



**FE STUDENT BEHAVIOUR
POLICY**

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This policy applies to Weston College Corporation.

1 PURPOSE

- 1.1 This document sets out our behaviour expectations for learners and the approach that should be adopted by staff when learners are not meeting those expectations.
- 1.2 This document sets out the procedures that should be followed for minor incidents or breaches of discipline as well as those for incidents that are more serious and/or deemed as gross misconduct.
- 1.3 The policy aims to apply restorative approaches rather than punitive measures for dealing with minor incidents or breaches of discipline. Learners who fail to respond to the restorative approaches and continue to disrupt learning will be progressed to the disciplinary stages reserved for serious and gross misconduct.

2 SCOPE

- 2.1 This policy applies to all FE learners and apprentices irrespective of the mode of study they are on or the length of their study period.
- 2.2 The behaviour and disciplinary policy applies to all College premises, activities related to their programme of study i.e. industry placement or work experience, campus neighbourhoods or out in the community and where the incident or issues have been reported to the College.
- 2.3 The behaviour and disciplinary policy also applies where a student's behaviour has been reported as damaging to the reputation of the student or the wider Weston College Group. The Code of Conduct works within the requirement of the Disability Discrimination Act Part IV. Where students have a disability, including mental health issues or behavioural difficulties, reasonable adjustments will be made to ensure they are not discriminated against.
- 2.4 Assessment will be made of the extent and reasonableness of the adjustments in any relevant disciplinary case.

3 POLICY STATEMENT

3.1 Behaviour Expectations

Students have an obligation to:

- Behave and use College premises/facilities/learning environments and platforms in a way which respects and takes account of the needs and aspirations of all members of the Weston College community (students, staff, visitors and members of the public).
- Familiarise themselves with the College's Health and Safety Policy and other regulations and act at all times in compliance with and with due regard to their own safety and that of others around them.
- Familiarise themselves with the RESPECT statements that underpin the learning culture at Weston College, whilst behaving in a respectful manner that best reflects the student body and the image of the Weston College Group.
- Behave respectfully towards others online and all platforms of social media.
- Respect the property of the College, its students, its staff and its visitors and support the maintenance of a clean and tidy College environment.
- Protect and respect the College's neighbourhood and community. Ensuring your behaviour does not offend others both in and outside of college. This includes; playing loud music, offensive language and any other form of anti-social behaviour.
- Attend punctually all planned learning activities (classroom and practical lessons, work placement / experience, tutorial, enrichment activities and sports academies).
- Complete all homework, coursework, assignments, assessments or exams on time and in accordance with the assessment policy of the College or Awarding Body/Institute.
- Notify, as soon as is practicable, absence from a lesson or scheduled activity in accordance with their faculty absence reporting procedure.
- Meet the 'ready to learn' expectations outlined in the college handbook and that learners have signed at the beginning of the academic year.
- Abide by this student behaviour policy by all other relevant College policies.

3.2 Our expectations and 'ready to learn'

- Staff are expected to promote and teach learners how to be Ready, Respectful and Safe. During their induction all learners will receive training and guidance around the expectation of behaviour and conduct within learning environments and the wider college environment. The expectations are set out in the Ready to Learn document.
- Each learner should demonstrate that they understand the expectations and agree to them and their individual responsibility to work towards them at all times. Learners should sign the Ready to Learn document to demonstrate their understanding and commitment; this should be done within the first two weeks of them starting on their course. The agreement should be stored (either scanned or uploaded to eILP, a printed copy kept in the front of their folders and a class contract displayed on the wall). This agreement forms a contract between the college and the learner and should be used to promote positive behaviour for learning.

3.3 Staff consistencies

- Staff are expected to maintain consistency in their approach to the management of behaviour for learning. All staff across college should commit to achieving consistency for the following actions:
 - Be calm and give 'take up time'.
 - Refer back to Ready, Respectful and Safe.
 - Never ignore or walk past learners who are behaving badly.
 - Model Positive behaviours and reinforce the behaviours we want to see.

3.4 Recognition and reinforcement

- A culture that fosters and promotes positive behaviour for learning is underpinned by the relationships we build, individualised and well-planned learning opportunities and lastly, recognising and rewarding high quality behaviours.
- A process and system for the recognition and reinforcement of positive learning behaviours should be implemented for all learners across college. These can vary and should be determined by individual curriculum areas or faculties.

3.5 Work-based learners

- In addition to a large work-based learning (WBL) provision, Weston College has an ever growing number of learners completing work experience or industry placements as part of their programme of study.
- If the College has concerns regarding your conduct we will work with you and your employer to find a resolution. Please note that your employer will have their own clear Performance Management and Disciplinary Procedures, Policies and Guidelines in place, which you should familiarise yourself with prior to your placement. Failure to meet these or the College's disciplinary rules and procedures outlined below may impact on your Training Agreement with your employer or even breach your employment contract so we will work in conjunction with your employer on such matters. Disciplinary action may be taken in the event of:
 - Any failure of an apprentice/learner on placement to observe the terms and conditions of their training agreement.
 - Any act of serious misconduct or gross misconduct, outlined in this policy document.
- Employer sponsors should be advised at the operation of all stages of the below procedures.

3.6 Fitness to study

- The college is committed to the support of students' health and well-being and recognises the importance of this in relation to their academic progress and achievement. The wellbeing and fitness to study procedure is a supportive approach which can be used by staff when students are unable to meet course requirements in terms of attendance, participation in class or completion of work due to

aspects of the students' personal life such as caring responsibilities, medical conditions or mental health difficulties.

- The college recognises that there may be times when students are unable to recognise that they are placing unreasonable demands on staff, negatively influencing the learning of other students or endangering themselves or others.
- Concerns should be acted on promptly as early intervention and support can result in better outcomes for the student and may avoid the situation becoming more complex.
- The Wellbeing and Fitness to Study Procedure should be considered as an alternative to other means of managing concern about academic conduct or progress where there is sufficient concern that a student's behaviour, attendance and academic progress could be the result of mental or physical ill health or disability or have an impact on the health and safety of other people.

3.7 Fitness to practice

- Fitness to practise means ensuring that students are aware of their health and conduct at all times and are safe to be around clients and members of the public. Student fitness to practise is called into question when behaviour raises a serious or persistent cause for concern about the ability to continue on a professional programme, or to practise after graduation.
- Student Responsibilities
 - As a student training to become a professional, your professionalism is taken very seriously as demonstrating the required attitudes and behaviour which will be crucial once you become a member of your profession. Student responsibilities are to:
 - Ensure their behaviour is professional on placement, in college and in their personal life
 - Ensure they remain mentally and physically fit and seek support if their health deteriorates or impacts on their ability to study or engage with placement activities
 - You have a duty to report anything you are concerned about relating to yourself or another student that might impact upon fitness to practise. Choosing not to disclose something can be a serious breach of professional body rules and is usually more serious than the issue being reported.

4 COVID-19

4.1 Overview

- COVID-19 is a global pandemic and Weston College takes adherence to government and college rules extremely seriously. These rules are in place to protect our students, staff, and members of the wider community in Weston-super-Mare and the local area.
- We have put in place extensive measures to ensure that our staff and students remain safe while on campus, and part of those measures include taking action when a member of the College community acts in a way that puts others at risk.

4.2 College expectation

- Any behaviour that might put a member of the College community at risk of COVID-19 infection, or which might cause distress or anxiety to a member of the College community in relation to COVID-19, is covered within FE Student Behaviour Policy and will follow procedures outlined in the Serious and Gross Misconduct procedures (5.3). You should be aware that some of the offences listed below may also constitute a criminal offence.
- For any of our apprentices or college students on work placements, we expect students to adhere to the protocols set by the employer. Any breaches of these will also be investigated via this policy in collaboration with the employer.

4.3 COVID-19 Behaviour Breaches

- Examples of behaviour that will result in action under this procedure (note that the list is not exhaustive).
 - Attending campus in circumstances where you are experiencing symptoms of COVID-19 or have a confirmed infection
 - Intentional coughing, spluttering or spitting towards anyone else
 - Failure to self-isolate when required to do so
 - Failure to keep to social distancing rules if put in place by the College within campuses, including in teaching spaces
 - Failure to make use of required PPE when requested and / or required
 - Failure to follow a reasonable instruction issued e.g. not taking action to distance yourself from others when asked to do so
 - Failure to quarantine when required to do so i.e. when arriving in the UK from a country not on the Government's exemption list at the time of your arrival
 - Falsely claiming that you or another individual either may or does have COVID-19, where you know this to be untrue
 - Any activity which intentionally breaches government rules in place at the time e.g. meeting in a group of more than the allowed size

4.4 Reporting COVID-19 breaches

- Where you witness unacceptable behaviour, including any of the above, you should immediately contact your personal tutor or inform a member of staff within your campus' Student Services Hub
- All reports of this kind will then follow the procedures outlined under section 5.3 (Serious and Gross Misconduct)

5 PROCEDURE

5.1 FITNESS TO STUDY

5.1.1 Structure

The procedure has 3 levels – Levels 1, 2 and 3. The levels represent the degree of concern and/or the perceived seriousness of the situation. The procedure can be entered at any level; however, in most cases Levels 1 and 2 should be used before escalation to Level 3. If the concerns are not remedied by the recommended and agreed actions at one level the next level may be instigated. Some student cases may stay at the same level or move between Levels 1 and 2, and may never reach Level 3.

Levels 1 and 2 of the procedure can be instigated by a member of staff with a direct link or primary responsibility for the student's needs e.g. Personal Tutor.

Level 3 can only be instigated by the Dean of Faculty following consultation with appropriate staff. This will usually be the Welfare and Pastoral Support Services Manager, Lead Practitioner for Mental Health or the Assistant Principal for Students.

5.1.2 Level 1

Level 1 is used when there are emerging concerns about a student's health, wellbeing and/ or behaviour and the impact this has on his/her ability to progress on a course or at Weston College. Such concerns may include significant deterioration in health, appearance, attitude, particularly where there is an impact on attendance, ability to meet deadlines, succeed academically, or participate in normal student life. The lead person should contact and/or approach the student, in a sensitive and understanding way, to request a meeting, as a result of concerns being raised about them in relation to their health, wellbeing and studying.

Other relevant members of staff may be invited to the meeting. However as Level 1 is intended to be relatively informal, it is recommended numbers attending are kept to a minimum, and efforts should be made

to make sure the student does not find the meeting intimidating. The student should be informed who else will be present and the reason they will be there.

The meeting with the student should take place in a private space and the following points should be considered and included as appropriate:

- Identification/ explanation of the concern being raised. (Clear examples can be helpful).
- Opportunity for the student to give their perspective of what is happening, and (if appropriate) clarification of whether this has happened before and if so what previously was helpful.
- Consideration of what would be helpful and make the difference to the student in order to support him/her and minimise concerns
- Signposting the student to any relevant college support services that he/she may benefit from
- Clarification of agreed actions and options to support the student and minimise the concern (eg extended deadline, accessing support services)
- Agreement of a date to meet again to review the situation and who needs to attend. The length of time between the meeting and the review should be agreed by all present, taking into account relevant academic and personal factors.
- Explanation that a continuation of the same or any additional concerns could result in escalation to Level 2 of this procedure.
- A copy of this report should be held on the student's ProPortal under disciplinary meetings

The Level 1 review meeting should include:

- Review of how the student has been since the first meeting
- Explanation/exploration of any further concerns arising
- Exploration of further /ongoing support required
- Agreement of whether further action is necessary. If the concern has been resolved no further action may be necessary. If concerns continue or have increased, escalation to Level 2 should be considered.

5.1.3 Level 2

A Level 2 meeting should include relevant people who have a direct link or support role with the student, and also someone who holds an appropriate level of responsibility and decision-making authority for the relevant area within the College. These might be for example, the Subject Area Manager/Curriculum Coordinator.

The student should be informed of the meeting and its purpose in a clear, written statement from the lead person, at least 2 working days before the meeting, but where possible a longer period of notice should be given. This statement should include:

- The purpose of the meeting
- A web link to the FE Student Behaviour policy.
- Whether the student needs to provide any specific documents (eg medical evidence)
- Who will attend the meeting and the reason they will be there
- Explanation that the student can be accompanied by someone in a supportive capacity (for example a parent, friend or support worker), but not by someone acting as an advocate.
- Date, time and venue of the meeting

The meeting should cover the following:

- Identification/ explanation of the concern being raised. (Clear examples can be helpful).
- Opportunity for the student to give their perspective of what is happening, and (if appropriate) clarification of whether this has happened before and if so what previously was helpful.
- Consideration of what would be helpful and make the difference to the student in order to support him/her and minimise concerns
- Signposting the student to any relevant college support services that he/she may benefit from
- Clarification of agreed actions and options to support the student and minimise the concern (eg extended deadline, accessing support services)
- Explicit clarification of the consequences of failing to complete the agreed actions, and/or a continuation of the cause for concern
- Agreement of any interim monitoring or measures
- Agreement of a date to meet again to review the situation

A copy of this report should be held on the student's ProPortal and a copy also sent to the home address of the student

The Level 2 meeting will designate responsibility to monitor the process and ensure the review meeting takes place. This will usually be the lead person in the Level 2 meeting. The Level 2 review meeting should include:

- Review of how the student has been since the first meeting
- Review of whether agreed actions have been undertaken
- Explanation/exploration of any further concerns arising
- Consideration on new or ongoing relevant mitigating evidence
- Exploration of further /ongoing support/adjustments that may be necessary
- Agreement of whether a further action plan is necessary. If the concern has been resolved no further action will be necessary. If concerns continue or have increased a further action plan may be put in place, or a Level 3 meeting may be suggested.

5.1.4 Level 3

The decision to convene a Level 3 meeting will be made by the Dean of Faculty, or in his/her absence by his/her nominee (an appropriate manager i.e. Welfare and Pastoral Support Services Manager). This decision will be made in consultation with the member of staff raising the concern.

Where possible the objective of a Level 3 meeting will be to ensure that the College considers all possible options to enable the student to continue with his/her studies. The meeting will consider the student's present situation taking into account past relevant experiences, whilst also considering college procedures. However escalation to Level 3 signifies real concern about the student's current ability to continue studying, and the Level 3 meeting will consider whether it may be in his/her best interest to consider interruption or withdrawal from study.

A Level 3 meeting will bring together staff from the student's curriculum faculty and the College's support services, including appropriate representatives from the following:

- Assistant Principal for Students as Chair (if not available then a Dean of Faculty, not that of the student may chair)
- Welfare and Pastoral Support Services Manager
- Lead Practitioner for Mental Health
- Dean of Faculty
- Personal Tutor

The student should be informed of the meeting and its purpose in a clear, written statement from the lead person, at least 2 working days before the meeting, but where possible a longer period of notice should be given. This statement should be of the same format that was issued for level 2.

The student should be encouraged to prepare in advance for the meeting by speaking to key staff and obtaining any necessary documentation and reports, and giving consent for disclosure of medical reports. The student may wish to write a short summary report for the meeting.

In preparation for the meeting key college staff may be invited to write a summary report of the present and past relevant/ key issues. The contribution of representatives will be subject to Data Protection legislation and/or professional codes of confidentiality. This information will be sent to Faculty PA to be circulated to people attending the meeting.

The meeting should cover the following:

- Identification/ explanation of the concern being raised. (Clear examples can be helpful).
- Opportunity for the student to give their perspective of what is happening, and (if appropriate) clarification of whether this has happened before and if so what previously was helpful.
- Consideration of what would be helpful and make the difference to the student in order to support him/her and minimise concerns
- Signposting the student to any relevant college support services that he/she may benefit from
- Clarification of agreed actions and options to support the student and minimise the concern (eg extended deadline, accessing support services)

- Explicit clarification of the consequences of failing to complete the agreed actions, and/or a continuation of the cause for concern
- Agreement of any interim monitoring or measures
- Agreement of a date to meet again to review the situation
- In cases where interruption is the outcome, the meeting should consider and make explicit what is required to happen before the student is permitted to return to study.

A copy of this report should be held on the student's ProPortal and a copy also sent to the home address of the student.

In cases where an interruption to studies is agreed it must be made clear what needs to happen in order for a return to study to be considered, and responsibilities for arranging meetings and obtaining evidence and documentation must be confirmed and included in the meeting notes.

In cases where withdrawal of the student is the outcome of the Level 3 meeting, this must be notified to the College Registrar by curriculum area.

5.1.5 Returning to study

In cases where the outcome results in an interruption to study, the procedure for considering a return to study should be made clear to the student at the time of his/her interruption.

In all cases the student will be asked to provide satisfactory evidence that he/she has overcome the original difficulties and is well enough to return to study. The precise nature of the evidence required from the student will be dependent on the individual circumstances in each case, but in all cases it is expected that this will involve a report from a recognised independent health professional with sufficient knowledge about the health and wellbeing of the student during the period of interruption, and the potential impact that returning to study might have.

The decision to allow a student to return to study will be made by the Dean of Faculty who may also consult other members of support staff regarding special arrangements and reasonable adjustments that might be needed to support the student on return. This decision will be communicated in writing to the student prior to his/her return, and any requirements and special arrangements will be made clear. The College will determine the ongoing arrangements to support and review of the progress of the student to minimise risk of a recurrence of the original difficulties.

5.2 MINOR INCIDENTS AND CONCERNS REGARDING LEARNERS BEHAVIOUR

5.2.1 Introduction

This section of the policy should be used to deal with minor incidents. The intention behind this approach is clear:

- Learners should take responsibility for their behaviours
- Learners should commit to working towards achieving expected behaviours
- Staff will support learners to restore behaviour through a constructive and individualised process.

This procedure is designed to ensure that all students receive every possible assistance and support in order to continue and achieve their course, apprenticeship or programme of study.

Parent(s)/Carer(s) (if students are under 18 or under 21 if they have learning difficulties or disabilities) and sponsoring employers should be informed if this procedure is implemented.

SPECIFIC GUIDELINES ON MANAGING ATTENDANCE CAN BE FOUND IN THE ATTENDANCE AND RETENTION POLICY. MANAGERS AND STAFF ARE ADVISED TO REFER TO THE PROTOCOLS OUTLINED IN THIS POLICY REGARDING THE MANAGEMENT AND INTERVENTION FOR ATTENDANCE.

5.2.2 Definition of terms

Minor incidents which constitute a Cause for Concern include:

- Disruptive or unruly behaviour
- Unduly noisy
- Failure to comply with a reasonable instructions
- Refusal to produce College ID or identify oneself when asked to by a member of staff
- Offensive language (General)
- Punctuality / attendance (below College expectation or declining)
- Failure to adhere to homework/assignment/coursework schedules
- Contravening the 'ready to learn' standards.

5.2.3 The Procedure

- There are three key stages to dealing with minor incidents or behaviour that contravenes the 'ready to learn' standards.
 - Stage 1a and b is the responsibility of the reporting teacher/WBL assessor.
 - Stage 1c-e will be overseen by the Personal Tutor/WBL assessor.
 - Stage 2 will be dealt with by the Subject Area Manager (SAM) / Training Development Manager (TDM) / Curriculum Co-ordinator (CC).
 - Stage 3 will be dealt with by the Dean of Faculty.
- All elements of the process must be recorded in the learners ProPortal or SMART assessor (apprentices). Incidents and the stage of the process that the learner is at will be visible to them in their ProPortal to encourage self-management and ownership.

5.2.4 The Stages

Stage 1

- Stage 1(a): Restorative Conversation
 - It is the responsibility of all staff to follow Stage 1(a) and 1(b) as outlined below.

Where possible and in the first instance, staff are responsible for beginning the process of behaviour management. Intervention begins with addressing the behaviour (not the learner) and engaging them in a restorative conversation. The aim of the restorative conversation is to give the learner the chance to do the right thing, minimise the time spent discussing behaviour and focus on returning them to learning.

The framework for a restorative conversation should be used (where possible) and carried out privately with the learner. It is as follows:

1. A gentle approach should be taken, personal and non-threatening. Where possible at eye level.
2. State the observed behaviour and the rule it contravenes, referring back to the expectations for learners, Ready, Respectful and Safe.
3. Tell the learner of the consequences of this behaviour and refer back to previous good behaviour as a model for desired behaviour.
4. Walk away from the learner; allow them time to decide what to do next.

- Stage 1(b): Cause for Concern

The staff member that observed the behaviour should record a Cause for Concern on the learner's Pro Portal as a conversation or within SMART Assessor (apprentice). This should be written using non-judgmental language and should focus on the behaviour and not the individual.

A brief summary of the Restorative Conversation should be given where possible in order to identify and record all relevant information. For example: During the lesson today, '.....' displayed the following behaviour: using offensive language. This behaviour does not meet our college expectations and '.....' and I discussed this. We recognised that using such language can cause offence and... '...' later came to me to apologise for this behaviour.

Initial concerns about attendance should be addressed at this stage by the Personal tutor. Any improvement actions should be recorded in the learners ProPortal and monitored through their tutorial meetings.

- Stage 1(c): Ready to Learn Behaviour Contract

It is the responsibility of the Personal tutor/assessor to implement Stage 1(c).

This stage should be implemented when 3 separate incidents of Cause for Concern are recorded in ProPortal under disciplinary meetings or SMART Assessor (apprentices).

This stage should also be instigated for attendance concerns where an informal meeting with the Personal Tutor/WBL assessor has not resulted in the targeted improvement.

Attendance should be monitored and reviewed by the Personal Tutor/WBL assessor as outlined in the student retention and attendance policy.

It should then occur as follows:

1. A meeting between the learner and the Personal Tutor or Assessor should take place to discuss the behaviours recorded as cause for concern. A letter should be sent to the student (Appendix A) from the Personal Tutor/WBL assessor requesting a meeting to review the causes for concern (if related to attendance the communication in the attendance and retention policy can be used). During this meeting the focus should be on identifying the reasons behind these behaviours and establishing some context around why they occurred. This understanding should be sought in order to establish actions that the learner and staff members can take. The aim should be to change, modify, prevent these behaviours but more importantly the focus should be on achieving the desired behaviour.
2. A 4 week plan of actions/steps that the learner and staff members can follow should be created. This should be recorded in the target section attached to the Cause for Concern dialogue on ProPortal or in SMART Assessor. Behaviour Specialist Support might be required at this stage to ensure that appropriate actions and steps are outlined.
3. Once the plan has been agreed to, the personal tutor should send notification via email to all other relevant and necessary staff (e.g. English and maths teachers, support workers, welfare officer, behaviour support specialist).
4. The parent or guardian (if U18) should be contacted to outline the concerns and the action that is in place to support any improvement.

- Stage 1(d): Monitor and review

It is the responsibility of all staff to follow Stage 1(d).

Where a learner has had a plan set out for restoring behaviour, it is up to those staff that work with and support the learner to where possible, facilitate their progress towards it. Staff should also note when progress is observed. This should be fed back to the personal tutor via email at this stage. It should also be fed back if there are occasions when the learner has struggled or been unable to follow the steps outlined in the plan/target.

- Stage 1(e): Review and sign off

It is the responsibility of the Personal tutor/WBL assessor to implement Stage 1(e).

Four weeks after the initial meeting, a second meeting should take place between the personal tutor/assessor and the learner. The aim must be to review progress made towards restoring behaviour. The personal tutor/assessor should use communications provided to them by others as well as their own observations to guide the learner through self-reflections. Questions might take the form of: During the last four weeks, have you been able to follow the actions outlined in our plan? What was the result of this?

The personal tutor/assessor should use their professional judgment alongside the learner's own judgements to determine if the intervention stage has been successful and can end or whether more time is needed.

A personal tutor / Assessor can extend the contract for a further four weeks, in consultation with their line manager, if there have been improvements but these are not yet secure.

If the learner has not showed sufficient progress or further causes for concern have been registered then the learner should be moved to stage 2 of the process.

Stage 2 and 3

A Manager for the Faculty of Inclusive Practice (FIP) must attend stage 2 and stage 3 (not stage 1 meetings) for any student that has an EHCP or identified additional learning need.

- Stage 2 – Dealt with by SAM/ TDM / CC – who meets with student and Parent/Carer

This stage is used to formally address a student's academic behaviour/performance which has not improved/complied with 'Ready to Learn' behaviour contract instigated at stage one.

The SAM / TDM / CC having liaised with the student's Personal Tutor / Assessor and other tutors will formally meet with the student and Parent(s)/Carer(s), or sponsoring employer to discuss the issue and address as follows:

- A formal learner contract is agreed with learner (appendix B), and if broken the learner will automatically move to stage 3. A copy must be sent to the learner's Parent(s)/Carer(s) if aged 18 or under.
 - Outcome is recorded as a meeting on ProPortal or in SMART Assessor by the SAM / TDM / CC
- Stage 3 – Dealt with by Dean of Faculty - Organise Formal academic and learning behaviour review panel

This stage is used when, a learner has broken the learner contract introduced following stage 2.

The Dean of Faculty will call the Formal academic and learning behaviour review panel, writing to the student and their parent or guardian (U18 learners only). The learner is entitled to be accompanied to the hearing by Parent(s)/Carer(s), College friend, sponsoring employer, or legal / professional advisor. All parties should be given a minimum of five working days' notice of the hearing. If a student is to be accompanied by a legal / professional advisor they MUST give the College two working days' notice of this, the College retains the right to also have a legal/professional advisor in these circumstances.

The Panel comprises of four people:

1. The Dean of Faculty (who will act as Panel Chair)
2. The student's SAM / TDM / CC
3. Personal Tutor/WBL assessor
4. Welfare and Pastoral Support Services Manager or relevant Manager for FIP (if learner has EHCP or ALS)

The purpose of the hearing is to review the student's learning behaviours and academic progress and to determine if the student would benefit from continuing on their programme.

The hearing may take place in the student's absence if they fail or decline to attend without good reason.

The hearing will take place in accordance with Appendix C and can have one of four outcomes:

1. No case to answer and continue on the course with no conditions.
2. To transfer to an alternative course with or without a trial period.
3. The extension of a learning contract for a defined period
4. Place on their programme to be withdrawn

The outcome of the Hearing will be communicated in writing to the student, their Parent(s)/Carer(s) (if the student is under 18 or under 21 if they have learning difficulties or disabilities), their sponsoring employer within five working days (Appendix E)

The student will be advised of their right to appeal against any decision and be provided with a copy of the appeals procedure.

If outcome 4 is agreed the faculty or Learning Directorate Admin must inform:

- The College Registrar via email and Agent, including a copy of the minutes from the hearing.
- Record as a meeting on the learner's Pro portal and tag College Registrar, Welfare & Pastoral Manager, School Liaison & IAG Manager, Campus Welfare Officer

5.3 SERIOUS AND GROSS MISCONDUCT

5.3.1 Introduction

Students are advised of what is expected of them through their induction. They are appraised of the 'ready to learn' standards and are required to sign to say they understand and will adhere to them. If students are unclear of the expected standards of behaviour they should seek help from their Personal Tutor/WBL assessor or Student Services. The following policies are made available to learners in the SharePoint Learner zone:

- Behaviour and disciplinary policy
- Bullying and harassment policy
- Student drugs and alcohol policy
- Weston College Safeguarding and PREVENT policy

This procedure is designed to ensure that all students receive every possible assistance and support in order to continue and achieve their course.

Parent(s)/Carer(s) (if students are under 18 or under 21 if they have learning difficulties or disabilities) and sponsoring employers will be informed in all cases of serious and gross misconduct and will be invited to accompany the student to meetings/hearings.

The HOF or relevant manager for the faculty of Inclusive Learning Practice (ILP) must attend hearings for gross misconduct for any student that has an EHCP or identified additional learning need

Students have the right to appeal against a decision at any stage of this behaviour and disciplinary procedure in accordance with Appendix F.

5.3.2 Definition of terms

Incidents that are deemed to be serious or gross misconduct are set out below. The list is not exhaustive and professional judgement will need to be made concerning the severity of the breach.

- Serious misconduct – SAM / TDM / CC to issue Formal Written Warning
 - Offensive language directed towards others (students, staff or visitors)
 - Smoking/vaping on or within College premises/vehicles
 - Offensive behaviour
 - Acting in an unsafe manner
 - Failure to comply with the College's Health & Safety Policy
 - Disruption to the work or recreation of others within the local community
 - Malicious activation of the fire alarm system
 - Misuse of College bus passes/College ID (three strikes)
 - Fraudulent claim for bursary funding
 - Behaviour that causes significant disruption to the learning of others

- Behaviour that compromises or harms the reputation of the student body and/or the Weston College Group including behaviour on all online platforms including social media.
- Breach of curfew within the College halls of residence (homestay learners)
- Gross misconduct – Dean of Faculty of Learning to convene Formal Disciplinary Hearing
 - Theft of personal, College property (including employer property if related to their college programme)
 - Arson
 - Violence or threat of violence
 - Incapability through alcohol, drugs or other substances (or suspicion of)
 - Deliberate damage to College, public or employer property
 - Accessing, downloading or sending pornographic/offensive materials via internet or mobile technology
 - Possession of alcohol
 - Possession of a knife or weapon, which is not justified in its use as part of the students work
 - Possession of non-prescribed drugs, association with dealing or handling non-prescribed drugs in College or associated premises e.g. accommodation, Puxton Park, work experience and industry placements, field trips, residentials, events etc.
 - Bullying, Harassment or Sexual Abuse allegations substantiated under the College's Anti-bullying, Harassment and Sexual Abuse Policy and Procedure for students (including cyber bullying)
 - Actions/behaviour on social media or online activity which impacts negatively on other students, staff, visitors, partner employers, College reputation or wider community
 - Criminal activities affecting the College, it's students, staff or visitors
 - Interference with hardware, software or data belonging to or used by the College
 - Re-occurrence of a serious breach previously dealt with by issuing a Notice of a Formal Written Warning

5.3.3 The Procedure

- Serious misconduct – SAM / TDM / CC to investigate and issue Formal Written Warning where serious misconduct can be proven

On receiving a verbal or written report on a student's alleged serious misconduct the student's SAM / TDM / CC shall undertake enquiries/investigations, as they deem necessary, to establish the facts.

The only exception to this will be for alleged Bursary/DLSF Funding fraud, when the College Registrar will undertake the enquiries/investigation.

If having considered the facts the student's SAM / TDM / CC deems that an incidence of serious misconduct has occurred that will formally meet with the student to discuss the issue, advise why the behaviour was inappropriate and issue the Formal Written Warning. The reason for the Formal Written Warning will be explained as well as the consequence of the student failing to improve their 'behaviour' or a re-occurrence of the behaviour within a stated time period.

A Notice of Formal Written Warning (Appendix D) signed and dated by both student and SAM / TDM / CC will be sent to the student. A record of the action taken will be recorded on the student's ProPortal or SMART assessor.

A copy of the Notice of Formal Written Warning shall be sent to the Parent(s)/Carer(s) (if the student is under 18 or under 21 if they have learning difficulties/disabilities), the sponsoring employer if appropriate and to the Dean of Faculty of Learning.

Outcome will be recorded as a meeting on ProPortal or SMART assessor by the SAM / TDM / CC

- Gross misconduct – Dean of Faculty to convene Formal Disciplinary Hearing

This stage shall be dealt with by the student's Dean of Faculty

On receiving a verbal or written report on a student's alleged Gross Breach of the Code of Conduct the student's Dean of Faculty will decide if the student and other person(s) involved should be suspended, with immediate effect, whilst they, or a nominated investigating officer, undertake enquiries/investigation as they deem necessary to establish the facts.

The Disciplinary Panel comprises of a minimum of four people to include

1. A Dean of Faculty from another faculty OR the Assistant Principal for Students to act as Panel Chair
2. Student's Dean of Faculty
3. Investigating Officer where this is not the students Dean of Faculty
4. Welfare and Pastoral Support Services Manager
5. If the student has an EHCP or accesses additional Learning support, then a member of staff from the Inclusive Practice faculty who works with the student can sit on the panel

The Panel Chair will call the Formal Disciplinary Hearing, writing to the student (who may be accompanied by Parent(s)/Carer(s), College friend, sponsoring employer, or legal professional advisor) and giving them a minimum of five working days' notice. If a student is to be accompanied by a legal professional advisor they MUST give the College two working days' notice of this, the College retains the right to also have a legal professional advisor in these circumstances.

If a physical hearing is not able to be facilitated, the College will communicate to all parties a suggested other medium and agree on a suitable platform. This could include Skype, Microsoft Teams or other.

The College will only send documentation prior to a stage 3 hearing if requested by the learner, parent or legal advisor. This request must be put in writing to the Dean of Faculty. The documentation will be sent electronically no later than the day prior to hearing taking place.

The Hearing may take place in the student's absence if they fail or decline to attend without good reason.

If an incident took place whilst completing work experience and/or an industry placement. A key contact form that employer will be invited to attend or provide a statement in their absence

The Formal Disciplinary Hearing will be conducted in accordance with Appendix C and can have one of six outcomes.

1. No case to answer
2. Final written warning
3. Suspension for a fixed term (to be determined by the Disciplinary Panel)
4. Exclusion from a specific campus/industry placement for a period of time to be determined by the panel
5. Exclusion for the remainder of the academic year
6. Exclusion for the remainder of the academic year and a further period of time (to be determined by the Disciplinary Panel)

A student who is suspended or excluded will not be able to attend any of the College campuses unless stated until period of suspension or exclusion has elapsed.

For outcome 2-6 a Record of Formal Disciplinary Hearing (Appendix E), signed and dated by the Panel Chair will be sent to the student. A record of the hearing will be retained within the Principalship.

A copy of the Record of Formal Disciplinary Hearing form will be sent to the Parent / Carer (if the student is under 18 or under 21 if they have learning difficulties / disabilities), the sponsoring employer if appropriate, Welfare and Pastoral Support Services Manager and the Assistant Principal for Students.

If outcome 3 (suspension for a fixed term) is decided by the panel, then the following must be followed:

- It is the responsibility of the Dean of Faculty so arrange for work to be set and sent to the student during a period of suspension. Work and any subsequent deadlines must be clearly communicated to the student and also recorded on the student's ProPortal
- A reintegration meeting must be arranged prior to the student returning to college. This meeting is used to ensure the student is supported to overcome any barriers to returning to College and re-integrating. Work set and completed during the suspension will be submitted at this meeting.
- This meeting will comprise of
 - o Student
 - o Parent/carer if under 18
 - o Dean of Faculty
 - o SAM / TDM / CC
 - o Personal Tutor/WBL assessor
 - o Member of FIP if student holds an EHCP or access ALS
 - o Campus Welfare and Retention Officer

The outcome and any subsequent actions from this meeting must be recorded on the student's ProPortal

For outcomes 4-6:

- Faculty / Learning Directorate admin or Dean of Faculty needs to record as a meeting on ProPortal and tag Welfare & Pastoral Manager, School Liaison & IAG Manager, Campus Welfare Officer
- An Agent log is registered through the College Registrar.
- The students ID badge will also be confiscated and returned to the Welfare and Pastoral Support Services Manager.
- The process to appeal against the outcome of a formal disciplinary hearing can be seen in Appendix G.

6 RELATED LEGISLATION AND DOCUMENTS

This policy should be read in conjunction with the following college policies:

- FE Anti-bullying, Harassment and Sexual Abuse Policy.
- FE Student Drug and Alcohol Policy.
- FE Student Attendance and Retention Policy.
- Safeguarding of Children and Vulnerable Adults Policy and Procedure

7 APPENDICES

Appendix A: SAMPLE CAUSE FOR CONCERN LETTER

Address

Date

Dear

RE: Progress on your Study Programme/apprenticeship/course (delete as appropriate)

I have received a number of causes for concern regarding your current progress on your Study Programme/Apprenticeship/Course (delete as appropriate). I need to meet with you as soon as possible to discuss these concerns. In our meeting we will review your current progress and agree an action plan to help support you to make the necessary improvements.

Please contact me on 01934 411XXX or via email to joe.bloggs@weston.ac.uk .

Failure to meet with me could result in you being moved directly to stage 2 of the disciplinary procedure (minor incidents and learning behaviours).

Yours sincerely

Name
Personal Tutor

Appendix B

Behaviour and Disciplinary Procedure

Learning Behaviour Contract:

A contract between (insert student name) and Weston College for the period (insert date) to (insert date)

I agree to:-

-
-
-

This will be monitored by your Personal Tutor on a (insert timescale) basis. A report card will be issued to help monitor progress during the agreed timescale of the Learner Contract. This must be returned to the faculty office at the end of each week until the Learner contract has expired.

Student:

Date:

Personal Tutor:

Date:

cc. Student, Parent(s) / Carer(s), Sponsoring Employer

ProPortal

Subject Area Manager / Curriculum Co-ordinator / Training Development Manager

Appendix C

Disciplinary Procedure: Academic and Learning behaviour Review Panel

Order of the Hearing

- i. Dean of Faculty will introduce all present including the non-panel note taker and explain the purpose of the Hearing
- ii. SAM / TDM / CC will provide evidence regarding learner contract and associated progress
- iii. Dean of Faculty may question the SAM / TDM / CC
- iv. Personal Tutor will outline action that has been taken to support the learner improve and any restorative measures to support the student to modify their behaviour and make better progress.
- v. Dean of Faculty may question the Personal Tutor
- vi. Student or their representative will present their case, rationale for lack of progress and respond to the feedback of the SAM / TDM / CC and Personal Tutor
- vii. Dean of Faculty may question student
- viii. SAM / TDM / CC summarises the position and perspective of the curriculum area
- ix. Student summarises their position and any rationale for their learning behaviour and progress
- x. The outcome of the Academic and Learning Behaviour Review Panel will be communicated to all parties in writing within five working days
- xi. The student will be advised of their right to appeal against the decision and given a copy of the Appeals Procedure (Appendix F)

Disciplinary Procedure: Formal Disciplinary Hearing Process (Gross Misconduct)

Order of the Hearing

- i. Panel Chair will introduce all present including the non-panel note taker and explain the purpose of the Hearing
- ii. Presenting Officer will present the findings of their enquiry/investigation
- iii. Student may question the Presenting Officer
- iv. Panel Chair may question the Presenting Officer
- v. Presenting Officer may call witness(s) and ask them questions
- vi. Student may question witness(es)
- vii. Panel Chair may question witness(es)
- viii. Student will present their case against the allegation
- ix. Presenting Officer may question student
- x. Panel Chair may question student
- xi. Student may call witness(es) and ask them questions
- xii. Presenting Officer may question witness(es)
- xiii. Members of the panel may question witness(es) under the direction of the Chair
- xiv. Presenting Officer summarises case against student
- xv. Student will summarise their case against the allegation
- xvi. All parties will withdraw whilst the Disciplinary Panel conclude if there has been a Gross Breach
- xvii. Once a majority decision is reached the student and the Presenting Officer will be recalled and advised or
The outcome of the Formal Disciplinary Hearing will be communicated to all parties in writing within two working days
- xviii. The student will be advised of their right to appeal against the decision and given a copy of the Appeals Procedure (Appendix F)
- xix. Written confirmation using the "Record of Formal Disciplinary Hearing Form" will be sent to both parties within five working days of the Formal Disciplinary Hearing

Appendix D

Behaviour and Disciplinary Procedure (Serious Misconduct)

Notice of Formal Written Warning

Student Name:

Course Title:

Personal Tutor:

(insert name) has been issued this Formal Written Warning due to:-

The requested improved behaviour (with immediate effect) is:-

This will be monitored by myself and your Personal Tutor on a (insert timescale) basis.

A recurrence of the above behaviour within (insert number) weeks could result in the gross misconduct procedure being implemented.

Student:

Date:

Subject Area Manager / Training Development Manager / Curriculum Co-ordinator (delete as appropriate):

Date:

cc. Student, Parent(s) / Carer(s), Sponsoring Employer
Student File
Dean of Faculty
Assistant Principal for Students
Welfare and Pastoral Support Manager

Appendix E

Behaviour and Disciplinary Procedure

Record of Academic and Learning Behaviour Review Panel

Student Name:

Course Title:

Personal Tutor:

Date of hearing:

Summary of reason for academic and learning behaviour review panel:-

Outcome:

- No case to answer.
- Continue on course for trial period of (insert number) weeks.
- Transfer to an alternative course.
- Withdrawn from course for remainder of academic year.

Dean of Faculty/ Panel Chair:

Date:

cc Student, Parent(s) / Carer(s), Sponsoring Employer, Welfare and Pastoral Support Manager, Assistant Principal for Students, SAM / TDM / CC, Personal Tutor, Principalship

Appendix F

Behaviour and Disciplinary Procedure

Record of Disciplinary Panel (Gross Misconduct)

Student Name:

Course Title:

Personal Tutor:

Date of hearing:

Summary of disciplinary panel:-

Outcome:

- No case to answer.
- Final written warning
- Suspension for a fixed term of (insert number) weeks.
- Exclusion from a specified campus for a fixed period of (insert number) weeks.
- Exclusion for remainder of academic year.
- Exclusion remainder of academic year and a further (insert number) years.

Dean of Faculty / Panel Chair:

Date:

cc Student, Parent(s) / Carer(s), Sponsoring Employer, Welfare and Pastoral Support Manager, Assistant Principal for Students, SAM / TDM / CC, Personal Tutor, Principalship

Appendix G

Appeal against a decision made under the Student Behaviour and Disciplinary Policy and Procedure

- A. A student has the right of appeal against any decision made under the Student Behaviour and Disciplinary Policy and Procedure
- B. An appeal against the outcome of the minor or serious misconduct decision should be made in writing to the student's Dean of Faculty within five working days of the date of the written notification of the decision. The Dean of Faculty will meet separately with both student and Subject Area Manager/College Registrar (in case of Bursary Funding/DLSF fraud), their decision will be final.
- C. An appeal against a Gross Misconduct disciplinary panel decision should be made in writing to the Deputy Principal within five working days of the date of the written notification of the decision.
- D. Appeals against Gross Misconduct disciplinary panel decisions will be heard by the Deputy Principal or another member of the Corporate Management Team. Their decision shall be final.
 - a. Deputy Principal or their nominated deputy will, as soon as is practicable, write to the student and the Panel Chair informing them of the requirement to attend an Appeal Hearing giving them a minimum of 5 working days' notice.
 - b. The student (who may be accompanied by either a Parent(s)/Carer(s), a College friend, sponsoring employer or Student Union representative) will also be sent copies of any supporting documentation to be used at the Appeal Hearing.
- E. The Appeal Hearing may take place in the student's absence if they fail or decline to attend without good reason.
- F. The order of the Appeal Hearing is as follows:
 - a. Deputy Principal or a member of the College's Corporate Team will chair the hearing. They will introduce those in attendance and explain the purpose of the Appeal Hearing
 - b. Student or their representative will present their case against the panel decision
 - c. The Chair may question student
 - d. Dean of Faculty or original Disciplinary Panel Chair will present the case supporting the panel decision
 - e. The Chair may question the Dean of Faculty/Panel Chair
 - f. Student or their representative will summarise their case against the disciplinary panel decision (no new facts)
 - g. Dean of Faculty/original Disciplinary Panel Chair will summarise case supporting the disciplinary panel decision (no new facts)
- G. The decision of the Appeal Hearing to be communicated to all parties in writing within five working day.