

# **Further Education Student Conduct Policy and Procedure (16+)**

**Amended September 2022**

Approved

## Contents

Student Conduct Policy.....	3
Student Conduct Procedure.....	4
Student Conduct Procedure Overview - Staff Overview.....	5
Suspension Meetings.....	6
Investigation.....	8
Classroom Management and Intervention Meetings.....	9
Informal Warning.....	10
Formal Written Warning.....	11
Final Written Warning.....	12
Final Disciplinary - Disciplinary meeting and possible dismissal.....	13
Dismissal.....	15
Appeals.....	16

# **Student Conduct Policy**

## **Aim**

The aim of this policy is to set out a clear framework so staff can manage student behaviour. The stages outlined in the policy will be followed when a student's behaviour goes against the expected behaviour detailed in the Student Code of Conduct. Students agree to follow the Code of Conduct by enrolling on their course. A separate Conduct Policy applies to Higher Education Students.

## **Policy Statement**

The City of Liverpool College is committed to equality of opportunity and access for all. We oppose all forms of unfair and unlawful behaviour on the grounds of age, disability, religion or belief, gender reassignment, race, sex, sexual orientation, pregnancy and maternity status in line with the Equality Act 2010. The College intends to support all students to achieve and to be well prepared to progress to the next level of learning or into employment.

This policy applies to all students aged 16 or over on 31<sup>st</sup> August in the current academic year. There is a separate policy and procedure for younger students.

A Code of Conduct has been produced by staff and student representatives to describe the standards of work and behaviour that we expect. The Code of Conduct is made available to students within their Welcome Pack, during 'Preparation for Learning' within the first 6 weeks and is available on the VLE.

Individual courses may have additional expectations, for example those linked to professional practice. These are set out clearly in the Course Guide or in other written instructions from College staff, such as those relating to work placement.

The emphasis is on supporting students to understand why they are expected to follow the Code of Conduct. In most cases, the Student Conduct Procedure will be followed stage by stage. In some cases it may be necessary to move to higher stages straight away due to the severity of the behaviour.

Young students (16-18) who are dismissed will automatically be referred to relevant support service (Appendix 9). If a student has a learning difficulty and/or disability with an EHCP, the referral applies up to the age of 25. If the student is care experienced and/or is in public care the referral applies up to the age of 18 but the Care Experienced Lead must be contacted to ensure the relevant support service is contacted.

Where appropriate, students who receive a disciplinary warning will be referred to pastoral support services such as counselling, mental health support, finance etc. Every effort will be made to support students to address behaviour in order to avoid escalation and ensure that they achieve.

## Student Conduct Procedure

The steps within the Student Conduct Procedure are as follows:

- Classroom Management / Intervention Meetings – Curriculum Tutor or Any Staff member
- Informal Warning Curriculum Tutor and / or Progress leader or Any staff member
- Formal Written Warning Deputy/ Assistant or Senior Progress Leader
- Final Written Warning Head of School/ Dean of Academic Studies/Senior Progress Leader
- Final Disciplinary Director, Head of Faculty

In most cases, a member of staff identifying or escalating poor behaviour will be involved in the subsequent disciplinary meeting.

Intervention meetings and classroom management instructions are not formally part of the disciplinary procedure, but meetings and subsequent actions set on ProMonitor may be designed to mitigate the risk of a disciplinary stage being required.

The majority of intervention meetings will not be related to the Code of Conduct, but will be designed to improve performance, for example, to support a student in achieving their minimum target grade when in-year indicators show that they may not be achieved.

Conduct stages may be missed, depending on the severity of behaviour. Students can be suspended at any stage and the level of sanction issued will be decided following an investigation.

Where appropriate the Progress Leader may be the member of staff who issues a disciplinary. This may be particularly necessary when a student has multiple subject tutors and one member of staff needs to take an overview of the process.

The College is expected to withdraw students who have not attended a course or subject on which they are enrolled for 4 continuous weeks without agreeing that absence with the tutor concerned. Concerns with attendance will also be managed within the new Student performance policy.

A one-page summary of the procedure, the Student Conduct Procedure Overview is available on the next page.

## Student Conduct Procedure Overview – Staff Overview

### Intervention

- Issued by Any Staff Member
- Examples: Poor low level behaviour, poor attitude to learning, lack of engagement.
- Recorded within either 'Curriculum Review Meetings' or 'Intervention Meetings' with appropriate SMART targets and support identified on ProMonitor

### Informal Warning

- Issued by Any Staff Member
- Examples: Poor punctuality, continual classroom disruption, work not submitted on time, submitted work does not attempt to meet previous SMART targets and / or assessment feedback
- informal warning recorded within 'Learner Meetings' on ProMonitor with appropriate SMART targets and support identified

### Formal Written Warning

- Issued by Deputy/Assistant or Senior Progress Leader Examples: Informal warning SMART target(s) not met, inappropriate use of IT and / or breach of Acceptable Use Policy
- Formal written warning recorded within 'Learner Meetings' on ProMonitor with appropriate SMART targets and support identified

### Final Written Warning

- Issued by Head of School/Dean of Academic Studies or Senior Progress Leader
- Examples: serious conduct issues not deemed Gross Misconduct, First Written SMART target(s) not met
- Final written warning recorded within 'Learner Meetings' on ProMonitor with appropriate SMART targets and support identified

### Final Disciplinary

- Issued by Director, Head of Faculty
- Examples: Gross Misconduct, Final Written warning SMART target(s) not met
- Final Disciplinary hearing outcome recorded within 'Learner Meetings' on ProMonitor and SMART targets and support identified if required

A student can be suspended at any stage and the level of sanction issued (if appropriate) will be decided following an investigation

## Suspension Meetings

**Responsibility:** Investigation Officer – Any Middle manager, Suspension Hearing - Director, Head of Faculty, Dean of Academic Studies

The investigation officer should be a manager linked to the school the student is based in.

The Hearing officer is as follows, based around the centre the student is from:

- Learning Exchange: Laura Rowan
- Arts Centre: Jason Waldron
- Duke Street: Jan Schofield
- Vauxhall: Colin Salmon
- Clarence: Neil Borg-Olivier
- Gill Williams can manage across all centres if any incidents need a pastoral approach.

### When to Use

A suspension may be imposed where an accusation of poor behaviour has been made and a decision for a suitable outcome needs to be investigated. Examples of this could be linked to an accusation of:

- bullying or cyber bullying
- harassment of any kind
- gross misconduct
- fighting
- threatening behaviour
- damage of college resources
- inappropriate behaviour

This list is not exhaustive as other viable reasons for suspension will be considered.

### How to Issue

**Any member of staff can suspend a student but must review the investigation approval with an academic manager within 24 hours. This must be formed of a discussion and the need for an investigation will be approved by the academic manager (Appendix 10 - Checklist).**

The member of staff, with the support of a Progress Leader (If possible), **will discuss** negative conduct with the student and outline that an accusation has been made linked to the topics above regarding that student. The student will be made aware of the following:

- a suspension is in no way any form of guilt and it is an opportunity to investigate an incident and protect all those students involved.
- A manager will be assigned to be the investigating officer and will complete a review of the accusation and contact the student
- The student must not discuss the incident or accusation with anyone involved or any other student as this could jeopardise the investigation and result in all students involved being excluded due to the investigation having been compromised.

Students will be invited in for an investigation and/or a suspension hearing (Appendix 4 – Letter) to review the accusation and present evidence that has been found during the investigation, within 7 days of the suspension. Where this is not possible due to a complex investigation contact must be made to all students involved to explain the delay.

The member of staff who suspended and/or Progress Leader will then record this on the student ILP on ProMonitor, usually within the suspension meeting section and place a comment on the system. This will need to be updated by the Investigation officer once this has been completed. A suitable outcome will then be recorded by the Chair of the Suspension meeting in the appropriate place on Pro-monitor.

## **Next Steps**

The hearing officer will review the investigation notes and use a suspension meeting to ask further questions and gain further evidence related to the suspension incident. Following on from the meeting the hearing officer will decide on the outcome of the suspension from the following conclusions:

- After reviewing the investigation report there is no behaviour issue to answer, and all suspensions are lifted.
- After reviewing the investigation report it is found that a particular level of sanction is needed, and an action plan should be put in place.
- After reviewing the investigation report it is found that a dismissal is appropriate, and this process should be followed.

The suspension hearing meeting should be recorded on pro-monitor in the meeting section.

## Investigation

**Responsibility:** Head of School or Nominated person by the Head of School

### When to Use

An investigation will be implemented after a suspension to review the evidence surrounding the incident and collate suitable documents that will be presented in a suspension hearing. This may include:

- Collecting written statements from anyone involved with the incident
- Reviewing comments and meetings on Pro-monitor
- Reviewing CCTV
- Reviewing any other evidence that is presented (electronic, notes etc).
- Looking into any safeguarding and learning difficulties/disabilities

### How to Issue

The investigating officer will collect all evidence needed within 5 days of the incident and present their findings to the hearing officer, within the investigation report (Appendix 11) before 24 hours of the meeting. If more time is needed to collate the evidence the investigating officer must ask for an extension from the hearing officer and re-arrange the hearing with the appropriate admin assistant.

- Learning Exchange: Colette Whelan & Wing-Yan Tsang
- Arts Centre: Julie Jones
- Duke Street: Colette Whelan & Wing-Yan Tsang
- Vauxhall: Jacqueline Dunne
- Clarence: Kathy Cheung

### Next Steps

Ensure a suspension hearing is organised with the designated person and ensure all aspects have been recorded on pro-monitor.



## Classroom Management and Intervention Meetings

**Responsibility:** Any Staff Member

### When to Use

Classroom management and intervention meetings are used to address behaviours such as the following:

- failure to follow instructions
- non-participation in group tasks
- deliberate missed assignment deadlines
- disruptive or unacceptable behaviour
- using a mobile phone in class
- using Facebook/ inappropriate websites not related to tasks by tutor

### How to Issue

The Curriculum Tutor and/or Progress Leader **will discuss** negative conduct with the student within 5 days of the event, but usually immediately.

The Curriculum Tutor and/or Progress Leader will then record this on the student ILP on ProMonitor, usually within the curriculum review meeting section and also place a comment on the system.

### Next Steps

If the student conducts themselves appropriately following the meeting, no further action will be taken

If there are repeated incidences of negative conduct within college the student will progress to Informal Warning.

## Informal Warning

**Responsibility:** Any Staff Member

### When to Issue

An informal warning is issued when there is a breach of the Code of Conduct (see Appendix 1) such as:

- there has been no improvement following tutor's class management
- the student has behavioural issues around College buildings

### How to Issue

- a) The Member of staff and/or the Progress Leader will conduct informal warning by:
  - **meeting with the student** to discuss negative conduct and expected Code of Conduct
  - informing student that their conduct has resulted in an informal warning intervention
  - setting agreed SMART actions on ProMonitor
  - setting a date to review progress on ProMonitor
  - recording the meeting and actions set on ILP in the 'Meetings' section of ProMonitor.
  - sending a letter, to parents/carers (Appendix 2) of students 16-18 or directly to the student if 19+, within 3 days of the incident
  - meeting with student on date set to review progress
- b) If appropriate, referrals to pastoral support will be agreed within the Informal Warning meeting.

### Next Steps

If appropriate progress with the SMART actions has been made by the review meeting, the Action plan and intervention will end.

If no progress with the SMART actions set has been made by the review meeting, the Deputy or Assistant will pick this up for a Formal Warning.

## Formal Written Warning

**Responsibility:** Deputy/Assistant or Senior Progress Leader

### When to Issue

A Formal Written Warning is issued when:

- there has been no improvement following an Informal Warning meeting (for conduct described in class management above)
- inappropriate behaviour around college buildings
- inappropriate use of IT and / or breach of the Internet Acceptable Use Policy

### How to Issue

- a) The Deputy/Assistant\* or Senior Progress Leader will conduct Formal Written Warning by:
  - **meeting with the student** to discuss negative conduct/ review targets not achieved from Informal warning if applicable
  - informing the student that their conduct has resulted in a Formal Written Warning intervention
  - setting agreed SMART actions
  - setting a date to review progress
  - meeting with students on the date set to review progress
  - recording the meeting and SMART actions set on ILP in the 'Meetings' section of ProMonitor
  - sending a letter, to parents/carers (Appendix 3A) of students 16-18 or directly to the student if 19+, within 3 days of the incident
- b) referrals to pastoral support will be agreed as appropriate and managed by the Progress Leader.

### Next Steps

If appropriate progress with the SMART actions set has been made by the review meeting, the Formal Written Warning will end.

If no progress with the SMART actions set has been made, the Formal Written Warning will be escalated to Final Written Warning.

\* In some circumstances, a Deputy/Assistant may have issued an Informal Warning. In this case, they should not lead the Formal Written Warning meeting. This should be referred to someone impartial.

## **Final Written Warning**

**Responsibility:** Head of School, Dean of Academic Studies or Senior Progress Leader

### **When to Issue**

A Final written warning is issued when:

- there has been no improvement following a Formal Written Warning
- threats to staff or students
- bullying
- discrimination
- breach of the Equality Policy
- breach of health and safety (e.g. during fire evacuation procedure)
- breaking the rules of an awarding body such as copying someone else's work
- drug or alcohol use in or around College buildings

### **How to Issue**

- a) The Head of School/Senior Progress Leader will conduct a Final Written Warning meeting using the same process as the Formal Written Warning meeting (except sending the appropriate Final Written Warning letter (Appendix 3A)). Following the meeting and investigation, the Head of School may escalate the meeting to a Director, Head of Faculty or Dean if conduct is deemed sufficiently serious to be gross misconduct (Final Disciplinary Hearing).
- b) If requested by the Head of School, the appropriate Progress Leader or Senior Progress Leader will also be invited to the Final Written Warning meeting to support a review of the student's ILP and help to decide whether further Progress Leader input is required or whether the Senior Progress Leader needs to meet with the student and parents (16-18) or the student (19+) more regularly. If further meetings are required, the Senior Progress Leader will follow up Final Written Warning by:
  - informing parents/carers (16-18) or student (19+) of negative conduct inviting them to a meeting with Senior Progress Leader to discuss
  - meeting with the student, parent/carers (where appropriate) as agreed
  - possibly adding additional SMART actions
  - setting a review date with the student and reporting to the Head of School
  - recording the meeting and actions set on ILP in the 'Meetings' section of ProMonitor
  - reviewing progress on each review date

### **Next Steps**

If appropriate progress with the SMART actions set has been made by the review date the Final Written Warning will end.

If no progress with the SMART actions set has been made by the review date the intervention will be escalated to Final Disciplinary.

## **Final Disciplinary - Disciplinary meeting and possible dismissal**

**Responsibility:** Director, Head of Faculty

### **When to Issue**

A Final Disciplinary invitation is issued when the student engages in gross misconduct or when being escalated from the previous stage warning. The following are examples of gross misconduct in or near College buildings:

- there has been no improvement following a Final Written Warning intervention
- theft, attempted theft or unauthorised possession of any items belonging to the College, any student or employee
- serious damage deliberately caused or attempted to College property
- using illegal drugs or dealing drugs on College premises
- being under the influence of alcohol or illegal substances
- violent, dangerous, abusive, intimidating or indecent behaviour e.g. fighting, threats
- deliberately breaking the College's health and safety rules
- intentional breach of the College's Equality Policy, e.g. harassing or abusing another student, member of staff or a visitor to the College. This includes making serious accusations against other students or staff which are judged, following investigation, to be false
- the College reserves the right to suspend a student if the student's actions outside College seriously challenge the health, safety or welfare of other students or members of staff.

### **How to Issue**

The Director, Head of Faculty, Dean of Academic Studies (or nominated manager in their absence) will conduct a Final Disciplinary meeting by:

- Using the same process as the Final Written Warning meeting (except sending the appropriate Final Disciplinary letter). Following the meeting and investigation, the Head of School may escalate the meeting to a Director, Head of Faculty or Dean if conduct is deemed sufficiently serious to be gross misconduct (Final Disciplinary Hearing).
- Clarifying with the student that the student's conduct has resulted in a Final Disciplinary Hearing then informing the student and parents/carers (16-18yr olds) of the terms of conduct in writing (Appendix 6) pending investigation and invitation to a disciplinary hearing.
- Conducting a Final Disciplinary Hearing as soon as possible, normally within 2 term time weeks of incident (see Appendix 8) on date set
- recording the disciplinary hearing notes on the students ILP in the 'Meetings' section of ProMonitor and sending a letter, to parents/carers (Appendix 3B) of students 16-18 or directly to the student if 19+, within 3 days of the incident

### **Next Steps**

At this stage, the Director, Head of Faculty, Dean of Academic Studies may decide to:

1. Reinstate the student to College with SMART targets and a clear action plan. The student may remain on a Final Dismissal Alert or the Director, Head of Faculty or Dean of Academic Studies may decide a lower level of warning is more appropriate following the investigation.

This is to be recorded by the Director, Head of Faculty or Dean of Academic Studies on ILP in the 'Meetings' section of ProMonitor.

2. Dismiss the student from College

## Dismissal

**Responsibility:** Director

### When to Issue

Following a disciplinary hearing, the Director will consider all of the evidence presented by both staff and students (and their representatives) plus any witness statements submitted.

### How to Issue

The Director (or nominated manager in Director's absence) will conduct a Dismissal by:

- clarifying with the student that the outcome of the Disciplinary Hearing is dismissal
- confirming the reason for and terms of the dismissal in writing (Appendix 7) e.g. whether dismissal applies to one course/ centre/ work placement and the length of time the dismissal is valid for. Sending this letter to the student and parents/carers (16-18). If a student is sponsored by an employer a copy of the letter will also be sent to the employer
- recording the meeting outcome on ILP
- informing the student of their right to appeal (p13)

### Next Steps

Brief details of the case will be retained by the College for 5 years after the dismissal date.

The College will not allow the student to re-enrol until the period of the dismissal has passed. This should be a minimum of one academic year.

The College reserves the right to take the reason for the dismissal into consideration when deciding, after the period of dismissal has passed, whether the person meets the requirements of the College's Admissions Policy.

## Appeals

Where students have been issued with a Final Disciplinary Warning or Dismissal Hearing (including dismissed from college) they have the right to appeal in writing to an identified Director/ Vice Principal within 10 working days. Students will be informed of who to address their appeal to as this will be a different member of staff than the Head of School, Director, Head of Faculty or Dean of Academic Studies who conducted the Final Disciplinary Warning or Disciplinary Hearing. The student will then be invited in for an Appeals Hearing (Appendix 7) where the action taken will be reviewed and a final decision taken.

There are three grounds for appeal:

- 1) the procedures set out in this document have not been followed or
- 2) the student has new evidence about the case or
- 3) the student believes the decision reached is unfair or unreasonable.

The appeal will be considered by the Director/ Vice Principal who will decide the next course of action. If they decide an appeal hearing is required, the student will be able to state her/his case and can bring another person along (e.g. parent/carer). Legal representation is not allowed.

At the appeal for dismissal, the terms of dismissal will be reviewed. When the hearing is complete, and after considering all the evidence, the person leading the hearing will state his/her decision. The panel may decide:

- to lift the Final Disciplinary Warning / dismissal or
- to vary the terms of the Final Disciplinary Warning / dismissal, for example by replacing the student's Final Disciplinary Warning / dismissal with a warning or
- to confirm the Final Disciplinary Warning/ Dismissal.

The decision of the College Panel appointed to hear the appeal will be given to the student in writing within five working days of the appeal hearing and will be final and binding.