



**Cheshire College**  
**South & West**

## Learner Behaviour Policy

| Key Information                                       |   |
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| Policy Reference Number                               | CCSW - LBP  |
| ELT Post Responsible for Update and Monitoring        | Vice Principal – Innovation, Curriculum and Quality |
| Published on Website                                  | Yes   |
| Date approved by ELT                                  | 10 October 2023                                     |
| Date Approved by Governor's Committee (if applicable) | 16 October 2023                                     |
| Date of EIA Review                                    | 09 October 2023                                     |
| Date of Next Policy Review                            | 01 October 2026                                     |

## **1. Aim/Scope**

- 1.1 The College has high expectations of learner behaviour and supports all learners to ensure they can achieve these expectations. The College is proactive in identifying causes for poor behaviour, promotes understanding of all learner experiences that may impact behaviour and is effective in supporting learners throughout their time at College.
- 1.2 This policy has been drawn up to ensure that all learners who may be subject to disciplinary procedures are dealt with in a fair and equitable manner.
- 1.3 The policy aims to ensure consistent and fair treatment in relation to disciplinary action taken in response to allegations of unacceptable behaviour, and the management of poor behaviour, conduct or performance.
- 1.4 This policy will not discriminate either directly or indirectly against any individual on grounds of sex, race, ethnicity or sexual orientation, marital status, religion or belief, age, disability, or any other personal characteristic.
- 1.5 The Learner Code of Conduct provides details of the College's expectations of learners. A learner who does not meet the required standards of behaviour makes themselves subject to disciplinary action, suspension or, in sufficiently serious cases, exclusion.
- 1.6 The term learner is used throughout this document; the term incorporates FE Learners, adult learners, A Level learners and apprentices. Higher Education (HE) Students should refer to policies relating to HE.
- 1.7 This policy will not discriminate either directly or indirectly against any individual on the grounds of gender, race, ethnicity or nationality, sexual orientation, marital status, religion or belief, age, disability, socio-economic status or any other personal characteristic.

## **2. General Principles**

- 2.1 It is recognised that for minor breaches of discipline, a less formal arrangement should exist whereby a member of the College's staff will discuss the matter with the learner concerned to resolve the issue. The outcome of such a discussion could be a referral to the learner's PDT, Course Team Leader or Assistant Director. Such informal discussion is not the subject of the disciplinary procedure, although failure of a learner to respond to such discussion or offers of support could lead to formal disciplinary action.
- 2.2 By signing the learning agreement at enrolment learners are accepting the terms and conditions of this policy.
- 2.3 No disciplinary action will be taken against a learner until the circumstances have been investigated except when misbehaviour has been directly observed by a member of staff. In this instance the appropriate action should be taken immediately.
- 2.4 If appropriate, an Assistant Principal, Safeguarding, Behaviour and Welfare Manager or any Executive Leadership Team (ELT) member, may suspend the learner, whilst the investigation is carried out. In extreme circumstances, for example where the learner's behaviour requires immediate suspension from College, any Assistant Principal, Campus Manager or Campus Lead can suspend the learner. This responsibility can also be delegated to the Duty Manager or Safeguarding, Behaviour and Welfare Manager. Managers on Duty may also send the learners home for a cooling off period with agreed permission from parent or carer.
- 2.5 At each stage learners have the right to be advised of the reason for formal disciplinary meetings, to hear the evidence against them and to state their case.
- 2.6 If a learner fails, without good reason, to attend a disciplinary meeting which they have been invited to attend the meeting can take place and a decision made in their absence.
- 2.7 A learner has the right to appeal against any disciplinary penalty imposed from a Stage 3 disciplinary meeting and against any decision to permanently exclude or to impose a fixed term exclusion. A learner on a 16-19 learning programme has the right to be accompanied to an appeal hearing by a parent/carer and an Apprentice or learner on an adult programme has the right to be accompanied by a friend.

- 2.8 Special consideration will be given to learners whose behaviour might be the consequence of a learning difficulty or disability as defined by the Equality Act.
- 2.9 Formal Disciplinary warnings will normally remain on a learner's record for up to 2 years.
- 2.10 Information relating to formal disciplinary warnings will be included in the annual Equality and Diversity report and shared with Governors through the Curriculum and Quality.

### **3. Unacceptable Behaviour**

- ~~3.1~~ The College implements an extensive range of support strategies to engage learners and promote expectations of how learners should behave. However, should a learner's behaviour frequently fall short of these expectations it may become necessary to follow the disciplinary procedure.
- 3.2 Unacceptable behaviour is usually repeated actions that cause concern or distress to peers or staff members. Some examples of behaviours which are unacceptable to the College are given below for guidance purposes. These are examples and the list is not exhaustive. It is important to understand that even minor breaches of the code of conduct, may be treated as serious misconduct if they are persistent or repeated.
  - a. any breach of the responsibilities of learners outlined in the 'Learning Agreement' and any breach of health and safety or other regulations of the College, as outlined at induction and in the Learner Code of Conduct;
  - b. any failure to follow the reasonable instructions of a member of staff;
  - c. any unduly noisy or unruly behaviour or the use of foul or abusive language; and
  - d. disrupting any class or any other College activity, whether or not involving staff or other learners.
- 3.3 All instances of unacceptable behaviour will be reviewed in context prior to any decision to invoke the disciplinary process is taken.
- 3.4 The College recognises the legal duties under the Equality Act 2010 and the 2011 Specific Duties Act in respect of learners with Special Educational Needs and/or Disabilities (SEND) through the SEND Code of Practice.
- 3.5 Whilst all learners identified with SEND are covered under the behaviour policy, the College recognises that these learners often require support, which is different from, or in addition to, that required by their peers to take full advantage of the educational opportunities available to all learners.
- 3.6 Reasonable adjustments should be made in line with the Education Health & Care Plan (EHCP) and an individual plan will be used to support SEND learners display the appropriate level of behaviour to meet expectation. Advice will be sought from the Learning Support Team and external agencies, where necessary, to assist with putting in place appropriate support strategies. These will be monitored and reviewed regularly.

### **4. Gross Misconduct**

- 4.1 The following are examples of activities that could be considered as gross misconduct:
  - a. violent or aggressive behaviour, including serious threats of violence;
  - b. theft of any kind;
  - c. any potential or actual illegal act which may have an adverse effect on the work of the College or on other learners;
  - d. Sexual misconduct, assault or harassment;
  - e. any bullying (including cyber, prejudice based & discriminatory bullying), intimidation, harassment, taunting (including any homophobic comments), verbal abuse or the use of any violence or threat of violence towards any person;
  - f. discrimination of any kind (including racial, homophobic, age, religion, sex, gender reassignment and disability);
  - g. any behaviour that relates to the PREVENT agenda;
  - h. possession of items that may be used as a weapon or possession of a weapon;

- i. deliberate damage to property (College and personal property);
- j. any activity which contravenes the “Code of Practice for the Acceptable Use of IT/Computing Facilities”;
- k. endangering the health and safety of others;
- l. any behaviour which could bring the College into disrepute;
- m. possession and/or use of illegal substances, alcohol and legal highs;
- n. plagiarism (For HE learners this will be managed via the Academic Misconduct policy); and
- o. foul and abusive language used toward any member of the College staff, visitors, and security staff.

4.2 This is not an exhaustive list and each incident will be reviewed individually and in context. Where learner actions suggest gross misconduct, the College reserves the right in the first instance to suspend the learner pending a formal investigation.

## **5. Contact with Parents and Carers**

5.1 The College collects parent/carer contact details at enrolment for all learners. 16-19 study programme learners are made aware at enrolment that the College will use these details to contact parents/carers as needed. Parents/carers can expect to be contacted should a behaviour concern arise and invited to attend meetings if behaviour or conduct remains a concern.

5.2 Parents and carers are encouraged to communicate with the College and share all relevant information that might affect the learner’s behaviour whilst at College. If parents/carers have a concern about the learner’s behaviour outside of College this should also be shared with the College so that the learner’s wider wellbeing can be fully understood and supported.

## **6. Use of Reasonable Force**

6.1 There are circumstances when it is appropriate for staff to use reasonable force to safeguard children and young people. The term ‘reasonable force’ covers a broad range of actions used by staff that involves a degree of physical contact to control or restrain a learner. This can range from guiding a learner to safety by the arm, to more extreme circumstances such as breaking up a fight or where a learner needs to be restrained to prevent violence or injury.

6.2 ‘Reasonable’ in these circumstances means ‘using no more force than is needed’. The use of force may involve either 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.

6.3 At no point should a staff member or other person put themselves at risk or feel pressured into intervening in a challenging situation. Professional judgements must be exercised in these circumstances.

6.4 When using reasonable force in response to risks presented by incidents involving learners, including any with SEN or disabilities, or with medical conditions, staff should consider the risks carefully.

6.5 By planning positive and proactive behaviour support, for instance by drawing up individual behaviour plans/contracts for more vulnerable children in agreement with parents and carers, will reduce the occurrence of challenging behaviour and the need to use reasonable force.

## **7. Learners with High-Risk Concerns**

7.1 High risk concerns for learners enrolled at college could include police action or investigation, bail conditions, criminal conviction, violent conduct, involvement with adult safeguarding, sexual harmful behaviours, LADO/ DBS or fitness to study.

7.2 Where a learner’s behaviour poses a risk to other learners or staff, consideration should be given to ensure a safe college community for all.

7.3 A meeting with professionals, risk assessment or risk management plan could be required and all information shared with the Safeguarding, Behaviour and Welfare Manager, Assistant Principal Learner Service or ELT for

decision. This includes risks for learners with SEND, EHCPs or care plans where supportive actions and safety plans will need to be considered.

- 7.4 The Principal reserves the right to suspend or take immediate action to remove a learner from college, including automatic exclusion for the most serious issues and concerns.

## **8. Monitoring and Evaluation**

- 8.1 All types of behaviours where there is a deviation on expectations of acceptable behaviour will be recorded on pro monitor and an incident reporting form submitted if required.
- 8.2 All actions and incidents must also be recorded on Pro Monitor by the staff member who had encountered the breach of acceptable behaviour.
- 8.3 The Behaviour Team are responsible for having oversight of all incidents and escalation of disciplinary actions and reporting to the Equality, Diversity and Inclusion Steering Group and ELT.