



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

## Learner Behaviour Policy and Disciplinary Procedure

Key Information	
Policy Reference Number	CCSW - LDP
ELT Post Responsible for Updating and Monitoring	Vice Principal – Innovation, Curriculum and Quality
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## **1. Aim/Scope**

- 1.1 The College has high expectations of learner behaviour and supports all learners to ensure they are able to 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 and procedures have 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 procedures contained within this policy are 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 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 liable to disciplinary action, suspension or, in sufficiently serious cases, expulsion.
- 1.5 Where a learner is suspected of malpractice the investigation as described in the Malpractice and Maladministration policy will be completed before a decision to invoke the disciplinary procedure is made.
- 1.6 The term learner is used throughout this document; the term incorporates FE Learners, adult learners, A Level learners and apprentices. HE Students should refer to the HE website.

## **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 in order 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 or any ELT member, may suspend the learner whilst the investigation is carried out.
- 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 them. 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 Disability Discrimination Act.
- 2.9 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 Management and Performance Committee.

### **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 process at *Appendix 1*.
- 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, available at *Appendix 2*, 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). Whilst all learners identified with SEND are covered under this behaviour policy, the College recognises that these learners often require support, which is different from, or in addition to, that required by their peers in order to take full advantage of the educational opportunities available to all learners. An Individual Behaviour Plan will be used for learners with SEND that cause them to display challenging behaviour. Advice will be sought from 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. theft of any kind;
  - b. any potential or actual illegal act which may have an adverse effect on the work of the College or on other learners;
  - c. Sexual misconduct, assault or harassment
  - d. 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;
  - e. discrimination of any kind (including racial, homophobic, age, religion, sex, gender reassignment and disability)
  - f. any behaviour that relates to the PREVENT agenda
  - g. deliberate damage to property (College and personal property);
  - h. any activity which contravenes the "Code of Practice for the Acceptable Use of IT/Computing Facilities";
  - i. endangering the health and safety of others;
  - j. any behaviour which could bring the College into disrepute;
  - k. possession and/or use of illegal substances, alcohol and legal highs;
  - l. plagiarism (For HE learners this will be managed via the Academic Misconduct policy); and
  - m. 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.
- 4.3 In all cases of suggested gross misconduct the Participation and Learner Services Manager or if an Apprentice the Assistant Director of Apprenticeships will investigate the incident and present these findings to the Assistant Principal Learner Services or, if an Apprentice, the Assistant Principal of Apprenticeships in readiness for the disciplinary hearing to take place.

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

- 5.1 The College collects parent/carer contact details at enrolment for all learners enrolled on a 16-19 study programme and quality checks the details during the first half term. 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.

# Appendix I

## STAGES OF THE DISCIPLINARY PROCEDURE

1. The disciplinary procedures are the direct responsibility of the Principal but the operation of the procedures is delegated to the Deputy Principal, Vice Principal, Assistant Principals, Assistant Directors and the Learner Services team.
  
2. **INFORMAL CONCERNS**
  - (a) It is important that all subject teachers who have concerns about a learner in their class discuss these concerns with the learner, set actions for them to improve and record the details on ProMonitor or Smart Assessor to allow the PDT, tutor or assessor to follow up with the learner and monitor improvements.
  - (b) Any member of staff may raise a concern when a pattern is detected across different subjects/vocational units or when there is a concern about behaviour outside of the classroom. The member of staff should record brief details of the concern on ProMonitor as well as any actions taken to allow the PDT, tutor or assessor to follow up with the learner and monitor improvements.
  - (c) The PDT, tutor or assessor will monitor the learner's behaviour and discuss next steps with the Assistant Director for the area if concerns remain. The Participation and Learning Services Manager or, if an Apprentice, the Assistant Director of Apprenticeships will be informed if the learner is to progress to stage I of the formal disciplinary process.
  - (d) It remains the responsibility of the Participation and Learning Services Manager to ensure all learners are supported by the Learner Services teams throughout their time at College and especially when engaging with the disciplinary procedure.
  
3. **STAGE I (ACTION PLAN)**
  - 3.1 This is an initial measure generally invoked to prevent any further escalation of disciplinary stages and will often relate to a failure of a learner to fulfil a commitment to College, such as:
    - **Attendance/Punctuality:** regular unauthorised absence or lateness which disrupts lessons.
    - **Deadlines:** regular late submission of assessed work, including significant course work;
    - **Behaviour:** any breach of the learner code of conduct including disrespectful behaviour towards staff or fellow learners.
  - 3.2 A disciplinary meeting will take place with the most appropriate manager, usually the Assistant Director for the area and the PDT if a 16 – 19 study programme learner. In the majority of cases, a Stage I warning will be issued and action plan drawn up to include SMART targets. Details of the action plan and targets must be recorded on ProMonitor.
    - a. Where individual performance targets are set there will be an agreed review period, at the discretion of the Assistant Director of the curriculum area concerned. This will depend upon the nature of the initial concern. Typically, the review period could be several days up to two weeks.
    - b. The Assistant Director of Apprenticeships will share performance targets with the Apprentice's Employer.
    - c. The PDT if a 16 – 19 study programme learner or tutor will meet regularly with the learner to monitor and support progress.
    - d. The Assistant Director and PDT if a 16 – 19 study programme learner or tutor will meet the learner at the end of the agreed review period to check progress against the individual targets set.

- e. If the Assistant Director is satisfied that sufficient progress has been made to address the initial concerns the learner will be notified that no further action will be taken.
- f. If the learner has not made sufficient progress against the agreed targets, the Assistant Director and the Participation and Learner Services Manager will meet to agree the next steps.
- g. Next steps can include a review of the action plan with extended targets and deadlines or an agreement between the two managers to progress to stage 2.

#### **4. STAGE 2 (FORMAL)**

- 4.1 A Stage 2 formal warning is given if there has been a failure by the learner concerned to make satisfactory progress during Stage 1 and the Participation and Learner Services Manager is confident that the learner has been fully supported to achieve the targets and all known information about the learner has been considered.
- 4.2 The appropriate PDT if a 16 – 19 study programme learner or tutor will make arrangements for a formal second stage meeting with the Assistant Director and any other appropriate member of staff. A parent, guardian or appropriate representative of the learner will be invited to this meeting. The purpose of the meeting will be to highlight concerns and to agree individual targets with the learner to address these concerns. The stage 1 action plan will be updated, and the new agreed actions will be entered on ProMonitor.
- 4.3 A review date will be set at this meeting; interim meetings can be arranged if needed, at the discretion of the Assistant Director. The PDT if a 16 – 19 study programme learner or tutor will meet regularly with the learner to support progress towards achieving the targets. A second stage formal warning will be recorded in ProMonitor.
- 4.4 Learners will be offered support from College Support Services (Careers, Welfare, Counselling, Learner Support etc.).
- 4.5 At the end of the agreed review period the learner will have a final review meeting with the Assistant Director, PDT if a 16 – 19 study programme learner and any other appropriate member of staff. If the Assistant Director is satisfied that sufficient progress has been made to address the agreed improvement targets the learner will be notified that no further action will be taken.
- 4.6 If the learner has not made sufficient progress against the agreed targets, the Assistant Director and the Participation and Learner Services Manager will meet to agree the next steps.
- 4.7 Next steps can include a review of the action plan with extended targets and deadlines or an agreement between the two managers to recommend to the Assistant Principal Learner Services or the Assistant Principal of Apprenticeships that the learner progress to Stage 3.

#### **5. STAGE 3 (FINAL)**

- 5.1 Stage 3 (FINAL) represents the final stage of the disciplinary process. If there is no improvement in behaviour, then the learner may be permanently excluded.
- 5.2 The Assistant Principal Learner Services or Assistant Principal of Apprenticeships will make arrangements for a final review meeting. A parent, guardian or appropriate representative of the learner will be invited to this meeting. The purpose of the meeting will be to highlight the continuing staff concerns and to agree final individual targets with the learner to address these concerns. The agreed actions will be entered on ProMonitor. Under these circumstances a final warning will be issued outlining the agreed actions and the timescale for the review period. The learner will be offered further support from College Support Services. Alternatively, due to the severity of the action taken by the learner, such as gross misconduct, this meeting may be to confirm a permanent exclusion. If the learner is excluded an interview with Careers will be offered.
- 5.3 At the end of the agreed review period the learner will have a final review meeting with the PDT if a 16 – 19 study programme learner, tutor or assessor and Assistant Principal Learner Services or, if an Apprentice, the Assistant Principal of Apprenticeships. If the Assistant Principal is satisfied that sufficient progress has been made to address the agreed improvement targets the learner will be notified that no further action will be taken.

5.4 If a learner is taken off Stage 3 and a further concern is raised (repeat of previous/similar behaviour), the learner will in all cases be referred directly to the Assistant Principal Learner Services or, if an Apprentice, the Assistant Principal of Apprenticeships who will decide on the appropriate course of action.

5.5 The Assistant Principal of Apprenticeships will communicate with the Employer the course of action.

## 6. Failure to Meet the Terms of the Individual Action Plan

6.1 If the learner fails to meet the conditions outlined in their individual action plan, all support has been actioned and there are no mitigating circumstances, the Assistant Principal Learner Services or, if an Apprentice, the Assistant Principal of Apprenticeships will meet with the Assistant Principal Quality to review all activity to support the learner and agree the next steps.

6.2 If appropriate, the Assistant Principal Learner Services or Assistant Principal of Apprenticeships will action the exclusion and ensure parents/carers are informed.

6.3 In the event of a permanent exclusion from College, the learner will be notified in writing. If a learner has been excluded for gross misconduct, they will not be entitled to re-apply for a College course in the subsequent year.

## 7. Permanent Exclusion – Appeal Process

7.1 In the case of a permanent exclusion the learner does have the right of appeal to the Principal. This appeal just be made in writing within 10 working days. In all appeals of this nature the Principal’s decision will be final. The Principal can delegate the review of the appeal to a member of the ELT.

## 8. Important Note

8.1 In extreme circumstances, for example where the learner’s behaviour requires immediate suspension from College, any Assistant Principal can suspend the learner. If the learner is considered vulnerable, then the Director of Learning and Learner services must be consulted prior to suspension. It is the responsibility of the Assistant Principal suspending the learner to ensure parents/carers are informed and ProMonitor is updated. The suspension will subsequently be reviewed by the Assistant Principal Learner Services and through discussion with the Assistant Principal Quality next steps will be agreed.

## 9. Overview of Staff Involved in the Disciplinary Procedure

Disciplinary Process	Action	Support Activity
Informal	Teacher, assessor or member of staff discusses concern with student, agrees targets and records on ProMonitor or Smart Assessor.	PDT, tutor or assessor monitors and supports progress. If concerns remain PDT, tutor or assessor meets with teacher or assessor to agree next steps.
Stage 1	Assistant Director meets with the learner and agrees a formal action plan and records on ProMonitor or Smart Assessor.	PDT, tutor or assessor attends meeting, monitors and supports progress. If concerns remain the AD meets with the Participation and Learner Services Manager to agree next steps.
Stage 2	Assistant Director meets with the learner and agrees an updated action plan and records in ProMonitor or Smart Assessor. If an Apprentice, the Assistant Director of Apprenticeships will inform the Employer of the agreed action plan.	PDT, tutor or assessor monitors and supports progress. If concerns remain the AD meets with the Participation and Learner Services Manager to agree next steps or, if an Apprentice, the Assistant Director of Apprenticeships will meet with the Assistant Principal of Apprenticeships and agree next steps. The Assistant Principal of Apprenticeships will inform the Employer of the course of action.
Stage 3	Assistant Principal Learner Services or Assistant Principal of Apprenticeships meets with the learner and agrees an	PDT, tutor or assessor monitors and supports progress.

	updated action plan and records in ProMonitor or Smart Assessor.	If concerns remain the AP Learner Services or AP Apprenticeships meets with the AP Quality to agree next steps.
Exclusion	Assistant Principal Learner Services or Assistant Principal of Apprenticeships meets with the Learner and permanently excludes the learner from College. The Assistant Principal of Apprenticeships will communicate course of action with Employer.	
Gross Misconduct	Any Assistant Principal, Campus Lead or member of ELT can suspend a learner should immediate action be needed. The Assistant Principal Learner Services or if an Apprentice the Assistant Principal of Apprenticeships must be informed as soon as possible.	The Assistant Principal Learner Services or, if an Apprentice, the Assistant Principal of Apprenticeships and Assistant Principal Quality meet to review next steps.

# Appendix 2

## Learner Code of Conduct

1. The Code of Conduct reflects the College values, particularly those of honesty, integrity, respect, equality, diversity and inclusion.
2. The code of Conduct is used as a guide for learners to promote a culture of positive behaviours. It is displayed across the College in poster format.
3. The College promotes a culture of positive behaviour. Learners must therefore display positive behaviours in all parts of the College and across all activities associated with the learning programme both on and off the College site. This is to promote a safe, inclusive and positive culture for learning and personal development so that learners develop positive behaviours for work and further learning.
4. Learners are expected to display the following positive behaviours:
  - Demonstrate respect, consideration and kindness to staff and each other at all times;
  - Be proactive in safeguarding themselves and each other, sharing and reporting concerns to a member of staff as soon as they are known;
  - Dress appropriately for the learning environment and remove coats and hats when in classrooms, workshops or other learning facilities such as the library;
  - Limit the use of mobile devices when in the learning environment unless being used to support learning;
  - Consume food and drinks in designated areas. Only bottled drinks may be taken into a learning environment;
  - Comply with the no smoking policy in all areas of the College. Smoking and use of e-cigarettes is restricted to the smoking shelter;
  - Treat all personal and College property with care to avoid damage, injury or harm;
  - Respect the College community at all times by;
    - Disposing of litter in the bins provided
    - Avoiding excessive noise or disruption to learning
    - Playing ball games in designated areas only
    - Parking only in designated bays. Permits are required for visitor and accessible parking bays.
    - Ensuring all entrances and exits are kept clear at all times
5. The College does not tolerate: the use of alcohol, drugs, legal highs; bullying or sexual harassment of any kind. Misconduct of this kind is likely to lead to immediate suspension and permanent exclusion from College.