The person who conducted the initial hearing will provide evidence to show that the hearing was conducted in line with this procedure, or

- that the new evidence is neither valid nor significant, or,
- agree that the new evidence is admissible,
- the learner, or their advocate, may make a closing submission,
- The parties withdraw while the Committee makes a decision.

7.8 The decision of the Committee is notified to the learner as soon as practicable. Written confirmation of the decision will be sent to the learner, where the decision is final.

7.9 Where the learner's appeal is upheld, any written reference to the exclusion sanction is withdrawn from the learner's record.

8. Suspension

8.1 Suspension involves the removal of the learner from College premises, until such time as a Disciplinary hearing can be arranged.

8.2 Senior Leadership Team members may authorise or delegate the authority to suspend learners.

8.3 The staff member suspending the learner must inform him/her of the reason for the suspension and if possible, get a statement from the learner, which will be used as part of the investigation. **Parents must be informed if the learner is under the age of 19.** Ensuring the learners safety and wellbeing is to be considered when suspending from college during the working day.

8.4 The staff member will inform the learner when he/she can return to College. It may be decided that the learner should not return until a disciplinary hearing.

8.5 The Executive Support Team will administer communication to the learner (and parents) confirming suspension and clarifying arrangements relating to the disciplinary hearing.

8.6 The suspension is not in itself, part of the Disciplinary action.

Guidelines for dealing with lapses in behaviour, conduct or performance are included in Appendix 1.

Appendices

Appendix 1: [Guidelines for Dealing with Lapses in Conduct or Performance](#)

Appendix 2: e-Trackr user guidelines

Appendix 3: [Disciplinary Process flow chart](#)

Appendix 4 – [Shared Expectations](#)

EQUALITY IMPACT ASSESSMENT

1.	<p>Stakeholders/Beneficiaries Which groups are intended to benefit from this policy/function? Students, and Parents/Employers (if applicable)</p>	
2.	<p>Outsourced Services If your function/service is partly or wholly provided by external organisations/agencies on behalf of the service, please list any arrangements you plan to ensure that the function/service promotes equality. Include this in your improvement plan. <i>Not applicable</i></p>	
3.	<p>Are there concerns that the policy does or could have a differential impact due to race/ethnicity? If yes, what existing evidence (either anecdotal or documented) do you have for this? Complaints/Feedback/Research/Data?</p>	No
4.	<p>Are there concerns that the policy does or could have a differential impact due to gender? If yes, what existing evidence (either anecdotal or documented) do you have for this? Complaints/Feedback/Research/Data?</p>	No
5.	<p>Are there concerns that the policy does or could have a differential impact due to disability? If yes, what existing evidence (either anecdotal or documented) do you have for this? Complaints/Feedback/Research/Data?</p>	No
6.	<p>Are there concerns that the policy does or could have a differential impact due to faith? If yes, what existing evidence (either anecdotal or documented) do you have for this? Complaints/Feedback/Research/Data?</p>	No
7.	<p>Are there concerns that the policy does or could have a differential impact due to sexual orientation? If yes, what existing evidence (either anecdotal or documented) do you have for this? Complaints/Feedback/Research/Data?</p>	No
8.	<p>Are there concerns that the [policy does or could have a differential impact due to gender reassignment? If yes, what existing evidence (either anecdotal or documented) do you have for this? Complaints/Feedback/Research/Data?</p>	No
9.	<p>Are there any concerns that the policy does or could have a differential impact due to age? If yes, what existing evidence (either anecdotal or documented) do you have for this? Complaints/Feedback/Research/Data?</p>	No
10.	<p>Are there any concerns that the policy does or could have a differential impact due to maternity or pregnancy? If yes, what existing evidence (either anecdotal or documented) do you have for this? Complaints/Feedback/Research/Data?</p>	No
11.	<p>Are there any concerns that the policy does or could have a differential impact due to marriage and civil partnerships? If yes, what existing evidence (either anecdotal or documented) do you have for this? Complaints/Feedback/Research/Data?</p>	No
12.	<p>Are there any concerns that the policy does or could have a differential impact due to social deprivation? If yes, what existing evidence (either anecdotal or documented) do you have for this? Complaints/Feedback/Research/Data?</p>	No
13.	<p>With regard to questions 3-12 above, does your assessment show that a policy/function is affecting relationships between different equality groups? If yes, please explain how, go to Q14. If no, go directly to Q16.</p>	No

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14.	<p>If yes, can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or as part of a wider strategy of positive action in relation to particular groups?</p> <p>If yes, please explain what steps you will take to limit this adverse impact, or any potential it may have for damaging relations between groups, or consider alternative policies that might better achieve the promotion of equality?</p> <p>Please explain your plan of action for each relevant quality heading, (questions 3 to 12) on the Improvement Plan (e.g. adapt the policy, find another way to meet policy objectives, consider specific provision i.e. adopt changes in communication methods, language support, disability measures etc for relevant groups).</p>	Yes/No
15.	<p>If the adverse impact cannot be justified, does the adverse impact amount to unlawful discrimination?</p> <p>Where the adverse impact is unlawful, the policy or the element of it that is unlawful must be changed or abandoned. If an adverse impact is unavoidable, then it must be justified as outlined in the question above.</p>	Yes/No
16.	<p>Consultation What does available data and the results of any consultation show about the take-up and appropriateness of your service/function/policy? This should include consultation from those who are likely to be directly affected by the policy, e.g. users/potential users, staff, relevant interest groups.</p> <p>Where there is insufficient data or knowledge about the equalities target group's needs, you will need to undertake further consultation (include details of any further consultation exercise planned, or planned improvements as a result of consultation, in your Improvement Plan attached). The extent of the consultation exercise should be in proportion to the effect that the policy is likely to have, and may not need to be detailed.</p> <p>Limited number of appeals raised to results of Disciplinary hearings held;</p> <p>Number of Disciplinary hearings reducing in light of resolving prior to reaching disciplinary stage.</p>	
17.	<p>Monitoring & Publishing How are you going to monitor or carry out regular checks on the effects this policy has on different equality target groups?</p> <p>A list of all Impact Assessments undertaken need to be published on an annual basis.</p>	

<p>Signed by Lead Manager (Lead Manager is responsible for the effective working of this policy/function)</p>	<p><i>D Braithwaite</i></p>
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