

LEARNER CODE OF CONDUCT & DISCIPLINARY PROCEDURE

GUIDANCE UPDATED AUGUST 2020



INTRODUCTION

Most of our learners behave impeccably for their entire programme at North Hertfordshire College and Hart Learning and Development. This policy is aimed at ensuring the studies of these learners and success on their programme is not undermined by the behaviour of others.

The learner code of conduct and accompanying disciplinary procedure recognises the importance of creating a positive learning environment where staff and learners feel safe, and where good discipline is upheld. A culture of mutual respect and high expectations sit at the heart of this

This policy applies to all further education learners, traineeships and apprentices in Hart Learning & Development and North Hertfordshire College.

Hart Learning Group aims to ensure that:

- There is a consistent approach to promoting and rewarding positive behaviour
- There is a consistent approach to dealing with unacceptable behaviour and misconduct

CODE OF CONDUCT

- Our code of conduct is simple and focused on respect for others, yourself and the environment. Learner performance is measured against the code of conduct and disciplinary action is taken where performance is not in line with this.

Respect for others

- Value all members of the college community
- Arrive on time, with everything that you need to make the most of your session
- Avoid the use of language, behaviour, social networking and texting in a way that could upset others
- Save phone calls and messages until after the lesson or meeting

Important note: in working with the Group to support learners, parents and carers are expected to both promote and adhere to this element of the code of conduct. All members of the Hart Learning Group community, including learners, parents, staff and visitors, should be able to work in a safe environment free from intimidation of others. At no point should staff be subject to any verbal or physical abuse. Any parent or carer who persistently does so will be asked to leave site and may jeopardize the learner's place on the course.

Respect for yourself

- Take responsibility for your own behaviour and its impact on others
- Participate fully in every part of your programme
- Wear your ID badge at all times
- Submit your work on time

- Attend all of your sessions and planned activities
- Challenge yourself to achieve the very best you can

Respect for the environment on-line

- Keep the environment clean and tidy
- Only smoke in the designated areas
- Stay safe, respect and follow all health and safety regulations
- Travel to and from college in a respectful and appropriate manner

Respect during Covid-19 - guidance and processes

- Follow guidance around face-masks, movement around sites and hygiene.
- Maintain social distance whilst on site, in class, and in all communal areas
- Adhere to start and finish times on your timetable.
- Regularly wash your hands – you will need to clean your hands more often than usual, washing them thoroughly for 20 seconds with running water and soap and drying them thoroughly.
- Ensure good respiratory hygiene – follow the catch it, bin it, kill it approach
Wear a face mask when moving round the campus and in communal areas (unless you are exempt from doing so).
- Do not share belongings including stationery, books and drinks bottles.
- Minimise your contact with individuals who are unwell – ensuring that if you have symptoms, or you have someone in your household who has symptoms, you do not attend college.
- If you have been told to self-isolate, please contact your course administrator to let them know. You must not attend college if you have been told to self-isolate.

Expectations around remote delivery

- Any unauthorised inappropriate use of email, online teaching platforms such as Microsoft teams, Zoom etc will result in disciplinary action. The Group reserves the right to use the content of any email, participant chat in teams, in any disciplinary proceedings.
- Students must ensure any comments made on any learning platforms or social media could not constitute bullying, harassment or discrimination.
- Students must access online learning through their college email.
- Students must ensure they arrive to the online sessions early or on time, so the tutor is able to admit everyone from the lobby before the lesson starts.

- Where necessary, this will include removing individuals from the online session with immediate effect where the wellbeing of themselves and/or others is compromised.
- Students are responsible for safeguarding their passwords for the system. For reasons of security, individual passwords should not be printed, stored on-line or given to others.
- Students should change their social media password often. The IT Service Centre can provide advice concerning password security if required.
- Whilst we appreciate that new procedures take some getting used to, repeat or wilful breaches of the code of conduct will be addressed immediately through the disciplinary procedure.

DISCIPLINARY PROCESS

The disciplinary process is broken down into one informal stage and four formal stages. The process is outlined in the table on the next two pages. It should be noted that for short courses, such as traineeships, the time spans given will be reduced to reflect the shorter length of the course. Consideration should be given to whether a concern should be raised under the 'fitness to practise' or 'fitness to study' policies.

STAGES OF THE DISCIPLINARY PROCESS

Stage	When is this appropriate	What happens	Who is involved	What is the outcome
Academic Concern	<ul style="list-style-type: none"> ■ To deal with minor misdemeanours ■ When staff suspect a learner may have support needs ■ Low level concerns e.g. first missed submission of work, low level disruption in class, falling attendance, poor punctuality 	<ul style="list-style-type: none"> ■ Conversation with learner takes place, to discuss need for improvement and identify support needs ■ Complete Academic Concern form 	<ul style="list-style-type: none"> ■ Learner ■ Tutor 	<ul style="list-style-type: none"> ■ Agree whether disciplinary procedure or fitness to study procedure should be followed (refer to separate documents) ■ Cause for concern should be logged on Learn or OneFile in the support notes ■ Learner Services notified ■ Letter sent to parents/carers
STAGE 1 First formal warning	<ul style="list-style-type: none"> ■ When there have been three or more notifications of the same issue or a significant behaviour/misconduct warranting stage 1. ■ Continued poor performance following an Academic Concern 	<ul style="list-style-type: none"> ■ Formal meeting with learner 	<ul style="list-style-type: none"> ■ Learner ■ Tutor ■ Course team leader, ■ Parents/carers, where appropriate 	<ul style="list-style-type: none"> ■ Details logged on Learn or OneFile in the support notes ■ Learner Services notified ■ Letter sent to learner and parents/carers ■ This will be reviewed within a timeframe agreed by tutor
STAGE 2 Second formal warning - Positive Engagement Plan	<ul style="list-style-type: none"> ■ Continued poor behaviour following first warning ■ Sufficiently serious behaviour warranting stage 2 	<ul style="list-style-type: none"> ■ Formal meeting with learner and parents ■ Creation of a Positive Engagement Plan 	<ul style="list-style-type: none"> ■ Learner ■ Course team leader, ■ Support coach ■ Head/Deputy Head of Curriculum 	<ul style="list-style-type: none"> ■ Details of second warning and PEP logged on Learn or OneFile ■ Learner Services involved ■ Letter, with agreed PEP, sent to learner and parents/carers ■ Review meeting scheduled within two weeks

			<ul style="list-style-type: none"> ■ Parents/carers 	
STAGE 3 Final formal warning	<ul style="list-style-type: none"> ■ Continued poor performance following stage 2 ■ Sufficiently serious behaviour warranting stage 3 	<ul style="list-style-type: none"> ■ Formal meeting ■ Revised Positive Engagement Plan 	<ul style="list-style-type: none"> ■ Learner ■ Course team leader, ■ Support coach ■ Head/Deputy of Curriculum ■ Parents 	<ul style="list-style-type: none"> ■ Details of final warning and PEP logged on Learn or OneFile ■ Learner Services involved ■ Letter, with agreed PEP, sent to learner and parents/carers ■ Review meeting scheduled within two weeks
STAGE 4 - STEP 1 Suspension	<ul style="list-style-type: none"> ■ Serious misconduct ■ Continued poor performance following stage 3 	<ul style="list-style-type: none"> ■ Learner is temporarily suspended pending investigation ■ Learner submits evidence via statement to Head of Curriculum/Director of Curr. 	<ul style="list-style-type: none"> ■ Learner ■ Head of Curriculum ■ Director of Curriculum 	<ul style="list-style-type: none"> ■ Letter sent to invite learner and parents to STAGE 4 panel (5 days notice given)
STAGE 4 - STEP 2 Formal disciplinary panel	<ul style="list-style-type: none"> ■ Following STAGE 4 STEP 1 	<ul style="list-style-type: none"> ■ Formal disciplinary panel ■ Possible exclusion 	<ul style="list-style-type: none"> ■ Learner ■ Parents ■ Head of Curriculum ■ Head of Learner Experience or DSP ■ Director of Curriculum 	<ul style="list-style-type: none"> ■ Review with Directors and one other member of SMT not on panel (not the Principal or any previous panel members) to confirm outcome ■ Following the panel meeting, letter is sent to learner and parent/carer to advise of outcome within 5 days

CLARIFICATION

WHAT IS CLASSED AS SERIOUS MISCONDUCT?

If behaviour is serious enough it can mean that higher levels of the disciplinary process can be used. Serious misconduct can include, but is not limited to, the situations described below:

- Misuse of a substance (including possession and supply of alcohol, illicit substances, solvents and prescription drugs not prescribed for that person)
- Violent or abusive conduct against a member of the college community
- Carrying or having possession of an offensive weapon. This includes the wearing or bringing onto Group premises any kind of martial arts/ self defence equipment that is designed to afford protection by inflicting injury.
- Bullying, intimidation or harassment of a member of the college community or treating them in a discriminatory manner
- Theft or wilful, substantial damage of college property, or property belonging to a member of the college community
- Misuse of technology or the internet
- If serious misconduct takes place off site, the disciplinary process can be implemented where there is a likelihood of further incidents or disturbance to the learning of other learners.

WHEN CAN PARENTS BE CONTACTED?

Parents/carers must be contacted in most situations unless:

- A learner has given acceptable reasons why this should not happen, e.g. independent living or safeguarding
- The learner is 19 years or older on commencement of the course and has not given permission to contact parents/carers

WHEN CAN A SUSPENSION BE USED?

A temporary suspension can be used if there has not been any response to the disciplinary process or there are reasonable grounds to believe that the continued presence of a learner within the College may lead to:

- Further incidents
- Hindrance or disruption to an investigation
- Disruption of learning for other learners
- A temporary suspension can be imposed by the following staff members:
 - Director of Curriculum

- Executive Director of Quality, Curriculum and Organisational Development
- In all cases the Principal must be notified

Temporary suspensions must not last longer than five working days. Suspension can be renewed at this point by the relevant staff member as shown above. This should be clearly communicated to the learner and parent/carer where appropriate.

During the period of suspension, as far as practicable, staff should enable learners to keep up-to-date with learning, coursework, examinations and assessment.

HOW SHOULD AN INVESTIGATION TAKE PLACE?

Investigations may be required where further information is needed to complete a stage of a disciplinary process. The following must be followed for any investigation:

- The investigation should take place within 5 days of an event occurring
- Where there is concern that a learner's presence may hinder an investigation, they should be suspended
- The investigation should be carried out by a Head or Director of Curriculum, with support from other Heads/ Deputies who are impartial and not involved with the situation in question
- Investigations may include interviews, collecting witness statements, review of documents or evidence
- An investigation report must be issued to the relevant manager within 2 days of the investigation concluding

WHAT NOTICE PERIOD SHOULD BE PROVIDED TO A LEARNER FOR DISCIPLINARY MEETING?

- The formal notice period for Stage 2, 3 and 4 is 5 working days. A shorter notice period may be accepted where it is in the interest of the learner and all parties are agreeable/available.
- If a parent/carer is invited to a formal meeting, then sufficient notice should be given to allow them to make arrangements to attend.
- A meeting may be held beyond the 5 working days if parents/carers are unable to attend before this time. However, the Group cannot then be held to account for this being a delay.

HOW SHOULD A FORMAL DISCIPLINARY PANEL BE ORGANISED?

A formal disciplinary panel should be organised using the following guidance:

- Evidence should be presented at the meeting
- The learner must have the opportunity to state their case
- Opportunities to ask questions must be given

- Any mental health issues, disability or learning difficulty must be taken into account
- Learner and parent must be asked to leave the meeting whilst an outcome is decided
- If further time is required to reach a decision, this will be explained by the panel. The learner must then be informed of the outcome in writing within 5 working days

HOW SHOULD A PERMANENT EXCLUSION BE DEALT WITH?

- The learner must be notified of the decision in writing within 5 working days of a decision being made in accordance with the timespans above.
- The learner ID card and any college items should be surrendered
- The learner is offered the opportunity to appeal within 10 working days of the decision letter being received
- A formal panel hearing is required for all exclusions. In serious cases, the Director can enforce a temporary suspension up until the date of a panel hearing.
- The Principal must be informed of all decisions to exclude.

WHAT IS THE APPEALS PROCESS?

The appeals process for the outcome of a disciplinary has 2 stages.

Stage 1

- A learner can appeal the decision of a disciplinary within five working days of formal notification by letter. There must be a clear rationale for an appeal to take place.
- Notice of appeal must be in writing and clearly state the reasons for appeal.
- A review of the appeal must take place between the Director, the learner, the parent/carer and the Head of Learner Services within 10 working days following receipt of the appeal request.
- In some cases, a desk based appeal review can take place. However, if appropriate, an appeal interview can take place. The learner must be given 5 working days notice of this.
- At the meeting, a learner should be given the opportunity to present their case for appeal.
- A Director not previously involved in the case, will chair the meeting and will consider the case.
- If the Director overturns any decision, then they must clearly state the revised decision.

- Confirmation of the outcome of the appeal will be made within 5 working days in writing.
- Learners who have been excluded will be subject to a “cooling off” period of up to three years and a screening process should they wish to apply to any courses within the Hart Learning Group in future.

Stage 2

- Where a learner is not satisfied with the response of the first appeal stage, they can request in writing for the decision to be considered by the Principal. This must be done within 10 working days of the decision from the first appeal stage.
- The stage 2 appeal will review whether the disciplinary process was followed and whether a fair decision was reached. A second senior manager will join the Principal in this appeal – this manager will have had no involvement in the process so far.
- A stage 2 appeal will consist firstly of a desk-based review of the evidence and secondly a panel with the learner, and parents/carers as appropriate, to allow evidence to be submitted as to why the decision of the disciplinary and stage 1 appeal should be overturned.
- If the Principal overturns any decision, then they must clearly state the revised decision.
- Confirmation of the outcome of the appeal will be made within 5 working days in writing.
- The decision of the stage 2 appeal panel will be the final step and end to the process in most cases.

Stage 3 – by exception only

- A final stage can be used where the learner and/or parent/carer believes that the process has been compromised and therefore the outcome has not given due regard to the objections given in earlier stages.
- This stage does not contain a panel meeting. The learner and/or parent/carer must submit their concern in a written format and this will then be reviewed by a member of the governing body and company secretary.
- This stage only reviews the process undertaken and its decision is final.

WHEN IS IT APPROPRIATE TO HAVE POLICE INVOLVEMENT?

If the police alert us to a case involving one of our learners or there may be a reason to believe that a learner may have committed a criminal offence, we would refer this matter to the police. This should only be done through the Director of Curriculum or the DSP.

In some cases, the Group will be required to implement a temporary suspension owing to a criminal case outside of college. This will only be through the direction of the police and where it is felt that there is risk of harm or disruption to the learner or other members of the Group community.

RESTORATIVE JUSTICE

For cases where a learner stays in study, we will look at whether a restorative justice approach may be beneficial. This may include mediated meetings between learners for which an incident has occurred, or reparative tasks (if appropriate and safe to do so) where there has been damage to property.

In each instance it is important that the individual understands and reflects on the impact of their actions.

FITNESS TO STUDY

The organisation recognises that, due to personal circumstances, learners might not be able to meet the requirements of their course. In this instance, the 'fitness to study' procedure should be considered as an alternative to other ways of managing concerns and should be followed in place of the disciplinary procedure.

Such circumstances might include:

- Medical conditions
- Mental health difficulties
- Responsibilities such as caring for a parent or siblings
- Bereavement
- Learners not recognising when their behaviour is impacting on staff and other learners

This policy and accompanying appendices provide a framework to guide decision making in the event of "fitness to study" issues arising, a set of parameters for the minimum acceptable level of academic progress and attendance, and a series of stages for reviewing support and improvement.

In all situations where the disciplinary process is required, we will take a trauma-informed approach. This ensures that, whilst not condoning certain behaviours, the reasons for such behaviours and any mitigating factors will be taken into account for each individual concerned.

FITNESS TO PRACTISE

The majority of our learners are training for professional roles and we, as an organisation, have a duty to ensure learners are fit to continue on programme and/or practise after completing their studies.

Our expectations are as follows:

- Behaviour in college, on placement and within the community is professional at all times

- Learners uphold the code of conduct at all times and behaviour does not damage the reputation of the organisation
- Learners take positive steps to stay fit and healthy and seek help where health deteriorates and has an impact on college/placement activities
- Learners report any concerns relating to themselves or others which may impact on fitness to practise. Failure to report can be a serious breach of professional body rules.

RELATED POLICIES:

- Anti-bullying Policy
- Drugs Policy
- HLG IT Policy for User

APPENDIX A – BEHAVIOUR CHART

Level	Example of behaviour	Possible sanction	Possible follow-up
1	<p>Low-level disruption</p> <p>Minimal effort in class/course work</p> <p>Late to class</p> <p>No ID badge</p> <p>Offensive language</p> <p>Less than 90% attendance</p>	<p>Verbal reprimand</p>	<p>Set target for next lesson</p> <p>Inform CTL</p>
2	<p>Repeated level 1 behaviour</p> <p>Homework not complete</p> <p>Eating/drinking in class</p> <p>Disruptive behaviour</p>	<p>Verbal reprimand</p> <p>Cause for Concern</p>	<p>Set targets</p> <p>Inform CTL</p> <p>Stage 1 disciplinary</p>
3	<p>Repeated level 2 behaviour</p> <p>Not meeting assessment deadlines</p> <p>Infringement of exam/assessment conditions</p> <p>Smoking/vaping outside designated smoking areas</p>	<p>Start disciplinary/fitness to study process</p> <p>Formal meeting</p> <p>Learner services intervention</p>	<p>Set targets</p> <p>Inform parents/carers</p> <p>Stage 1 or 2 disciplinary</p>
4	<p>Repeated level 3 behaviour</p> <p>Fighting</p> <p>Theft</p> <p>Bullying</p> <p>Misuse of college ID badge</p>	<p>Progress disciplinary/fitness to study process to next level</p> <p>Formal meeting with learner and parent/carer</p>	<p>Fixed term/permanent exclusion</p> <p>Stage 3 or 4 disciplinary</p>

	<p>Misuse of social media</p> <p>Failure to comply with health and safety expectations</p> <p>Rude or aggressive behaviour to staff or peers</p>	<p>Involve Head of Curriculum/programme manager</p> <p>Learner services intervention</p>	
5	<p>Repeated level 4 behaviour</p> <p>Violence towards another learner</p> <p>Possession/consumption of alcohol</p> <p>Possession/use of illegal drugs</p> <p>Malicious use of the fire alarm</p> <p>Fraudulent claim for LSF/bursary funds</p> <p>Accessing/sharing pornographic/offensive materials</p> <p>Criminal actions which pose a risk to others/the reputation of the organisation</p>	<p>Progress disciplinary/fitness to study process to next level</p> <p>Formal meeting with learner and parent/carer</p> <p>Involve Director</p> <p>Learner services intervention</p>	<p>Fixed term/permanent exclusion</p> <p>Stage 3 or 4 disciplinary</p>
6	<p>Repeated level 5 behaviour</p> <p>Possession/use of offensive weapon</p> <p>Violence towards staff or learners</p> <p>Supply of drugs to other learners</p>	<p>Progress disciplinary/fitness to study process to next level</p> <p>Formal meeting with learner and parent/carer</p> <p>Involve SMT</p> <p>Involve police</p>	<p>Permanent exclusion</p> <p>Stage 4 disciplinary</p>