

 <p><i>Creating Brighter Futures' is the underpinning mission and purpose of FNTC. (Inspiring learning to achieve success)</i></p>	<p><b>Policy Number: PP-DTLAQ-07</b></p> <p><b>Version: 2</b></p> <p><b>Issue Date: June 2018</b></p> <p><b>Review Date: June 2019</b></p>
<p><b>Policy title: Learner Conduct and Performance Policy and Procedure</b></p>	
<p><b>Policy author:</b></p>	<p>Tina Turner</p>
<p><b>Policy Owner:</b></p>	<p>DCQ</p>
<p><b>Impact assessment status:</b></p>	<p>X Initial screening complete, no adverse impact/potential for adverse impact</p> <p><input type="checkbox"/> Full impact assessment required</p>
<p><b>Approved by: SLT</b></p>	<p><b>Date: January 2016</b></p>
<p>If you need help reading this document, or require it in a different format, please call</p> <p>02380 866664</p> <p>Chief Executive Officer: Elizabeth Young</p>	
	

## Learner Conduct and Performance Policy and Procedure

### 1. Introduction

The Learner Conduct and Performance Policy and Procedure is intended to provide a clearly formulated and impartial process for dealing with poor conduct and performance within a reasonable timescale and having due regard to the spirit of natural justice.

The aim of the Learner Conduct and Performance Policy and Procedure is to provide a consistent approach to addressing issues and supporting learners to keep within the learner code of conduct and develop transferable skills for life and work.

### 2. Scope

All staff, all students, employers and parents

### 3. Objectives

- To provide a supportive framework which allows the Centre to help learners manage their conduct and performance in ensuring their success
- To promote the Centre Vision and Values to all learners, staff and visitors to the Centre
- To ensure that all learners receive fair and consistent treatment with access to a fair appeals procedure
- Through induction and the programme of study, provide learners with a clear understanding of the commitment they need to make to their studies and work life
- Ensure that any actions or sanctions are coupled with support for the learner that takes into account their individual circumstances
- To fully involved parents/guardians/carers of under 18s learners and employers in any actions regarding conduct or performance as appropriate
- To promote a safe learning environment free from disruption, violence, bullying and any form of harassment for all learners

### 4. Responsibilities

DCQ- To ensure this policy is adhered to

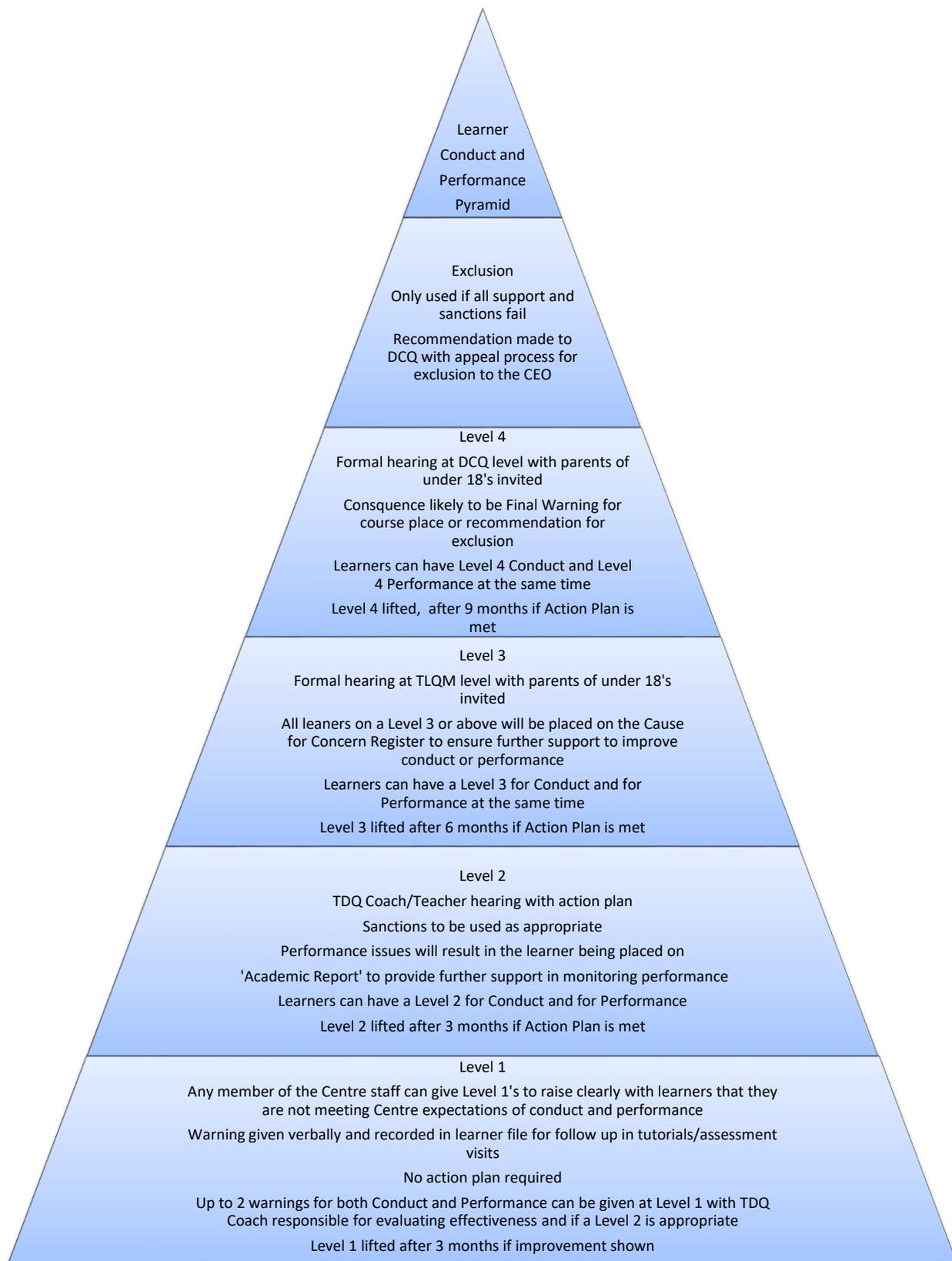
TLQM's- To ensure the procedure is implemented fairly and accurately

Learner facing staff to ensure all learners are made aware of this policy and implement as needed updating learner files with associated notes/documents.

TDQC – Training, Development & Quality Coach – Learner facing staff

## 5. Procedure

### Learner conduct performance pyramid



**LEVEL 1:**

Some examples of Level 1 issues:

Performance	Conduct
Attendance/punctuality that affect progress, usually below 90%	Inappropriate behaviour including use of mobile phones
Late hand-in of work	Use of inappropriate language
Disruptive behaviour	Health & Safety breach
Failure to give reasonable notice for cancelling appointments or timetabled sessions	Poor attitude and low aspirations to course, employment/placement and success

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

**Process**

- Any Centre staff member can give a learner a Level 1 conduct/performance warning.
- Actions need to include explaining clearly the issue and reasons for the Level 1 warning. The warning can be given verbally.
- The member of staff is then responsible for updating the learner file and for notifying the Training, Development and Quality Coach. This needs to include a conduct/performance action plan (Appendix 1).

**Sanctions**

- Learners can have more than one Level 1 warning. In general when a learner exceeds two plans for either conduct or performance, the Training, Development and Quality Coach/Teacher and relevant Teaching, Learning and Quality Manager will need to evaluate whether progress to Level 2 is appropriate.
- Removal of training incentives for one week (where applicable).

**Support/Follow up**

- The Training, Development & Quality Coach is responsible for monitoring the learner’s progress over a period of three months at which time the learner’s file status can be changed to ‘expired’ if the actions have been successfully complied with.
- Parents/guardians/carers of under eighteen learners will be notified of the Level 1 warning within five working days.

**LEVEL 2:**

Some examples of level 2 issues:

Performance	Conduct
Non-completion of Level 1 Action Plan	Verbal abuse
Performance consistently below expected level of achievement	Bullying
Plagiarism	Health and safety breach
Accessing inappropriate material on IT network*	Failure to turn up for or cancel assessment visit, or attendance for a booked exam

\*any breach of use of IT related to safeguarding or prevent will be referred to the centre Designated Senior Officer for Safeguarding (DSO) or Single Point of Contact (SPOC) and may be referred externally to specialist agencies.

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

**Process**

- Only Training, Development & Quality Coaches/Teachers are authorised to deliver a Level 2 for conduct/performance.
- The Level 2 must be delivered with Training, Development & Quality Coach/Teacher and the learner present, with immediate completion of the relevant parts of the learner file. This needs to include a conduct/performance action plan (Appendix 1)

**Sanctions**

- Learners can receive more than one Level 2 conduct/performance action plan. In general when a student exceeds two plans for either conduct or performance, the Training, Development and Quality Coach and Teaching, Learning & Quality Manager will need to evaluate whether progress to Level 3 is appropriate.
- The Training, Development and Quality Coach is responsible for monitoring the learner’s progress over a period of three months at which time the learner’s file status can be changed to ‘expired’ if the actions have been successfully complied with.
- Parents/guardians/carers of all under eighteen learners will be notified in writing of the Level 2 within five working days.
- Employers of all learners will be notified in writing of the Level 2 warning within five working days.

**LEVEL 3:**

Some examples of Level 3 issues:

Performance	Conduct
Non-completion of Level 2 Action Plan	Physical or verbal intimidation
	Behaviour likely to bring the Centre into disrepute
	Persistent bullying
	Introducing external software to IT network
	Serious breach of health and safety
	Vandalism

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

**Process**

- This stage consists of a formal hearing heard by the TLQM. The learner will be invited to attend the hearing in writing, with a minimum of five working days notice, with the parents/guardians/carers of under eighteen learners also being invited and employers, where possible. The invitation must include details of the alleged misconduct and a copy of these procedures. Appropriate support can be provided for vulnerable learners and over eighteen learners may be accompanied by a friend. Legal representation is not appropriate.
- The appropriate Training, Development & Quality Coach/teacher investigates and presents the evidence to the TLQM.
- The outcome of the hearing will be confirmed in writing within five working days, with details of the action plan, including any support that is being put in place.

**Support/Follow up**

- The Training, Development & Quality Coach /teacher will be responsible for monitoring the Level 3 action plan over a period of six months, at which time the learner’s file status can be changed to ‘expired’ if the actions have been successfully complied with.
- As part of the support system, any learner on a Level 3 action plan will also be identified as ‘At Risk’ on the risk register. This will facilitate additional reviews/support from TLQM to promote improvement in conduct or performance.

**LEVEL 4:**

<b>Performance</b>	<b>Conduct</b>
Non-completion of Level 3 Action Plan	Deliberate/Serious vandalism
	Physical assault
	Theft
	Sale of drugs on or off the premises
	Working while unfit to do so, for example under the influence of drugs or alcohol
	Persistent and deliberate bullying
	Serious Health and Safety breach

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

**Process**

- This stage consists of a formal hearing heard by the DCQ,). The learner will be invited to attend the hearing in writing, with a minimum of five working days notice, with the parents/guardians/carers of under eighteen learners also being invited and employers where applicable. The invite must included details of the alleged misconduct and a copy of these procedures. Appropriate support can be provided for vulnerable learners and over eighteen learners may be accompanied by a friend. Legal representation is not appropriate.
- The TLQM investigates and presents the evidence.
- The outcome of the hearing will be confirmed in writing within five working days, with details of the action plan, including any support that is being put in place.

**Sanctions**

- Final Written Warning regarding course place may be a consequence for learners.

**Support/Follow up**

- If the result of the Level 4 is a Final Written Warning, the TLQM will be responsible for monitoring the action plan over a period of nine months. At this point, the learner’s ILP status can be changed to ‘expired’ if the actions have been successfully complied with.
- As part of the support system, any learners on a Level 4 action plan will also be placed ‘At Risk’ on the Centre at risk register. This will facilitate additional reviews/support from the TLQM to promote improvement in conduct or performance.

- A learner may, at any one time, be placed on two Level 4 action plans for either conduct or performance.

### **Decisions**

These are not legal procedures. There must be a fair and equitable process in considering cases of alleged misconduct. However, the judgement should be based on the balance of probabilities and does not (as in legal cases) need to be proved beyond all reasonable doubt. The manager/coordinator will make a decision on the best course of action in the interests of the Centre community balancing this with the interests of the individual. The emphasis is on developing appropriate work behaviours and achievement of the individuals learning plan

Sanctions should be decided in terms of:

- Protection of the health, safety and welfare of individuals
- Protection of property
- Support for those affected by the incident including staff
- Wilfulness and the likelihood of the individual improving their behaviour
- Coherence with the approach taken across the Centre
- The need to maintain the standards of behaviour in class/the centres and the work place and therefore be seen to apply appropriate sanctions

In 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.

### **Exclusion**

In cases where the conclusion of the DCQ hearing a case, is that the student should be excluded, the DCQ will recommend this action to the CD providing full documentation to support this conclusion. The CD will review the evidence and decide to:

- Confirm the exclusion  
OR
- Amend the sanction  
OR
- Re-examine the case

Learners will be signposted to the relevant agencies

### **Appeals**

The individual may appeal against sanctions imposed as a result of the process by writing to the appropriate manager within ten working days of the decision. This will be:

- Level 1 and 2 with TLQM
- Level 3 with the DCQ

- Level 4 with CEO

The manager will review the appropriateness of the decision and sanctions to ensure coherence with the approach across the Centre.

The decision at Level 4 is that the student should be excluded, the student may appeal to the CEO in writing within ten 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 the failings in the original hearing or because new evidence has come to light

### **Complaints**

Complaints about the way the procedure is implemented should be made in writing to the Office Manager (OM) who will identify a manager at the appropriate level to investigate the complaint. The OM will identify the appropriate external body to which the complaint can be referred if the student is unhappy with the outcome of the Centre process.

### **Suspension**

Occasionally it may be necessary to suspend a student from class and/or from accessing the Centre facilities in order to prevent further disruption of learning, intimidation of others, a 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 Centre i.e. learning.

The decision to suspend a student may be taken by the DCQ but enforced by a coordinator in their absence. The student must be notified verbally of the reasons for their suspension. This should be confirmed in writing within five working days along with a date for a hearing. Suspension will not exceed ten working days. However, where an alleged act of gross misconduct is subject to police investigation it may be necessary to suspend a student pending the outcome.

Every effort should be made to support the student's continued learning during this period, e.g. work set.

### **Criminal Offences or and/or breaches to the centre Prevent Strategy**

In cases where there is suspicion that a criminal offence has been committed or a potential act of engaging with activities that may be considered to pose a threat of radicalisation, extremism and/or terrorism the Centre reserves the right to refer the issue to the Police and/or Channel and suspend the student pending the outcome of police enquiries and/or continue with these procedures. The DCQ will make this decision. It is the Centre'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.

## 6. Communication

Once approved this policy and procedure will be shared via all staff email and stored in [Cross Centre\Policies and Procedures](#) . The policy and procedure will be discussed at team meetings as well as being added to the office files for all staff to have reference.

This policy will be given to and discussed with students during the 6 week induction and added to the VLE.

## 7. Evaluation and Review of Policy and Procedure

The policy will be evaluated and reviewed every three years by the Senior Leadership Team.

Annual reports to SLT will evaluate the effectiveness of this Policy and Procedure.

## 8. Associated information, guidance and related policies

Safeguarding Policy and Procedure	-	PP-DTLAQ-15
Equality and Diversity Policy and Procedure	-	PP-DTLAQ-09
Appeals Policy and Procedure	-	PP-DTLAQ-08
Anti-bullying and Harassment Policy and Procedure	-	PP-DTLAQ-01
Learner Support Policy and Procedure	-	PP-DTLAQ-05
Prevent Strategy		

**DISCIPLINARY PROCEDURE ACTION PLAN**

Stage 1:       Stage 2: -       Stage 3:       Stage 4:  (tick  
as appropriate

**Student Name:** \_\_\_\_\_ **TDQ Coach/Teacher:** \_\_\_\_\_ **Student Date of Birth:**  
\_\_\_\_\_

**Age on 31<sup>st</sup> August (at start of course):** \_\_\_\_\_

Reason for Discipline: <i>(brief description)</i>	Action/s required: <i>(SMART)</i>	Date action to be completed by:	Review date and further action if necessary:

**Note – Complete a separate Action Plan for each stage of the disciplinary**

**Student Signature:** \_\_\_\_\_ **Staff Name and Signature:**

<i>STUDENT</i>	<i>PARENT/GUARDIAN</i>	<i>ILP file copy</i>	<i>Coordinator</i>	<i>Employer</i>
----------------	------------------------	----------------------	--------------------	-----------------

Copy of documents sent to – *please tick above boxes as appropriate*

**Annex 1**

<b>Initial Equality Impact Assessment</b>	
<b>Audit Prompt</b>	<b>Response</b>
Name of document: Learner Conduct Policy and Procedure	
Author of document: Tina Turner	
<b>Initial screening questions</b>	
1. What is the aim or purpose of the document?	The aim of the Learner Conduct and Performance Policy and Procedure is to provide a consistent approach to addressing issues and supporting learners to keep within the learner code of conduct and develop transferable skills for life and work.
2. Who is affected by the document? <ul style="list-style-type: none"> <li>• Staff</li> <li>• Learners (please indicate which groups)</li> <li>• Members of the general public (please specify who)</li> </ul>	Staff Learners: <ul style="list-style-type: none"> <li>• Traineeships</li> <li>• Apprentices</li> <li>• Full cost</li> </ul> Employers Parents
3. Has anyone complained about the document? (if yes, give details)	No
4. Does the document have the potential to cause adverse impact or discriminate against different groups of people?	No
5. Does the document make a positive contribution to equality & diversity in the Centre?	Yes

A full impact assessment will be needed if this initial screening reveals an adverse impact, or potential for adverse impact on people with protected characteristics.

Refer to full Impact Assessment (Yes/No) and reasons why	The policy links closely to the prevent and safeguarding strategy of the centre and promotes FBV
If yes, Priority Level (High, Medium, Low)	

Signed:

Name: Tina Turner Acting CEO

Date: 1/2/16

