

Grŵp Llandrillo Menai

Learner Code of Conduct Policy

&

Staff Guidance for implementing Disciplinary Procedures

Version: 2

Approved : November 2016

Review by: November 2018

Learner Conduct Policy

1. Introduction

- 1.1 Grŵp Llandrillo-Menai actively promotes a positive and safe environment for all learners, visitors and staff at every college site. The Learner Conduct Policy and Disciplinary Procedures support the Grŵp's commitment to establishing and maintaining a culture of mutual respect by defining the expectations of learner conduct and by providing guidance on the procedures to deal with inappropriate behaviour.
- 1.2 The implementation of the Learner Conduct Policy is further supported by the Grŵp's policies and guidance documents that outline expected practices and protocols e.g. Learner Attendance, the Equality & Diversity Policy, Safeguarding and Complaints.

2 Scope

- 2.1 The Learner Conduct Policy and Disciplinary Procedures apply to all learners attending college or representing the college at external events and at all times of the academic year without exception.
- 2.2 All members of staff have a duty to challenge unacceptable learner behaviour and implement the Disciplinary Procedures as appropriate.
- 2.3 Programme Managers have overall responsibility for the conduct of learners within their area and can apply the Disciplinary Procedures in response to misconduct.
- 2.4 The Learner Conduct Policy does not discriminate either directly or indirectly and ensures that all learners who may be subject to the Disciplinary Procedures are dealt with in a fair and equitable manner, irrespective of age, gender, disability, additional learning need, race, sexual orientation, religion or belief or any other personal characteristic.

3. Learning Agreement

- 3.1 The Learning Agreement outlines the responsibility of the learner to maintain a safe and respectful environment. All learners are expected to behave responsibly, courteously and respectfully at all times.



As part of the Induction process all learners are required to read and sign the Learning Agreement that sets clear expectations of learner conduct as outlined below.

1. Take responsibility for yourself, your personal belongings and your learning
2. Attend all sessions regularly and punctually (including any planned additional support sessions, and internal and external exams or assessments), return assignments and coursework on time
3. Work towards agreed targets and make every effort to meet targets
4. Access the Learner Portal to keep up to date with your academic progress and support needs
5. Regularly monitor your college email account for communication from your tutor
6. Switch off your mobile phone whilst in classes, libraries and study areas
7. Look after equipment, books and materials and return what you borrow
8. Pay any money owing for fees, exams, materials etc.

The following behaviour is unacceptable and can lead to disciplinary action:

1. Bullying, violence, spitting, abusive language, harassment of others including harassment via social media
2. Publication and distribution of abusive or insulting material relating to students, staff, or other persons connected with the college, in written or electronic format
3. Breach of Health & Safety rules (e.g. careless driving, interfering with fire alarms or not following fire safety procedures, smoking in any college building or on college transport, not wearing protective clothing where necessary)
4. Using or possessing alcohol or illegal substances on campus or on college transport
5. Misuse of, damage to, or theft of property
6. Dishonestly copying someone else's work and falsifying college records
7. Any breach of the ICT Policy (e.g. installing software on college machines, reconfiguring college machines in any way, accessing inappropriate websites)
8. Refusing to show your student ID card when requested to
9. Damage to, or unsociable behaviour, whilst using transport provided by the college
10. Other conduct which could bring the college into disrepute.

4. Definitions

- 4.1 The disciplinary action taken will reflect the circumstances and severity of the offence and take into account previous disciplinary action taken against the



learner concerned. Whilst not exhaustive, the following definitions provide guidance on how to apply the Disciplinary Procedures.

4.2 Misconduct

Examples of misconduct include:

- Repeated lateness
- Repeated absence without notification/approval
- Lack of respect towards other learners and staff
- Poor attitude and lack of effort in class
- Repeated late submission or completion of set work or failure to meet deadlines
- Refusal to show ID on request by a member of staff
- Failure to use college facilities and equipment with care and respect
- Non-payment of college fees and charges
- Use of mobile phone in class
- Smoking and use of e-cigarettes in non-designated area

4.3 Gross Misconduct

Examples of gross misconduct include:

- Cheating or plagiarism
- Harassment or bullying whether physical or verbal, including by electronic means such as mobile phone, social networks, email, taking or distributing photos/videos or recording conversations without prior consent
- Infringement of the Grŵp's Equality & Diversity Policy
- Being under the influence of alcohol / drugs
- Possession of illegal substances
- Dealing of illegal substances or medicines prescribed for use by another person
- Violent or threatening behaviour (including the carrying of weapons both real and imitation regardless of intent of use)
- Vandalism
- Theft
- Misuse of or causing disruption to the college IT network and hardware
- Any criminal activity which has brought or may bring the reputation of the college into disrepute (irrespective of whether it takes place on college property or in college time)

5. Disciplinary Interventions

5.1 There are two types of intervention that can be applied as part of the Disciplinary Procedures to respond to breaches of the Learner Conduct Policy. These are:

- Informal intervention



- Formal intervention

6. Learners with Additional Learning Needs

- 6.1 The expectation for standards of behaviour to be adhered to is the same for all learners, however the college recognises that there may be some instances where learners with additional learning support needs require further consideration. The Learner Disciplinary Procedures should be applied on individual merit to learners with known communication or behavioural difficulties, English as a second language, learning difficulties or disabilities and those learners with mental ill health difficulties.
- 6.2 At every stage of the disciplinary process, all staff must be conscious of the needs of individual learners who may be disadvantaged by written communication and formal interviews.
- 6.3 Staff must consider the individual needs of such learners and are advised to contact the Grŵp Learning Support Manager or the Learner Services Manager for further guidance if appropriate.
- 6.4 Adaptations to the disciplinary process may include:
- Adapting the language and written communication
 - Providing written communication in alternative formats
 - Providing additional advisory or advocacy support for the learner to ensure their full understanding of the process
 - Providing interpretation services at any Disciplinary Panel

7. Monitoring and Reporting

- 7.1 The Learner Services Manager at each college will maintain a central record of all Disciplinary Panels held.
- 7.2 The Assistant Principal, Learner Services, will report on a termly basis to each college's Tîm Rheoli Monitro by providing a summary of the outcomes of all Disciplinary Panels.

Staff Guidance for implementing Disciplinary Procedures

1. Introduction

- 1.1 All members of staff have a duty to challenge unacceptable learner behaviour and apply the Disciplinary Procedures as appropriate. Consistency of approach and the use of informal intervention to challenge less serious breaches of acceptable behaviour are essential to promote a safe and respectful environment. Where learners are consistently and effectively challenged the need to use formal intervention is minimised.
- 1.2 Staff are responsible for referring all concerns relating to misconduct to their Programme Area Manager and all gross misconduct to the Assistant Principal, Learner Experience. The Personal Tutor or Assessor is responsible for ensuring that any disciplinary actions taken are recorded on eDrac.
- 1.3 All concerns regarding the conduct of pupils on college-school 14-19 partnership provision should be reported to the Principal immediately. If the Principal is not available the matter must be reported to the appropriate college Assistant Principal, Learner Experience or to the Assistant Principal Learner Services.
- 1.4 The following outlines the disciplinary procedures that staff should apply when a learner has breached the Learner Conduct Policy.

2. Disciplinary interventions

A) Informal Intervention

- A1 Informal approaches include discussion and informal interview with the learner to discuss the concern relating to their behaviour or conduct. Examples where informal intervention may be applied include smoking and use of e-cigarettes in non-designated areas, use of mobile phone in class, loud or unruly behaviour in class or communal areas.
- A2 Staff may invite their Programme Area Manager to meet with the learner in question.
- A3 It is important at this stage to try and establish any underlying cause of the behaviour or lack of academic progress which may influence action taken now or in the future. These may include:
 - Difficulty with understanding work set



- Lack of access to learning resources outside of college
- Issues with peers e.g. bullying
- Problems at home or outside of college
- Other external pressures
- Hidden disabilities
- Substance misuse

- A4 All safeguarding concerns should be referred immediately to a Safeguarding Officer.
- A5 Staff should ensure that they inform the Personal Tutor or Assessor of all discussions regarding learner conduct.
- A6 The Personal Tutor must inform the Learner Services Manager immediately of any disciplinary action against a learner with Looked after Children or Care Leaver status. The Learner Service's Manager will ensure that the appropriate agency are informed of all disciplinary action.
- A7 A record of all discussions and agreed actions regarding conduct should be recorded by the Personal Tutor or WBL Programme Manager on the eDrac and reviewed where required.
- A8 Where the use of informal intervention to deal with repeated breach of the Learning Agreement has not produced an acceptable response from the learner, the Personal Tutor should escalate procedures to Formal Intervention.

B) Formal Intervention

B1 Misconduct

- B1.1 Formal intervention must be initiated after repeated or a serious incident of misconduct has occurred. The issue of warnings can be progressive, that is, Verbal Warning, Written Warning and Final Written Warning, but not necessarily so, depending on the seriousness of the offence.

The following procedure will apply:

- B1.2 The Programme Area Manager and/or the Personal Tutor or Assessor will meet with relevant staff to discuss the matter within 5 working days of the incident.

- B1.3 Prior to the meeting the Personal Tutor should establish:

- All warnings issued to the learner within the academic year
- Any previous disciplinary actions taken against the learner
- Any extenuating circumstances established
- Any evidence/witness statements etc.
- Any guidance needs

B1.4 The Personal Tutor or Manager issues the warning to the learner. The verbal or written warning will be recorded on an LD1 form which should be signed by the learner as a record of receipt - *see Appendix B*, and then recorded on eDrac. If the learner refuses to sign the LD1 a note should be made to that effect on the form.

B1.5 The Personal Tutor or Manager should write to parents/guardians of learners aged under 18 and to the employers paying the course fees of a learner regardless of their age to confirm the issue of a disciplinary warning to a learner.

B1.6 Where a learner has Looked after Child or Care Leaver status or is supported by the Youth Justice Service or Probationary Service the Programme Area Manager will contact the Learner Services Manager to inform them of the formal disciplinary action.

B1.7 The Learner Services Manager will write to inform the relevant agency of formal disciplinary action where the learner has Looked after Child or Care Leaver status or is supported by the Youth Justice Service or Probationary Service.

B1.8 A review date should be recorded on the LD1 form and the Personal Tutor or Assessor should review progress with the learner on that date, usually within two weeks. A record of the meeting and any agreed actions should be recorded on eDrac. Copies of the LD1 form should be sent to the Programme Area Manager.

B1.9 If a learner has not addressed the actions identified by the review date, a second warning should be issued.

B1.10 Where a learner is issued with a final written warning it must be made clear to that learner that any further breach of the Learning Agreement will result in them being suspended from the college (the procedure will follow that for dealing with incidents of Gross Misconduct).

B1.11 A record of any disciplinary action taken must remain on the learner's file whilst they are still on their programme.

B1.12 All records must be stored securely and in accordance with the Data Protection Act 1998.

B2 Gross Misconduct

B2.1 Without exception, formal intervention must be applied after an incident of gross misconduct, as defined in the Learner Conduct Policy, has occurred. The Assistant Principal, Learner Experience must be informed of all occurrences of gross misconduct.

The following procedure will apply:

B2.2 The member of staff dealing with the incident will refer it immediately to the college's Assistant Principal, Learner Experience, or in their absence to another Assistant Principal (or Manager).

B2.3 The Assistant Principal to whom the matter has been referred will meet with the learner to gain their view of the incident and decide on the immediate course of action. This will normally be suspension pending an interview by a Disciplinary Panel and the learner must be removed immediately from the premises. The Learner Services Manager must also be informed.

B2.4 The Programme Area Manager will send a letter by recorded delivery to the learner within 2 working days (with a copy for parents/guardians/employers) to inform them of the terms and conditions of their suspension.

B2.5 The Assistant Principal, Learner Experience will arrange for the matter to be fully investigated: this may include interviewing witnesses, gathering witness statements and collecting documentary evidence. All records of the investigation must be shared with the Learner Service Manager in order to prepare for a Disciplinary Panel.



Grŵp

**Llandrillo
Menai**

C Disciplinary Panel Procedures

- C1 Within 7 working days of a learner's suspension, the Learner Services Manager will send a letter by recorded delivery to the learner (with a copy for parents/guardians/employers/agencies). The letter will give the date, time and venue of the Disciplinary Panel and detail the allegations of misconduct together (where appropriate) with accompanying evidence, for example, report of the investigation, written statements, learner records.
- C2 The Disciplinary Panel will be made up of the college Assistant Principal, Learner Experience, the relevant Programme Area Manager and one other Assistant Principal not involved in the incident. At least one member of the panel should be the same gender as the learner. The Panel will be chaired by the Assistant Principal, Learner Experience. The Learner Services Manager will attend all disciplinary panels as clerk.
- C3 The learner has the right to make representation to the Disciplinary Panel and may be accompanied by a maximum of two people including a representative from the Student Union, parents, guardians, friends or employers (but not a legal representative). The learner must notify the Clerk to the Panel beforehand of the names and status of those who will be accompanying them.
- C4 The Chair of the Disciplinary Panel will introduce all in attendance and summarise the disciplinary procedures and possible outcomes and refer to any previous disciplinary warnings including verbal that the learner may have.
- C5 The manager investigating the concern will present the reason for the disciplinary action and the details of the breach of the Learning Agreement.
- C6 The learner will be invited to provide their view and to respond to the allegations.
- C7 The learner's Personal Tutor will provide the Panel with a character reference and a summary of academic progress to date.
- C8 The Panel will ask the learner (and representatives) to leave the room whilst they consider the evidence. Depending on the circumstances, the learner will be recalled to the room to be verbally informed of the Panel's decision. In all cases, the learner (and parents/guardians/ employers) will be informed of the decision in writing (see section D).



C9 The Disciplinary Panel will normally be held in the learner's absence if they do not respond to the invitation or fail to attend. However, if the Panel decide to reconvene, then the learner will be informed of the new date.

C9 All documentation relevant to the work of the Panel will be held centrally by the Learner Services Manager.

D Outcomes of a Disciplinary Panel

D1 If a Disciplinary Panel concludes that there is sufficient evidence of misconduct, then, the outcomes can range from a First Written Warning, a Final Written Warning to the Exclusion of the learner.

D2 The learner (and parents/guardians/employer/agencies) must be informed of the decision of the Panel in writing and by recorded delivery within 5 working days of the date of the Panel. The letter must clarify the terms and conditions of Exclusion or re-admission. The letter should also inform the learner of their right to appeal against the Panel's decision.

D3 If a decision is made to re-admit the learner from an agreed date, the Learner Services Manager must inform all the relevant managers. In such circumstances the learner will be required to abide by any specified conditions on their return.

D4 The Personal Tutor or equivalent will update the learner's records on eDrac and will monitor adherence to the specified conditions.

D5 If, as a result of the Panel, a decision is made to exclude the learner, then, the Learner Services Manager must inform all the relevant managers (including the MIS/Registry manager) and the Personal Tutor must ensure that the learner is withdrawn from all programmes that they've enrolled on.

E Appeals Procedure

E1 Learners have the right to appeal against exclusion if the panel have not followed the correct procedures. Examples of this include:

- The panel did not allow the student sufficient time to explain mitigating circumstances
- Procedural errors
- The availability of new evidence

E2 An appeal should be made in writing by the learner to the college Principal within 7 working days of receipt of written confirmation of the exclusion.



- E3 If the Principal considers that there are sufficient grounds, the appeal will be heard by the Principal and one other member of Tîm Strategol not involved in the original disciplinary meeting within 20 working days of receipt of the written appeal. The Assistant Principal, Learner Services will act as clerk to the Panel.

- E4 The Learner Services Manager will provide the Panel with the written record of the Disciplinary Panel meeting. The Appeals Panel may consider any evidence available at the time but not considered by the original disciplinary hearing as long as it is presented to the Principal 7 working days before the date of the Appeal meeting.

- E5 As previously, the learner has the right to be accompanied by a friend, parent, guardian, employer or member of the Student Union (but no legal representation).

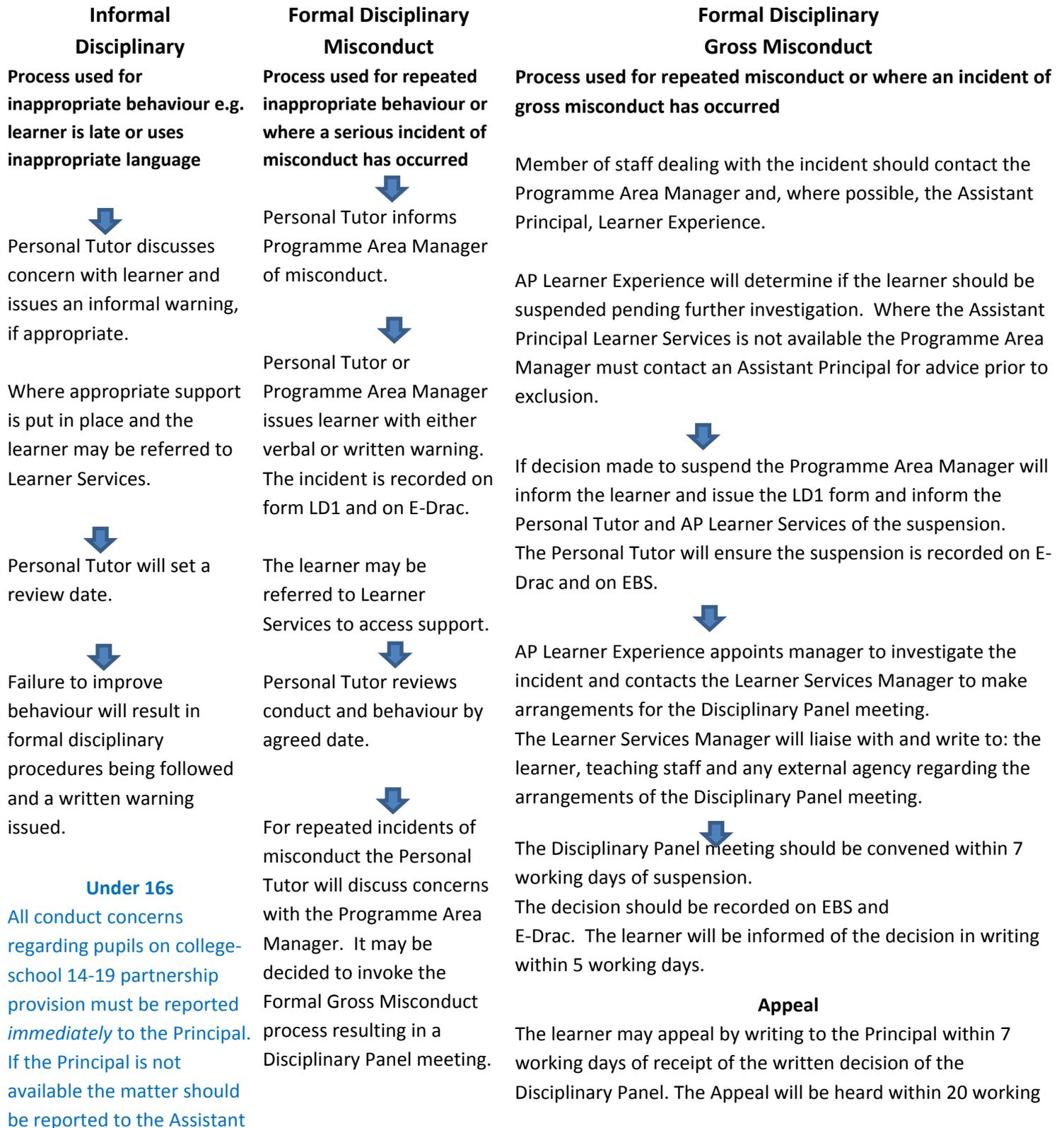
- E6 The decision of the Appeals panel is final and will be communicated and confirmed in writing within 5 working days.

Appendix A

Disciplinary Action Flow Chart

Learner Disciplinary Procedure

The diagram below shows the stages of the disciplinary process to be used when a learner's behaviour is in breach of the Learner Code of Conduct.





Grŵp
**Llandrillo
Menai**

Principal, Learner
Experience or AP Learner
Services.

days. The decision of the Appeals Panel is final and will be communicated in writing within 5 working days.

Equality Impact Assessment

Date: October 2016

Policy / Procedure/Process Title: **Learner Conduct**

Personnel Involved in Equality Impact Assessment:

Consideration	Response	Further evidence requirements	Outcome
Which protected groups might be disadvantaged by the policy/process?	It is felt that the policy and procedure have fairness and consideration for equality at their centre and they are designed to address concerns relating to inappropriate conduct, while ensuring that when allegations are made there is a fair, transparent and supportive procedure for managing the allegations. New members of staff are made aware of the policy in their induction to the College.		
Which protected groups might benefit from the policy/process?	All protected characteristics would benefit from the policy as it endorses a culture of mutual respect by defining the expectations of learner conduct and by providing guidance on the procedures to deal with inappropriate behaviour.		
Does the policy advance equality and foster good relations	The College is keen to ensure that all employees and students are aware of and understand the content of the policy and procedure and that they adhere to it to create a safe learning environment.		
Could any part of the process discriminate unlawfully	No aspect of the policy or procedure could discriminate unlawfully.		



Are there any other policies that need to change to support the effectiveness of this one	No		
Conclusion: Tick one		Continue the Policy and process	
Please list:			
Date Actions to adjust completed			

Signed:

Date:

Welsh Language Impact Assessment

Name of Policy or Procedure: Learner Conduct

Date: November 2016

Personnel/Groups Involved:

Consideration	Response	Further evidence requirements	Outcome
What positive effects will the implementation of the policy or procedure have on the use of Welsh language?	This policy clearly states that learners have the right to report concerns in either Welsh or English.		
What negative effects will the implementation of the policy or procedure have on the use of Welsh language?	This policy will not have a negative effect on the use of the Welsh language.		
Are there sufficient Welsh-speaking staff available to implement the policy or procedure? If not, what steps will be taken to ensure that sufficient staff are available, and by when?	There are sufficient Welsh-speaking staff across the Grŵp to support learners through this process. There is at least one member of the management team within Learner Services that can speak Welsh at each college.		
Does the policy or procedure comply with Grŵp Llandrillo Menai's Welsh Language Schemes/Language Strategy?	Yes.		
Conclusion	<u>Adjust the policy or procedure</u>	Continue the policy or procedure	Stop and remove the policy or procedure

Signed:

Date: