

# Policy and Procedures for Managing Learner/Student Conduct

*Excellence*



### **Our Mission**

To inspire learners to recognise and achieve their full potential

### **Our Values**

Excellence, Passion, Team Work, Integrity, Innovation,  
Sustainability, Valuing Others and Supportiveness

### **Sparsholt College Hampshire, incorporating Andover College**

The *Policy and Procedures for Managing Learner/Student Conduct* was approved the Board of Governors in December 2018 This supersedes the previous publications.

Equality Impact Assessment

Conducted:

Originator:

Located:

Deputy Principal

College Intranet

College Website

Managers Tool Kit

Date of next scheduled review:

*May 2021*

## **Policy and Procedures for Managing Learner/Student Conduct**

The purpose of the Policy and Procedures for managing Learner/Student\*\* Conduct is:

- To provide a supportive framework, which allows Sparsholt College Hampshire (“the College”) to help Learner/Students manage their conduct.
- To promote compliance with the Student Code of Conduct and to ensure that all Learner/Students receive fair and consistent treatment with access to a fair appeals procedure.
- To ensure that any actions or sanctions are coupled with support for the Learner/Student that considers their individual circumstances.
- To fully involve parents/guardians/carers of all under 18\* Learner/Students in any actions regarding conduct. Parents/guardians of Vulnerable learners aged 18-24 will also be involved.
- It is the policy of the College to involve parents of all further education students aged 18-21 where it is appropriate to do so, and with consent
- To promote a safe learning environment free from disruption, violence, bullying and any form of harassment for all Learners/Students.

\* Where Under 18 Learners/Students are referred to within this document, this is meant to include all Learner/Students who are under the age of 18 at the commencement of the academic year.

\*\* This policy refers to all Learners/Students, including those on 14-16, Apprenticeship, Higher Education or Postgraduate programmes. It is written with reference, where appropriate, to the UK Quality Code for Higher Education.

## Procedures for the Management of Learner/Student Conduct

### Conduct Concerns

**Conduct concerns** are for minor breaches of the Code of Conduct

**Examples may be:**

- Low Level bullying
- Use of inappropriate language
- Minor instances of inappropriate or disruptive behaviour which affects the learning of others (behaviour which solely affects a learner's own learning will be managed through the College's Learner Performance policy)
- Smoking in a non-smoking area
- Rudeness and non-co-operation with any member of staff

This list is not exhaustive and is intended to provide examples only.

#### **Process**

Any teacher, instructor, instructor technician, technician, warden or other member of staff (e.g. Learning Support Assistant) with a role in supervising students may raise a conduct concern.

The member of staff will clearly explain, usually verbally, to the student the reasons for the concern being raised. A concern is not a sanction; it is raised to share awareness amongst staff in the community about a student's conduct.

The member of staff is responsible to ensure that the relevant part of the e-ILP is completed.

#### **Sanctions**

Learners may trigger many conduct concerns. When, in the judgement of the delivery and support teams, a learner's performance warrants a formal review, the Pastoral Tutor (or Hostel Warden for residential matters) will instigate the review.

Other sanctions may include loss of privileges, such as optional visits or access to residential events, at the discretion of the course and/or residential team.

#### **Support/Follow up**

The Pastoral Tutor and/or the warden for residential matters is responsible for monitoring the learner's progress.

## **Formal Conduct Review**

A **Formal Conduct Review** is triggered by deliberate and more severe breaches of the Student Code of Conduct. Students may be subject to a formal conduct review without having first received any conduct concerns where the breach of discipline warrants this.

Examples may be:

- Bullying
- Behaviour or language that is disrespectful, offends or may be discriminatory in its nature
- Sustained inappropriate behaviour which solely affects the learning of others (behaviour which affects a learner's own learning will be managed through the separate Learner Performance policy)
- Minor vandalism or damage to College property
- Blatant refusal to follow instructions of a member of staff and/or refusal to show their ID

This list is not exhaustive and is intended to provide examples only.

### **Process**

Formal Conduct Reviews are conducted by Curriculum Leaders/Pastoral Tutors (day students), or the Residential Manager (residential students).

Parents/guardians/carers, as appropriate, will be notified in advance of the meeting and be permitted to attend should they wish. The outcomes will be recorded in the relevant parts of the e-ILP, including a behavioural action plan, with appropriate targets for completion in the next month.

Parents/guardians/carers, as appropriate, will be notified in writing of the meeting and the improvement targets set within five working days.

### **Sanctions**

The Learner/Student may be put on 'academic report' and be responsible for ensuring teachers or wardens complete a weekly report card for attendance, engagement and/or residential behaviour.

If, in the judgement of the Assistant Principal/Head of Faculty and / or Residential Manager, the behaviour warrants a short suspension, this can be done with immediate effect.

### **Support/Follow up**

Pastoral tutors are responsible for a formal desk-based review of targets. If targets are met, they are marked as 'completed'. However, if some/all targets remain incomplete, learners may be referred for a further Serious Conduct Review. Further serious breaches of the Student Code of Conduct will result in temporary suspension and possible permanent exclusion.

## **Serious Conduct Review**

**Serious Conduct Reviews are for severe or persistent breaches of the Student Code of Conduct. Students may be subject to a serious conduct review without having first received any conduct concerns or a formal review, where the breach of discipline warrants this.**

### **Examples may be:**

- Persistent lower level bullying and/or assault
- Behaviour or language that is offensive or may be discriminatory in its nature
- Verbally abusive behaviour
- Health and Safety breaches that impact on the safety of others
- Deliberate vandalism
- Under-18 students/learners in possession of alcohol anywhere on campus who give a positive reading on a breathalyser or refuse to give a breath test
- Over-18 students/learners promoting under age consumption of alcohol
- The use, possession, exchange or selling of controlled drugs, solvent abuse psychoactive substances or cannabidiol (CBD) products on any part of the campus
- Reckless or dangerous behaviour
- Theft

This list is not exhaustive and is intended to provide examples only.

**Note:** The Assistant Principal/Head of Faculty or Residential Support Manager is authorised to instruct an immediate temporary period of absence of the learner/student from attending College or from living in College residential accommodation ahead of a **Serious Conduct Review** meeting, if this is considered appropriate (for reasons of safety, to allow further investigation, for the avoidance of possible recriminations or compounding allegations, or for reasons of harmony of the College community).

This action will be confirmed in writing and followed by the appropriate meeting.

### **Process**

The chair of a serious performance review must only convene the serious conduct review meeting once they are satisfied that there is compelling evidence to proceed.

For Academic matters: A formal hearing is chaired by an Assistant Principal/Head of Faculty.

For Residential matters: hearings will be chaired by the Residential Support Manager. The Assistant Principal/Head of Faculty and tutor will be notified of the outcome of a review for a residential student.

Parents/guardians/carers, as appropriate, must be informed of the intention to carry

out a Serious Conduct Review meeting. The invitation must include details of the reason for the review together with a copy of the College procedures and be communicated at least five working days before the intended meeting date. Where parents/guardians/carers choose not to attend the hearing will proceed in their absence. All learners may be accompanied by someone providing support, such as an advocate, but not by a professionally hired legal representative.

The learner's Pastoral Tutor and/or warden will normally accompany the learner in their review.

The outcome of the meeting will be confirmed in writing within five working days, together with the content of the action plan, the support that is being put in place and any other sanctions such as access to optional trips, study tours or residential events.

### **Examples of potential Sanctions**

- Loss of privileges, such as access to optional trips and study tours.
- Community work on the campus site, where appropriate.
- Residential Learner/Students may be moved to different accommodation as part of the actions following a **Serious Conduct Review**.

### **Support / Follow up**

The Pastoral Tutor, in conjunction with the Residential Support Manager for residential matters, is responsible for a formal desk-based review of targets.

As part of the support system, any learner on action plan will be placed on the College Cause for Concern' register. This will facilitate additional reviews/support from Student Support to promote improvement in behaviour.

Where a learner fails to demonstrate sufficient progress towards their expected level of behaviour, despite the necessary support being provided, the Pastoral Tutor will refer the learner to the Head of Faculty for a final decision about the learner's place on their study programme. Where behaviour in accommodation remains a concern, referral will be made to the Residential Support Manager for a decision about their residential place.

## **Exclusion**

Exclusion may be considered where:

- a) Conduct is so severe such that the learner is at significant risk of continuing to harm the prospects of other learners, undertaking illegal activities, or bringing the College into disrepute
- b) Where, despite the provision of appropriate support, a learner is continuing to perform below the level of conduct expected of them. In such instances, the Assistant Principal/Head of Faculty will be required to make a final decision about the appropriateness of the learner's current study programme.
- c) Where, despite the provision of appropriate support, a learner is continuing to behave in a manner which is inappropriate for residents in College accommodation. In such instances, the Residential Support Manager will be required to make a final decision about the appropriateness of the learner continuing to live in College accommodation

This list is not exhaustive and is intended to provide examples only.

This may include (but not be limited to)

- Transfer to another programme of study
- Exclusion from elements of the existing programme of study
- Exclusion from the College
- Exclusion from College accommodation
- Exclusion from College transport

Where such decisions are being considered, they will normally be conducted in the presence of both the learner and the parents/guardians/carers, as appropriate, in order that all possible consideration can be given to ensuring that the learner is supported to transfer to another programme either within the College, or with another learning provider.

## **Decisions**

These are not legal procedures. There must be a fair and equitable process in considering cases of alleged misconduct. Any mitigating circumstances need to be considered. However, the judgment will be based on the balance of probabilities and does not (as in legal cases) need to be proved 'beyond all reasonable doubt'. All sanctions will be made based on the interests of the College community, whilst balancing the needs of the individual. The emphasis is on learning, managing behaviour and achievement.

Sanctions will therefore be decided in terms of:

- Protection of the health, safety and welfare of individuals
- Support for those affected by the incident, including staff

- Wilfulness, remorse and the likelihood of the individual improving their behaviour
- Coherence and consistency across the College
- The need to maintain expected standards of behaviour in class and across campus and therefore be seen to apply appropriate sanctions
- Learning being the purpose of the College and for a student being part of the College
- Protection of property

In making judgements and deciding sanctions, consideration will be given to the personal circumstances of the individual, e.g. any medical conditions or learning difficulties that might contribute to their behaviour.

## Appeals

The individual may appeal against sanctions by writing to the appropriate manager within 10 working days of the decision.

The appeals process for conduct will be:

- **Conduct Alerts** and **Formal Conduct Reviews** to the Assistant Principal/Head of Faculty
- **Serious Conduct Reviews** to the Deputy Principal Curriculum

The appeals process for **loss of accommodation** will

be:

- The Learner/Student should appeal to the **Deputy Principal Curriculum** in writing and within 10 College working days of receiving confirmation of the loss of accommodation. The letter should clearly set out the grounds for appeal.

The appeals process for **permanent exclusion** will be:

- The student may appeal to **the Principal** in writing and within 10 College working days of receiving confirmation of the exclusion. The letter should clearly set out grounds for the appeal.

The outcomes of an appeal may be that:

- The findings are upheld and exclusion is appropriate
- The findings are upheld but exclusion was not warranted
- The findings are flawed due to failings in the original hearing or because new evidence has come to light.

The outcome of any appeal will be final.

## **Suspension**

Occasionally it may be necessary to formally suspend a student from class and/or from accessing the College's facilities in order to prevent further disruption of learning, intimidation of others, danger to the individual or interference with an investigation. Suspension will be a preventative measure but not a sanction for poor behaviour as it defeats the principal purpose of the College, i.e. learning. Exclusion will be the sanction applied if the student's behaviour cannot be corrected.

The decision to formally suspend a student may be taken by the Assistant Principal/Head of Faculty and/or the Residential Support Manager. The student must be notified verbally of the reasons for their suspension, and where possible the parents, where appropriate, will be informed by a phone call. The suspension will be confirmed in writing within 5 College working days, along with a proposed date for a hearing. Suspension will not normally exceed 10 College working days. However, where an alleged act of misconduct is subject to police investigation, it may be necessary to suspend a student pending the outcome of that investigation. Every effort will be made to support the student's continued learning during a period of suspension, for example with set work.

## **Criminal Offences**

In cases where there is suspicion that a criminal offence has been committed, the College reserves the right to refer the issue to the Police and suspend the student pending the outcome of police enquiries and/or continue with these procedures. A member of the Strategic Leadership Team will make this decision.

It is the College's policy to refer all criminal offences to the police force, to support the victim in making a complaint and to co-operate fully in any enquiries.

## **Training and Monitoring**

All college staff who chair hearings will be given sufficient training to fulfil this role effectively.

**Serious Conduct Reviews** will be reported (as a numeric total) monthly to the Board and will be supplemented with an annual equality monitoring report.