

# 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 Group**

The Sparsholt College Group (the College Group) includes Sparsholt College, Andover College, University Centre Sparsholt, Sparsholt College Services, Westley Enterprises and Andover Town Football Club. College Group policies apply to each part of the group unless specified otherwise.

The *Policy and Procedures for Managing Learner/Student Conduct* was approved by the Board of Governors in July 2020.

Equality Impact Assessment

Conducted:

Originator: Vice Principal/Deputy

Located:

Principal, Curriculum

College Intranet

College Website

Managers Tool Kit

Date of next scheduled review:

*May (for July) 2023*

## **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

This procedure may be implemented when staff have concerns relating to a learner's conduct, behaviour and/or discipline that will likely have a negative impact on their achievement, the achievement of others and/ or they fail to respect their peers, staff and the wider College and its community. There are three levels:

### Conduct Review Level 1 (CL1)

**This level is used to address minor breaches of the Code of Conduct, including but not limited to:**

- Disruptive or unruly behaviour inside or outside of class, particularly that does not improve when challenged
- Failure to comply with a reasonable instruction from a member of staff
- 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)
- Failure to use the College smoking shelters
- Refusal to produce College ID or identify oneself when asked to by a member of staff

#### Process

Any teacher, instructor, instructor technician, technician, warden or other member of staff (e.g. Learning Support Assistant or Progress Coach) with a role in supervising students may raise a Conduct Review Level 1.

The member of staff will clearly explain, usually verbally, to the student the reasons for the CL1 being raised.

The member of staff is responsible for ensuring (through the curriculum administrator if appropriate) that the CL1 is raised on the learner's ProMonitor page.

#### Sanctions

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 Progress Coach and/or the warden for residential matters is responsible for monitoring the learner's progress during which any targets set through the issuing of a CL1 can be marked as 'completed' if the actions have been successfully complied with.

If there is no visible improvement over a reasonable timeframe since the raising of a CL1 for a similar issue, a formal meeting with the Curriculum Leader/ Senior Curriculum Leader will be required (Conduct Review Level 2)

## **Conduct Review Level 2 (CL2)**

**A Conduct Review (Level 2) is used to formally address more severe or deliberate 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 which may trigger a Conduct Review (Level 2) include but are not limited to:**

- Re-occurrence of a CL1 breach
- Bullying
- Behaviour or language that is disrespectful, offends or may be discriminatory in its nature
- Acting in an unsafe manner
- Failure to comply with the College's Health and Safety Policy
- Sustained inappropriate behaviour which solely affects the learning or recreation 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

### **Process**

Any teacher, instructor, instructor technician, technician, warden or other member of staff (e.g. Learning Support Assistant or Progress Coach) with a role in supervising students may raise a Conduct Review (Level 2).

The staff member will discuss the reasons behind issuing a CL2 with the Progress Coach/ Warden directly.

The Progress Coach/Warden will raise a CL2 on the learner's ProMonitor page and arrange a meeting to be chaired by the Curriculum Leader (CL)/Senior Curriculum Leader (SCL) where appropriate, or the Residential Manager (residential students issues).

Parents will be notified of the meeting, where appropriate, in advance and, should they specifically request, be permitted to attend providing this does not create inappropriate delay to the meeting.

A behavioural action plan will be agreed, with appropriate targets set.

Parents/guardians/carers of all under 18 learners will be notified in writing of the meeting and the targets set within five working days.

## Sanctions

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.

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

## Support/Follow up

A revisit and monitoring meeting will be booked for no more than four weeks after the initial CL2 meeting (Learner, CL/SCL/ Residential Manager and Progress Coach/Warden in attendance). If the learner is able to demonstrate sufficient progress and improvement towards these targets they will continue to be monitored by the Progress Coach/Warden until the next progress review window (plus three weeks). If there is inadequate progress demonstrated towards targets, a Conduct Review (Level 3) is raised. This may result in temporary suspension and possible permanent exclusion.

As part of the support system, any learner on a Level 2 action plan will be placed on the College 'Cause for Concern' register. This may facilitate additional reviews/support from Student Support to promote improvement in performance.

## Conduct Review Level 3 (CL3)

**A Conduct Review (Level 3) is used to formally address gross or persistent breaches of the Student Code of Conduct. Students may be subject to a serious conduct review without having first received any conduct reviews, where the breach of discipline warrants this.**

**Examples which may trigger a Conduct Review (Level 3) include but are not limited to:**

- Reoccurrence of a CL2 breach
- Persistent bullying, harassment or assault
- Behaviour or language that is threatening/ offensive or may be discriminatory in its nature
- 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
- Possession of a weapon which is not justified in its use as part of the learner's work

- Accessing, downloading or sending offensive materials via internet or mobile technology
- Reckless or dangerous behaviour
- Theft

**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 **Conduct Review Level 3** 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**

Any teacher, instructor, instructor technician, technician, or other member of staff (e.g. Learning Support Assistant or Progress Coach) with a role in supervising students may raise a Conduct Review (Level 3).

The staff member will discuss the reasons behind issuing a CL3 with the Progress Coach/ Warden directly.

The Progress Coach/Warden will raise a CL3 on the learner's ProMonitor page and arrange a meeting to be chaired by the Assistant Principal/ Head of Faculty/ Residential Manager, or exceptionally, the Senior Curriculum Leader (SCL) once the Chair is 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.

Where appropriate, parents will be notified of the meeting two to five working days in advance and, should they specifically request, be permitted to attend providing this does not create an inappropriate delay to the meeting. The invitation must include details of the reason for the meeting, together with a copy of the College procedures. Where parents choose not to attend, the meeting will proceed in their absence. All learners may be accompanied by an advocate or support person but not by a professionally hired legal representative.

The learner's Progress Coach/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 studytours.
- Community work on the campus site, where appropriate.
- Residential Learner/Students may be moved to different accommodation as part of the actions following a **Conduct Review Level 3**.

## Support / Follow up

A revisit and monitoring meeting will be booked for no more than four weeks after the CL3 meeting (Learner, CL/SCL and Progress Coach/Warden in attendance). If the learner is able to demonstrate sufficient progress and improvement towards these targets they will continue to be monitored by the Progress Coach/Warden until the next Progress Review window (plus three weeks).

Where a learner fails to demonstrate sufficient progress towards their expected level of conduct, despite the necessary support being provided, the Progress Coach/ Warden will refer the learner to the Assistant Principal (or Head of Faculty)/ Residential Warden for a final decision about the learner's place on their study programme and /or suitability to reside in residential accommodation.

As part of the support system, any learner on a Level 3 action plan may be placed on the College 'Cause for Concern' register. This will facilitate additional reviews/support from Student Support to promote improvement in behaviour.

## 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**

All appeals will be heard by a member of the Strategic Leadership Team (not involved in earlier stages of the process).

The individual may appeal against any sanctions by writing to the College within 10 working days of receiving confirmation of the decision.

The letter should clearly set out the grounds for appeal.

The outcomes of an appeal may be that:

- The findings are upheld and the sanction/exclusion is appropriate
- The findings are upheld but sanction/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.

## **Complaints**

Complaints about the way the procedure is implemented should be made in writing to the **Vice Principal/Deputy Principal** who will identify a manager at the appropriate level to investigate the complaint. The Vice Principal/Deputy Principal will identify the appropriate external body to which the complaint can be referred if the student is unhappy with the outcome of the College process.

## **Training and Monitoring**

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

**Level 3 Conduct Reviews** will be reported (as a numeric total) monthly to the Board and will be supplemented with an annual equality monitoring report.