

Learner Behaviour Support and Disciplinary Policy

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Issue Date	30 November 2021	Review Date	16 November 2023

Document Control

Owner	Director of Curriculum
Audience	All Moulton College Stakeholders
Confidentiality	Low

Version Control

Version	Description/Changes	By	Date
1.0	Full review	ADC	Jan. 2020
2.0	Review	VPCQ	June 2020
3.0	Restructure of process	VPCQ	Nov. 2020
3.1	Review of appeals section	VPCQ	Jan 2021
3.2	Addition of notification to transport team	DQ	May 2021
3.3	Review and update of intervention in fights	DQ	Nov 2021

Approval

Approved By	Meeting Date	Next Review
Senior Leadership Team	30 November 2021	16 November 2023
TLA Committee	30 November 2021	16 November 2023

Related Policies

Ref.	Policy
EDI-01	Equality, Diversity and Inclusion Policy
MIS-01	Learner Attendance and Punctuality Policy
SS-09	Fitness to Study Policy
SST-04	Learner Health and Wellbeing Policy
SST-06	Fitness to Reside Policy
SST-08	Peer on Peer Abuse Policy
TLA-03	Tutorial Policy

Equality Impact Assessment

The policy has undergone an Equality Impact Assessment (EIA) confirming that there are no negative consequences in the case of this policy.

Learner Behaviour Support and Disciplinary Policy

Policy Statement

Purpose

1. At Moulton College, we aim to provide a safe and supportive learning environment that is free from disruption, distraction, discrimination or intimidation. We recognise the rights and responsibilities of all members of the College community in ensuring that this is positively pursued.
2. This policy sets out to promote respect, responsibility and resilience which are the positive behaviours of employable individuals. The College has clearly communicated expectations and standards that learners must adhere to. This policy provides a clear framework for addressing misbehaviour or misconduct by learners. It also makes it clear the system of responsibilities and actions to be implemented when such instances occur.

Scope

3. The *Learner Behaviour Support and Disciplinary Policy* applies to every individual enrolled as a learner at Moulton College.

The Learner Code of Conduct

4. The *Learner Code of Conduct* provides the framework for a positive learning environment and promotes respect, responsibility and resilience.
5. The *Learner Code of Conduct* will be shared with learners during their induction programme. This includes what constitutes misconduct, serious misconduct and gross misconduct and the impact of these behaviours on others and the related sanctions.
6. We have a responsibility to each other to ensure that Moulton College continues to be a happy, safe and positive learning and work environment. As members of the Moulton College community, learners are expected to sign up and agree to the latest Learner Code of Conduct (*Appendix 1*).

Recording Behaviour

7. All poor learner behaviour and misdemeanours must be comprehensively recorded on ProMonitor in order to ensure that a full record of support and interventions are in place for each stage of the disciplinary process.
8. Where ProMonitor records are limited, unclear or missing, the nominated Chair of the disciplinary meeting will not be in a position to formally progress the disciplinary process.

Supporting Learners

9. When considering discipline stages, college staff must consult with the Student Support Team where learners are identified as having High Needs, EHCP, or other vulnerability, such as Looked after Child (LAC).

Withdrawal of learners

10. The withdrawal of learners is a last resort, and all other forms of intervention must be clearly evidenced on ProMonitor prior to any withdrawal.
11. During the first 6 weeks of a full-time learner starting their course, a learner is in a probationary period and can be withdrawn if issues are not satisfactorily resolved by the end of Stage 1. The offer of CEIAG must be made in these circumstances.
12. Prior to any disciplinary meeting, the nominated Chair must consult with the Student Support Team where learners are identified as having a vulnerability, such as Looked after Child (LAC). For High needs or EHCP students the Learning Support Team should be consulted.

Communication

13. It is important that learners and parents (where required) receive clear and consistent communication as part of this support, behaviour and discipline process.
14. Parents or carers of learners aged under the age of 18, or who are considered as vulnerable, must receive clear communication from the college:
 - a. regarding any reoccurring or key concerns being recorded on ProMonitor.
 - b. at regular intervals through the college academic year.
15. We must not put any learner or parent in a position where they are surprised by a higher-level disciplinary meeting being scheduled (Excluding Gross Misconduct).
16. In the event of immediate suspension due to gross misconduct, the Head of School responsible for the learner must notify the parent by telephone on the same day, and if there is no response, leave a voicemail and also in writing via email, where available. A follow up call is recommended at the next available opportunity to do so.

Low Level Behaviour Concerns

FE learners

17. In the classroom the following should be applied for when low-level behaviour is witnessed:
 - a. Staff member to instruct the learner to stop the unwanted behaviour.
 - b. If the learner continues with the same behaviour, issue a verbal yellow warning, or use a yellow card.
 - c. If the learner still continues with the same behaviour, issue a red warning, or use a red card.
 - d. Any red card issued must result in an alert being recorded on ProMonitor.
18. If a learner reaches 3 alerts on ProMonitor for the same issue, a cause for concern meeting must be held and this starts Stage 0 (please refer to the flow charts in Appendix 2).
19. If a learner reaches 6 alerts for differing issues, this can also trigger a Stage 0 meeting.
20. Some issues that do not allow for warnings, such as turning up late to a class can receive an alert immediately without using the yellow and red warning system – this is down to the discretion of the tutor, based on the repetitiveness and severity of the poor behaviour.

21. Where Serious or Gross Misconduct is identified, consideration may be made to increase the disciplinary stage to an appropriate formal stage at any time – see Appendix 13.

Higher Education Learners

22. Due to the slightly different classroom environment of HE learners, it is up to the lecturer to provide a reminder of acceptable behaviour in the class.
23. If there are ongoing concerns, within a class, rather than issue yellow and red warnings, a professional discussion should be had with the learner after the class to address the behaviour, and the following process followed:
 - a. Inform the learner their behaviour is not acceptable immediately.
 - b. Have a professional discussion with the learner at the end of the class / outside the class.
 - c. It is the lecturer's discretion whether an alert is created, based on the outcome of the discussion.
24. Some issues that do not allow for warnings, such as turning up late to a class can receive an alert immediately without using the yellow and red warning system – this is down to the discretion of the tutor, based on the repetitiveness and severity of the poor behaviour.
25. Where serious or gross misconduct is identified, consideration may be made to increase the disciplinary stage to an appropriate formal stage at any time – see Appendix 13.

Poor Physical Behaviour – FE and HE Learners

26. If physical behaviour such as fighting occurs between students, staff members must verbally attempt to stop the altercation.
27. There are a number of variables that have to be considered by staff at that split moment. How many are at risk of harm, does this include other students or staff, what is the risk of personal harm, etc.
28. The welfare and safety of our staff is a priority to the college. Staff are expected to dynamically risk assess the severity of any physical altercation between students and take action appropriate to the result of their assessment.
29. These points are only guidelines as there are too many variables to consider:
 - a. If the staff member has the function to do so, consider raising an alert through the college 'whatsapp' SOS messaging system.
 - b. Where there is a **low risk** of harm, staff should make other staff aware, and where confident to do so, split up the altercation.
 - c. Where there is a **high risk** of harm, staff should ensure the safety of others around them and seek staff support to end the altercation as swiftly as possible. Security, Police and medical intervention may also need to be considered.
 - d. Appropriate action must be taken in the aftermath of the event. (I.e., Student suspension, location clean up, witness statements, reassurance to others, etc.)

The Process

30. The overall aim of this policy is to open up communication with the learners to ascertain the reasons for any breaches of the Learner Code of Conduct, and to firstly identify support that be put in place to aid the success of the learner.

Informal

31. Three alerts on ProMonitor for the same issue will result in a 'Stage 0' Informal Cause for Concern.

Formal

32. There are 3 formal stages to the college formal disciplinary process. The Head of School will use their judgement about the seriousness of the learner's behaviour to determine the disciplinary stage.
- a. **Stage 1** is the first formal stage of the procedure and should normally be used after the 'Stage 0 – Informal Cause for Concern' has been used but has not had the desired impact.
 - b. **Stage 2** can be invoked without the previous stages in cases of serious misconduct, using a Learner Behaviour Incident Investigation (Appendix 7).
 - c. **Stage 3** can be invoked without the previous stages in cases of gross misconduct, using a Learner Behaviour Incident Investigation (Appendix 7).
33. In the case of an incident that may be considered under Stage 2 or Stage 3, a Head of School may decide to ask the learner to leave College premises for a 'cooling off' period. In such cases it is unlikely that this period would extend beyond the day of the incident. For example, a learner involved in an incident during the morning, may be asked to leave the College for the remainder of the day and return the following day, or the next day of timetabled attendance.
34. 'Suspension' is different to 'cooling off' and will usually be for a longer period of time. Suspension should only be used when a learner's absence from college is required in order to allow a full, thorough and safe investigation into an incident to take place or when criminal activity is suspected.
35. Under normal circumstances any disciplinary sanctions imposed will remain 'live' for the duration of the learner's course of study.
36. At each stage of the procedure the learner will be given:
- a. Clear reasons for invoking the Learner Behaviour Support and Disciplinary Policy.
 - b. Details of the Policy and the consequences if the misconduct continues.
 - c. The course of action to be taken to resolve the issue / modify their conduct.
 - d. The timescales for improvement.
 - e. Details of how and where the matter will be recorded.
 - f. Information about who will be informed.
 - g. Appropriate support to ensure that they fully understand the procedure.
 - h. Details of how to appeal against the outcome of disciplinary action.
37. Where a learner's misconduct has had a negative effect on other learners, mediation may be considered as part of the process (see [appendix 11](#)).

38. Learners who are found to have committed malicious and/or criminal damage or vandalism to any College property or premises will be invoiced and expected to pay towards the total costs of repair or replacement incurred by the College.

Learning Disability or Difficulty (LDD)

39. Whilst consideration will be given to learners whose behaviour might be the consequence of a recognised learning difficulty or disability, the college still expects compliance with the expected behaviour of all of its learners (identified within the learner code of conduct), albeit with pre-arranged risk assessments and resultant levels of reasonable adjustment in place.
- a. College staff must consult with the Student Support Team where learners are identified as having a vulnerability, such as 'Looked after Child' (LAC). For High needs or EHCP students, the Learning Support Team should be consulted.
 - b. In instances where mental health issues may be the root cause of an issue/incident, the ['fitness to study'](#) policy may need to be considered as being more appropriate.
 - c. The college will not accept that the demonstrated poor behaviour is a result of a student's specific LDD.

Stage 0 – Informal Cause for Concern

40. This is an informal stage where a Course Manager with concerns about a learner's academic progress or conduct must first meet with the learner, and parent/guardian if applicable, to try to resolve the issues through informal action planning to engender respect and responsibility.
41. This is to be recorded as 'Stage 0' – Informal Cause for Concern, the actions and expectations should be made clear, recorded on ProMonitor with a review date.

Stage 1: Formal Verbal Warning (Chair: Course Manager)

42. This might be used in the case of offences such as: breach of smoking rules, not carrying out a reasonable request, inappropriate behaviour or persistent academic shortcomings.
43. A formal meeting takes place between the Course Manager, Tutor or Assessor and the learner.
44. If the learner fails to attend the scheduled disciplinary meeting the Chair of the meeting may, at their discretion, conduct the meeting in the learner's absence. In such instances the outcome of the meeting will be communicated in writing to the student within five working days.
45. If, after the meeting, it is decided that disciplinary action is appropriate, a formal verbal warning will be issued and confirmed in writing, and, if under 18, a copy sent to the learner's parent/guardian (and employer for apprentices), by the Chair who will also ensure details are recorded on ProMonitor.
46. A Stage 1 Action Plan will be agreed as a result of the meeting. The action plan will seek to mediate a resolution whilst developing respect, responsibility and resilience.
47. If actions are not completed within the agreed timescales Stage 2 should be implemented. If further alerts of serious incidences occur within this time the college reserve the right to escalate up the disciplinary process.

Stage 2: Written Warning (Chair: Programme Coordinator; Course Manager)

48. This will be used if the learner fails to meet the conditions agreed in Stage 1, or in cases of offences deemed to be serious misconduct (see appendix 13).
49. A formal meeting takes place, chaired by the Associate Programme Coordinator, with the Course Manager and the learner where actions will be set. The learner can ask for a friend or other representative to support them. The parent/guardian/carer of learners under 18 will be invited to attend.
50. If the learner fails to attend the scheduled disciplinary meeting the Chair of the meeting may, at their discretion, conduct the meeting in the learner's absence. In such instances the outcome of the meeting will be communicated in writing to the student within three working days.
51. If, after the meeting, it is decided that disciplinary action is appropriate, a formal written warning will be issued and confirmed in writing, and, if under 18, a copy sent to the learner's parent/guardian (and employer for apprentices), by the Chair who will also ensure details are recorded on ProMonitor.
52. A Stage 2 Action Plan will be agreed as a result of the meeting. The action plan will seek to mediate a resolution whilst developing respect, responsibility and resilience.
53. If all actions are not completed within the agreed timescales a Stage 3 should be implemented. If further alerts of serious incidences occur within this time the college reserve the right to escalate up the disciplinary process.

Stage 3: Final Warning – Code of Conduct Contract or Exclusion

(Chair: Independent Head of School. Present: Associate Programme Coordinator and/or Course Manager)

54. This will be used if the learner fails to meet the conditions agreed in Stage 2, or in cases of offences deemed to be gross misconduct (see appendix 13).
55. The Student Support Team must be consulted regarding students who are progressing through disciplinary, or as part of the Stage 3 investigations.
56. The Head of School shall, at their discretion, suspend the learner and confirm in writing to the learner, and parent/guardian if under 18 (and employer for apprentices), the reason for the suspension and a date for a Stage 3 meeting. (Appendix 4)
57. A formal meeting takes place, chaired by an independent Head of School, with the School's Associate Programme Coordinator and/or the Course Manager, and the learner. The learner can ask for a friend or other representative to support them. The parent/guardian of learners under 18 will be invited to attend.
58. If the learner fails to attend the scheduled disciplinary meeting the Chair of the meeting may, at their discretion, conduct the meeting in the learner's absence. In such instances the outcome of the meeting will be communicated in writing to the student within five working days. (Appendix 9 or 10)
59. If, after the meeting, it is decided that disciplinary action is appropriate, the learner will either be allowed to stay at College, subject to a Stage 3 final warning and action plan (see appendix 1), or will be excluded with immediate effect. In the majority of cases this decision will not be immediate but will be communicated within 24 hours of the meeting.

60. In the event of a Stage 3 final warning being issued, a formal letter will be sent by the Chair who will ensure details are recorded on ProMonitor. The Stage 3 Form and action plan will seek support the learner in developing respect and responsibilities. Failure of the learner to sign the Stage 3 Form and action plan will result in immediate exclusion from the College.
61. In the event of exclusion from the College, a formal letter is sent from the Chair of the Hearing (with agreement from the Head of School) to the learner, and if under 18, a copy to the parent/guardian, informing them of the exclusion. The letter should contain details of the appeals procedure.
 - a. An exclusion from College can be either fixed term or permanent. In most cases exclusion will be fixed for the remainder of the current academic year. However, in certain circumstances the College may decide to permanently exclude a learner from the College. This will be detailed within the letter.
 - b. Once the term of exclusion has been served, if the learner wishes to apply to study at Moulton College, they must be interviewed by the relevant Head of School.
 - c. If the learner is 14-16 and still on a roll at school then a copy must be sent to the school.
 - d. The Local Authority will be advised of learner, under 18, who is withdrawn from College.
 - e. Details of the exclusion must be shared with appropriate staff (e.g. MIS, Reception, Admissions, security), and be recorded on ProMonitor and UnitE.
 - f. If the individual commences a new course, they will automatically be subject to a three months period of probation.

Transportation of suspended students

62. The safety of our students is to be maintained during required 'Suspension' or 'Cooling Off' periods.
63. Students over the age of 18 will be required to make their own way home.
64. For students aged under the age of 18, or for vulnerable students, the Head of School will need to assess the time of day and safety of students as to how a student returns home. Examples of which may be:
 - a. A student under the age of 18 years old is asked to leave the college to cool off at 10.30am. The next of kin would be informed and asked to collect their child. Where this is not possible, no other alternative would require a taxi would be called for the student.
 - b. Where a student under the age of 18 years old is asked to leave the college due to aggression or issues with other students it would not be wise to allow travel on college bus with other students, regardless of time of the day.
 - c. Where an issue presents itself later in the day, and it is safe to do so, a student may be asked to travel home as normal on the college bus service. Next of Kin will still be informed by the Head of School of the action taken.
65. Where a student relies on transport to college, the transport department must be informed when students are suspended/excluded in order to ensure that appropriate changes can be made to transportation plans.

Criminal Activity (whilst engaged in College activities)

66. The College has an obligation to report possible criminal activity to the Police and/or advise victims of their right to do so.

67. Disciplinary action by the College may be deferred pending the outcome of criminal proceedings, without further communication to the learner or Next of Kin.
68. In some cases, the College may decide to suspend a learner pending the outcomes of proceedings.
69. Disciplinary action by the College can be taken regardless of the outcome of any criminal investigation by the Police.

Appeals Process

70. Appeals must be lodged with the college via the appeals@moulton.ac.uk email address or via letter, providing the appeal reference and detailing reasons why the student or their nominated representative feels that the decision should be revisited.
71. The appeal must be received no later than seven working days following the date of the letter confirming the outcome of the disciplinary hearing.
72. The investigating manager will acknowledge receipt of the appeal within 5 working days.
73. A formal review will take place, facilitated by the investigating manager, which may include review of the original investigation, the outcome of the hearing, and interviews with members of staff and/or students.
74. Appeals may not ask for consideration to be given to anything that was not considered as part of the original Stage 3 meeting.
75. A formal response will be provided within 15 working days. This will be the final judgement and the disciplinary process will be considered as exhausted following this outcome.

Behaviour

76. Under no circumstances should Moulton College staff be subject to verbal or physical abuse from students, parents or other associates of the student. Where this is evident the college fully supports the member of staff to remove themselves from the situation.
 - a. Where this is a phone call, the member of staff will politely ask that the caller stops the verbal abuse and/or poor language being used. If this carries on the member of staff will notify the person that they are ending the call. The member of staff will make a note of this for future action.
77. Verbal or aggressive behaviour towards any member of staff of Moulton College *may* result in an appeal being terminated due to poor behaviour.
 - a. This will need to be confirmed by Director or higher.
 - b. The person raising the appeal must be notified that this is the conclusion of the appeal.

Appendices

1. [Learner Code of Conduct](#)
2. [Overview of the disciplinary process by stage](#)
3. [Detailed disciplinary process by stage](#)
4. Stages 1-3 – Meeting Invite Letter
5. Stage 1 Outcome Letter
6. Stage 2 Outcome Letter
7. Learner Behaviour Incident Investigation Form (Stages 2 & 3)
8. Investigating the Report
9. Stage 3 – Final Written Warning Letter – Non Exclusion Outcome
10. Stage 3 – Final Written Warning Letter – Exclusion Outcome
11. [Mediation Guidelines](#)
12. Order of Proceedings at Stage 2 and 3 Meetings
13. Examples of Serious and Gross Misconduct
14. Notification of Suspension Letter
15. Extraordinary situations where strict controls are required to maintain safety of self and others, such as unplanned environmental concerns, pandemics, etc.
16. Equality Impact Assessment (EIA)

Appendix 1 - Learner Code of Conduct

BE SAFE

To ensure my safety and the safety of those around me, I will:

- ✓ Wear my ID badge whilst at College, with the lanyard and badge clearly visible.
- ✓ Actively discourage bullying (including internet and text bullying) and inappropriate behaviour and report these things to a member of staff.
- ✓ Follow health and safety requirements and use correct Personal Protective Equipment where required.
- ✓ Take responsible action during college drills, such as fire drill and lockdown instructions.
- ✓ Take responsibility for my own property and ensure it is safely stored in class.
- ✓ Not bring alcohol, drugs or weapons to College.
- ✓ Not attend the college under the influence of alcohol or drugs.

BE RESPECTFUL

I will show respect for others by:

- ✓ Being positive about differences in gender, ability, culture, ethnicity, religion, belief, sexual identity, opinions and abilities. This means I will not use sexist, racist, ageist, disablist, or homophobic language, or make unwelcome remarks designed to hurt others.
- ✓ Drive safely when on site and travelling to and from accommodation.
- ✓ Respecting the College and other people's property.
- ✓ Being respectful to local residents and business of the college.

BE RESPECTFUL TO THE ENVIRONMENT

I will care for my environment by:

- ✓ Not creating litter, recycling whenever possible and reducing energy usage whenever possible.
- ✓ Returning all trays dishes, cups and cutlery. Our canteens are self-clearing areas.
- ✓ Leaving the classrooms safe and tidy.
- ✓ Not smoking or vaping in College, and only in the designated outdoor area.
- ✓ No spitting or swearing anywhere around the college.

BE READY TO LEARN

- ✓ Be on time to all scheduled sessions
- ✓ Ensure that you bring all essential equipment (pens, pencils, highlighters, notebook, calculator)
- ✓ Meet your academic deadlines and aspire to achieve high grades.
- ✓ Let the College know as soon as possible if you are going to be late or absent.
- ✓ Seek help when you need it and take up the support offered
- ✓ Make sure all work is your own. Not to cheat or copy (plagiarise) other's work.
- ✓ Take off caps, hoodies, or outdoor clothing in lessons.
- ✓ Avoid eating or drinking in class (except water).
- ✓ Switch off mobile phones when in class and put them away unless you are requested to use them.

BE ACTIVE IN THE COLLEGE COMMUNITY

- ✓ Act as a positive role model for the College.
- ✓ Take part in cross College activities.
- ✓ Tell us what you think! Share your ideas with us on how we can make the College even better.

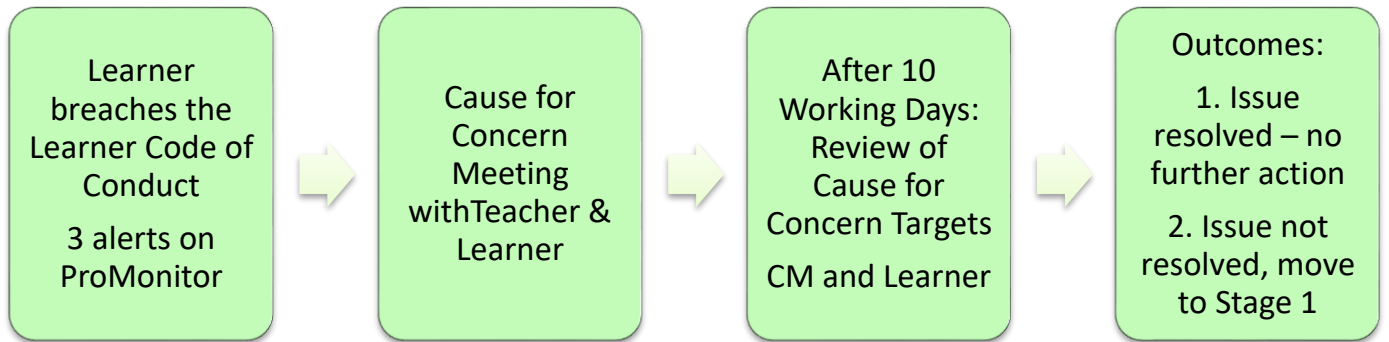
This is not an exhaustive list – any behaviour deemed inappropriate will be challenged by the college. Please ensure that you respond to any reasonable request.

On signing the Learner Code of Conduct, you are making a commitment to adhere to the College's rules. You have chosen Moulton College and we want you to be happy and succeed. Following the Learner Code will help make this happen.

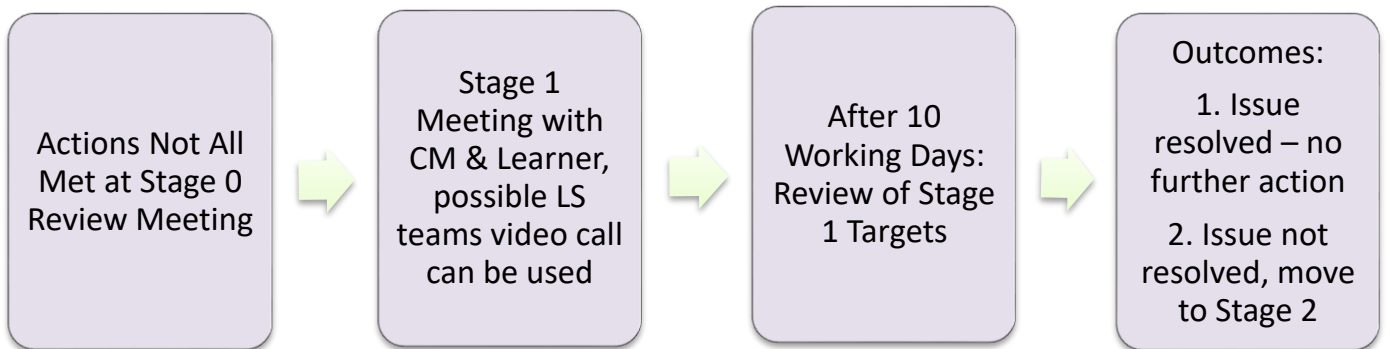
Learner Name: _____ Learner Signature: _____ Date: _____

Appendix 2 – Overview of the disciplinary process by stage

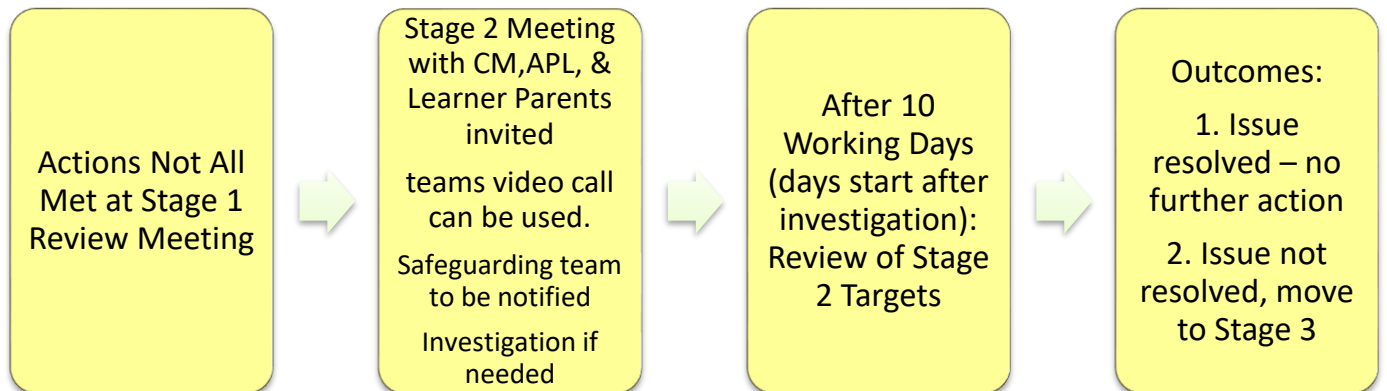
Stage 0 – Informal



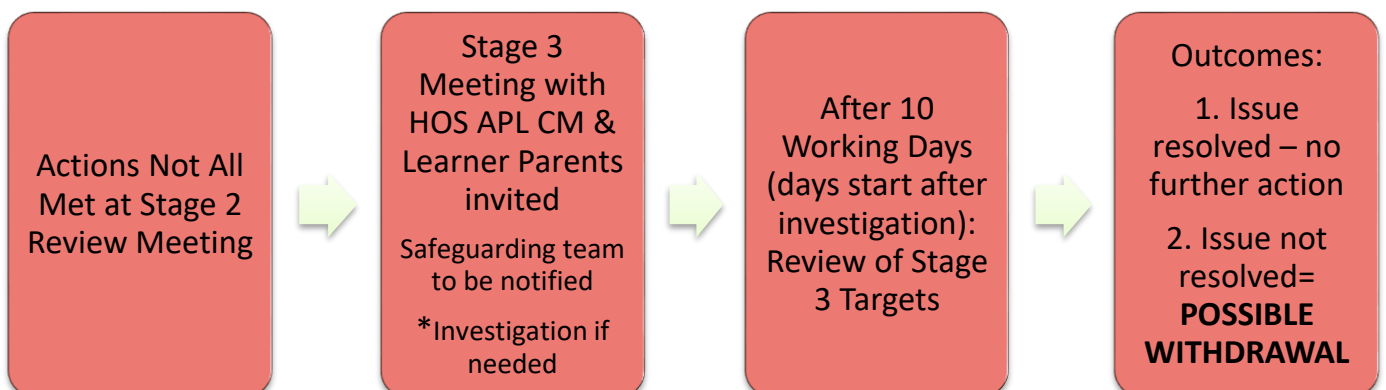
Stage 1 - Formal



Stage 2 - Formal



Stage 3 – Formal



Appendix 3 – Detailed disciplinary process by stage

STAGE 0 - Informal

Stage 0	Action	Staff Required	When	Document
Cause for Concern Meeting	Meeting with Tutor & learner <ul style="list-style-type: none"> Concerns discussed Expectations defined and consequences explained Targets (max 3) agreed and set with clear deadlines Referral to support as appropriate Set Review Meeting date, time and room (min 10 days with min 3 days' notice) 	Tutor	No prior notice of meeting	Record on ProMonitor – Stage 0, Cause for Concern Meeting
	Record on ProMonitor and send to learner and parent/guardian/carer/school as appropriate	Tutor	Within 3 days of meeting	Stage 0 – CfC Meeting downloaded and sent
CfC Review Meeting	Progress and targets reviewed <ul style="list-style-type: none"> Outcome and action decided No further action at this time, records stay on file and active First Warning issued 	Course Manager	10 working days	Record on ProMonitor – Stage 0, Cause for Concern Review
Outcome	Record on ProMonitor and send to learner and parent/guardian/carer/school as appropriate	Course Manager	Within 3 days of meeting	Stage 0 – CfC Meeting Review downloaded and sent

Stage 1 - Formal

Stage 1	Action	Who	When	Document
Stage 1 – Formal Verbal Warning Meeting	Meeting with CM, Parents possible LS <ul style="list-style-type: none"> Expectations defined and consequences explained Targets agreed and set (max 3) Referral to support as appropriate Set Review Meeting date, time and place (min 10 days with min 3 days' notice) Parents / guardian / carer invited to attend if under 18 Teams video call can be used 	Course Manager Possibly LS	Min 10 days	Record on ProMonitor – Stage 1 Meeting
	Record on ProMonitor and send to learner and parent/guardian/carer/school as appropriate	Course Manager	Within 3 days of meeting	Stage 1 – Meeting downloaded and sent
Stage 1 Review Meeting	Progress and targets reviewed <ul style="list-style-type: none"> Outcome and action decided No further action at this time, records stay on file and active OR Progress to Stage 2 <p>Parents / guardian / carer invited to attend if under 18</p>	Course Manager	Min 10 days from meeting with min 3 days' notice	Record on ProMonitor – Stage 1 Review
Outcome	Record on ProMonitor and send to learner and parent/guardian/carer/school as appropriate	Course Manager	Within 3 days of meeting	Stage 1 – Review Meeting downloaded and sent

Stage 2 - Formal

Stage 2	Action	Who	When	Document
Stage 2 Written Warning Meeting	<ul style="list-style-type: none"> Expectations defined and consequences explained Targets agreed and set (max 3) Referral to support as appropriate Set Review Meeting date, time and place (min 10 days with min 3 days' notice) Parents / guardian / carer invited to attend if under 18 Teams video call can be used Safeguarding team to be notified 	Associate Programme Coordinator, Course Manager Possibly LS	First Warning: Review Meeting	Record on ProMonitor – Stage 2 Meeting
	Record on ProMonitor and send to learner and parent/guardian/carer/school as appropriate		Within 3 days of meeting	Stage 2 – Meeting downloaded and sent
Stage 2 Review Meeting	<p>Progress and targets reviewed</p> <ul style="list-style-type: none"> Outcome and action decided No further action at this time, records stay on file and active Recommendation to Deputy Head of Service to withdraw learner from WAES Parents / guardian / carer invited to attend if under 18 	Associate Programme Coordinator, Course Manager	Min 10 days after meeting with min 3 days' notice	Record on ProMonitor - Stage 2 Review
Outcome	Record on ProMonitor and send to learner and parent/guardian/carer/school as appropriate	Associate Programme Coordinator	Within 3 days of meeting	Stage 2 – Review Meeting downloaded and sent

Stage 3 - Formal

Stage 3	Action	Who	When	Document
Stage 3 Final Written Warning Meeting	<ul style="list-style-type: none"> Expectations defined and consequences explained Targets agreed and set (max 3) Referral to support as appropriate Set Review Meeting date, time and place (min 10 days with min 3 days' notice) Parents / guardian / carer invited to attend if under 18 Teams video call can be used Safeguard team to be notified 	Head of School Associate Programme Coordinator, Course Manager Possibly LS	First Warning: Review Meeting	Record on ProMonitor – Stage 3 Meeting
	Record on ProMonitor and send to learner and parent/guardian/carer/school as appropriate	Head of school	Within 3 days of meeting	Stage 3 – Meeting downloaded and sent
Stage 3 Review Meeting	<p>Progress and targets reviewed</p> <ul style="list-style-type: none"> Outcome and action decided No further action at this time, records stay on file and active Recommendation by Assistant Director FE to withdraw learner from Moulton College – Refer to Director of FE Curriculum and Quality Enhancement for agreement. Parents / guardian / carer invited to attend if under 18 	Head of School Associate Programme Coordinator, Course Manager	Min 10 days after meeting with min 3 days' notice	Record on ProMonitor – Stage 3 Review
Outcome	Record on ProMonitor and send to learner and parent/guardian/carer/school as appropriate OR Withdrawal Letter sent.	Head of School	Within 3 days of meeting	Stage 3 – Review Meeting downloaded and sent OR Withdrawal Letter

Withdrawal

Withdraw from course /Moulton	<ul style="list-style-type: none"> Withdrawal form completed and actioned. If EHCP consultation with AC/ SLT 	Head of School	Within 3 days of meeting	Withdrawal Form
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Appendix 4 – Stages 1-3 – Meeting Invite Letter

**Delete as appropriate*

< *Date* >

< *Addressee* >

Dear < *Name* >

***Invitation to Stage 1: Formal Verbal Warning Meeting**

***Invitation to Stage 2: Written Warning Meeting**

***Invitation to Stage 3: Final Warning / Exclusion Meeting**

Following your previous stage meeting from Moulton College, you are invited to a (insert stage of meeting), relating to < *summary of suspension/behaviour/disciplinary issue(s) and date(s) if appropriate* >.

This meeting will take place at < *location* > on < *date & time* >. Please report to Reception five minutes prior to the appointment.

I enclose a copy of the Learner Behaviour Support and Disciplinary Policy, and confirm that a member of your family, advocate or friend may accompany you to the meeting for support.

Please find enclosed a copy of the previous stage report and action plan, which will inform the meeting. You will be given the opportunity to discuss these issues at the meeting.

I must also inform you, that should you fail to attend the meeting, it will still take place and a decision will be made in your absence.

Yours sincerely

< *Relevant Manager's Name* >

< *Job Title* >

< *Contact Details* >

Enc: Learner Behaviour Support and Disciplinary Policy
Previous Stage Form and Action Plan (from ProMonitor) and any other relevant documentation to the meeting

cc < *Parent/Guardian if under 18* >

Appendix 5 – Stage 1 Outcome Letter

< *Date* >

< *Addressee* >

Dear < *Name* >

Stage 1: Formal Verbal Warning

I write to inform you that I have had reason to issue < *Name* > with a stage 1 verbal warning today for < *reason for warning* >.

This is the first stage of the College's Disciplinary Policy and I enclose a summary of the warning and resulting action plan.

I am sure that < *Name* > will respond to the targets given and look forward to seeing improvements.

However, should < *Name* > fail to respond to the actions we may have no alternative but to move onto further stages in the policy which, if the behaviour remains uncorrected, could result in exclusion from the College.

Should you wish to discuss this further, please do not hesitate to contact me. I am sure < *Name* > will respond to the actions and achieve success at the College.

Yours sincerely

< *Course Manager* >

< *Contact Details* >

Enc: Stage 1 Action Plan (from ProMonitor) & Learner Behaviour Support and Disciplinary Policy

cc < *Learner ILP ProMonitor* >
< *Parent/Guardian if under 18* >

Appendix 6 – Stage 2 Outcome Letter

< Date >

< Addressee >

Dear < Name >

Stage 2: Written Warning

I write to inform you that I have had to issue < Name > with a second stage written warning today for < reason for warning >.

This is following the Formal Verbal Warning, which was issued on < date >. Unfortunately, < Name > has failed to respond to the support provided, and has been set a further action plan.

I am sure that < Name > will respond to the targets given and look forward to seeing improvements.

However, should < Name > fail to respond to the actions we may have no alternative but to move onto further stages in the procedure which could ultimately result in exclusion from the College.

Should you wish to discuss this further, please do not hesitate to contact me. I am sure < Name > will respond to the actions and achieve success at the College.

Yours sincerely

< Head of School >

Head of School

< Contact Details >

Enc: Stage 2 Action Plan & Learner Behaviour Support and Disciplinary Policy

cc < Learner ILP ProMonitor >
< Parent/Guardian if under 18 >

Appendix 7 – Learner Behaviour Incident Investigation Form (Stages 2 & 3)

Name of investigating officer (CM – Stage 2 / CM – Stage 3):			
Name of Learner:			
Incident:			
Date of Incident:			
Seriousness of incident:		<input type="checkbox"/> Low Level <input type="checkbox"/> Serious Misconduct <input type="checkbox"/> Gross Misconduct	
INVESTIGATION			
In investigating the incident, you should:		Date of action / interviews	Date completed
1	Interview the person(s) making the initial report		
2	Interview the learner(s)		
3	Interview other parties as appropriate: a) Learners b) Staff c) Other		
4	Locate evidence from ILP		
5	Collect any evidence		
6	Collect any relevant written statements		
Following your investigation, you should:			
7	Write a summary of the investigation with conclusions or recommended actions		
8	Inform the Chair of the meeting of your conclusions and agree how to proceed		
9	Send an electronic copy of your written report, interview notes and written evidence to the Chair of the meeting no later than 24 hours before the meeting, who will save in secure and confidential storage.		
Summary:			
Recommendations:			
Signed:		Date:	

Appendix 7b – Checklist for Investigating Officer

INVESTIGATION CHECKLIST		Date
	Interview of all parties involved & complete written evidence of interviews	
<input type="checkbox"/>	▪ Learner (s)	
<input type="checkbox"/>	▪ Staff	
<input type="checkbox"/>	▪ Other	
	Obtain statements from all parties involved	
<input type="checkbox"/>	▪ Learner (s)	
<input type="checkbox"/>	▪ Staff	
<input type="checkbox"/>	▪ Other	
<input type="checkbox"/>	View CCTV evidence, where applicable	
<input type="checkbox"/>	Screen shot/print attendance records (if appropriate)	
<input type="checkbox"/>	Screen shot/print ProMonitor SMART Targets	
<input type="checkbox"/>	Screen shot/print ProMonitor Comments	
<input type="checkbox"/>	Screen shot/print ProMonitor Markbook	
<input type="checkbox"/>	Fully complete Investigation form (Appendix 7) and place at the front of the portfolio.	
<input type="checkbox"/>	Collate portfolio of evidence for Chair of Disciplinary Hearing within 10 working days	
<input type="checkbox"/>	Provide portfolio of evidence to the Chair no later than 24 hours before the disciplinary hearing.	

Appendix 8 – Investigating the Report

Investigating the report

On receipt of the Learner Behaviour Incident Report, the Programme Leader must:

- Log the date received and send an acknowledgement to the person who has submitted the report.
- Start to investigate the reported misconduct, sensitively, fairly and objectively, gathering relevant evidence (including information on ProMonitor/The Markbook), following the steps below and recording the details on the Learner Behaviour Incident Investigation form.

The steps are:

- 1 Interviewing the learner/s involved in the serious or gross misconduct (keep notes of the interview/s).
- 2 Interviewing any other relevant parties e.g., observers of the incident, other learners, and staff (keep notes of the interview/s).
- 3 Summarise finding on the Learner Behaviour Incident Investigation form and make recommendations in readiness for the formal disciplinary meeting. The recommendations may be:
 - No further action as there is no real evidence of misconduct on the part of the learner
 - An informal resolution through discussion, negotiation, and mediation where this offers a genuine solution and is not excessively lenient given the circumstances
 - A formal action plan with clear expectations and review date and the consequences of not achieving the actions (completed on ProMonitor – Stage 2 Meeting Form).
 - Exclusion from the College
- 4 The investigation should normally be completed no later than ten working days, and the completed form provided to the chair of the disciplinary hearing at least 24 hours in advance of the hearing taking place.
- 5 All records should be provided to the nominated chair of the hearing, who will store them electronically in the secure and confidential disciplinary file.

Appendix 9 – Stage 3 – Final Written Warning Letter – Non Exclusion Outcome

< Date >

< Addressee >

Dear < Learner Name >

Outcome of Stage 3: Final Warning / Exclusion Meeting

Following your attendance at the Stage 3 Final Warning / Exclusion meeting on < date >, I write to confirm that the decision has been made for you to be able to remain at College following the actions detailed in the Stage 3 Form and action plan.

I have attached your Stage 3 form that stipulates the actions that you need to take / improvements in your behaviour that needs to be seen. You need to sign this return it to < PL Name >, Programme Leader, when you return to College on < day & date >.

I remind you, that failure to respond to the actions agreed will leave me with no alternative but to ask you to leave the College.

I look forward to seeing you take some responsibility for your actions and respond in a positive way. Your success is important to us. However, there must be an equal partnership and commitment from you.

Yours sincerely

< Chair of Hearing Name >

< Chair of Hearing Role >

< Contact Details >

Enc: Stage 3: Code of Conduct Contract

cc < Parent/Guardian if under 18 >

Appendix 10 – Stage 3 – Final Written Warning Letter – Exclusion Outcome

< Date >

< Addressee >

Dear < Learner Name >

Outcome of Stage 3: Final Warning / Exclusion Meeting

Following your attendance at the above-mentioned meeting on < date >, I confirm that the decision has been made to exclude you from your course. You are therefore also excluded from the College for the remainder of this academic year.

If you wish to join a course at the College in the future, your application will be judged objectively.

If you wish to appeal this decision, I enclose a copy of the Learner Behaviour Support and Disciplinary Policy, which details the process.

Yours sincerely

< Vice Principal's Name >

< Vice Principal >

< Contact Details >

Enc: Learner Behaviour Support and Disciplinary Policy

cc < Parent/Guardian if under 18 >

Appendix 11 – Mediation Guidelines

Guidelines for Mediation

1. The mediator will normally be a member of the Student Support Team. The mediator can help learners to resolve their dispute and to co-exist at the College by using the following procedure:
 - Both parties define the problem as they see it, alone with the mediator.
 - The impartial mediator identifies the key issues for both parties – these are listed on paper
 - At the end of the individual session with the mediator, the mediator ascertains whether the parties are willing to meet together, along with the mediator. This is the point when real mediation can take place if both parties are willing to try to move towards reconciliation.
 - At the joint meeting, led by the mediator, both parties should be encouraged to speak and express their opinion with only one person allowed to speak at a time. The mediator needs to firmly control the meeting to ensure that it does not turn into a battle.
 - The mediator sets up a plan of action which will satisfy each party and secures agreement on these.
 - A follow up meeting is agreed, and the situation monitored at agreed intervals.
2. Outcomes are likely to involve apologies; changed behaviour and some support to achieve changed behaviour, e.g., anger management or other skill improvements.
3. The mediation approach cannot always replace a disciplinary approach and learner perpetrators may be placed on a contract or in more extreme cases be excluded using the College disciplinary procedures.

Appendix 12 – Order of Proceedings at Stage 2 and 3 Meetings

- 1) The Chair of Stage 2 or Stage 3 disciplinary meetings will:
 - Ensure that all parties know who is involved in the meeting and their roles.
 - Outline the purpose and format of the meeting and confirm that all parties will have an opportunity to contribute
 - Explain the stages of the disciplinary procedure
 - Outline why the meeting is taking place
 - Outline the possible outcomes of the meeting
- 2) The Investigating Manager (IM) will present details of allegation(s) and a report detailing the investigation undertaken.
- 3) The Chair and other parties will have the opportunity to question the IM.
- 4) The Chair will ask for any additional information to be submitted.
- 5) The learner and/or their representative will present the case against the allegation(s) and explain any mitigating factors that may exist.
- 6) The Chair and IM will have the opportunity to seek clarification by questioning the learner and/or representative.
- 7) The Chair will summarise the case against the learner without introducing any new factors.
- 8) The meeting will be adjourned for the Chair to make their decision. If, in the opinion of the Chair, the allegations are considered to be true, the Chair will take into account the following factors when deciding upon appropriate disciplinary action:
 - Any mitigating factors, e.g., health domestic matters, bereavement, etc.
 - The learner's current disciplinary record
 - The nature of the offence
 - All evidence presented at the disciplinary hearing
 - Statements and other information provided by witnesses
 - Sanctions imposed for similar offences
- 9) The meeting will reconvene, and the learner advised of the decision. If a decision cannot be reached and is deferred, then all parties will ordinarily be advised of the outcome within two working days
- 10) Written confirmation of the decision will be sent within five working days of the meeting.

Appendix 13 – Examples of Serious and Gross Misconduct

Misconduct

1. Failure to observe any of the points in the Code of Conduct is deemed as misconduct. The lists below are not exhaustive but act as a guide to the seriousness of the action so that appropriate sanctions that may be applied.

Serious Misconduct

2. The following are deemed Serious Misconduct and as a result will be considered under Stage 2 of the disciplinary procedure:
 - Foul and abusive language used despite continual warnings, but not directly at others.
 - Plagiarism – copying the work of others (learners, from books or the internet), letting other learners copy your work.
 - Submitting work done by others as own.
 - Unauthorised use of property or systems belonging to the College.

Gross Misconduct

3. The following are deemed Gross Misconduct and as a result will be considered under Stage 3 of the disciplinary procedure:
 - Foul and/or abusive language used toward other learners, members of staff or visitors.
 - Threatening behaviour towards other learners, members of staff or visitors.
 - Physical, sexual, racial, homophobic, transphobic assault, harassment, or any violent and abusive behaviour directed at other learners, members of staff or visitors.
 - Inciting hatred, and/or distributing literature or materials that incite hatred, against any person or group.
 - Harassment, bullying or abusive behaviour towards others through any form of electronic communication or on social media.
 - Theft of, damage to, property or systems belonging to the College, other learners, members of staff or visitors.
 - Possession, sale, or use of illegal drugs, legal highs, solvents, alcohol or non-medical use of prescribed drugs on college property or whilst on college organised activities.
 - Acts or omissions which may result in the security, safety or welfare of other learners, members of staff or visitors being put at risk.
 - Inappropriate access to web material deemed unsuitable or inappropriate use of college email.
4. Where learner actions are deemed to be Gross Misconduct, the College reserves the right, in the first instance, to suspend the learner pending formal investigation.

Appendix 14 – Notification of Suspension Letter

< *Date* >

< *Addressee* >

Dear < *Name* >

Notification of Suspension

I write to inform you that I have had to issue < *Name* > with a suspension today for < *reason for warning* >. The period of the suspension is < *insert duration* >, and < *name* > is not permitted onto any Moulton College campus until < *insert date* >.

This incident is now under investigation and will result in a stage 2 or 3 meeting, dependant on the result of the investigation, which you will receive an invite letter for.

Should < *Name* > fail to adhere to the suspension and co-operate with the investigation, we may have no alternative but to move onto further stages in the procedure which could ultimately result in exclusion from the College.

Should you wish to discuss this further, please do not hesitate to contact me.

Yours sincerely,

< Programme Leader *Name* >

Programme Leader

< *Contact Details* >

Enc: Learner Behaviour Support and Disciplinary Policy

cc < *Learner ILP ProMonitor* >
< *Parent/Guardian if under 18* >

Appendix 15 – Extraordinary circumstances where strict controls are required to maintain the safety and welfare of self and others, such as unplanned environmental concerns, pandemics, etc.

1. In some circumstances there are situations where strict and immediate compliance is required to maintain the health, safety and welfare of self and others. During these identified occasions, it is important for students to follow the prescribed safety guidance issued by staff members.
2. Any breach of safety measures will result in disciplinary action being taken. This includes:
 - a. Not wearing, or refusal to wear, face coverings in communal or other identified areas
 - b. Noncompliance with social distancing
 - c. Consistent noncompliance
 - d. Hygiene; with regards to spitting, or cross contamination of areas
3. If students refuse to comply with reasonable mandated health and safety requirements, they will be asked to leave the site if they are perceived as high risk.
4. Disciplinary relating to breaches of Health, Safety and welfare should be recorded at Stage 3 Formal Written Warning (FWW), unless extenuating circumstances are to be considered.
5. As this disciplinary process does not require investigation, i.e., there is clear and immediate evidence of a breach of Health and Safety, there is no need for an investigation or disciplinary hearing to take place, unless extenuating circumstances are to be considered.
6. Opportunities for appeal still apply, in accordance with points 70 to 75 of this policy.

Typical guidance relating to non compliance

For non-compliance of safety measures such as Health and Safety, inc. Biohazard.

7. the consequence of not complying with a reasonable request will be made very clear to the learner, i.e., *“this is now deemed Gross Misconduct and you may be issued with a stage 3 Formal Written Warning by your HoS”*
8. If a student continues to not comply, Staff must make it clear that this will now be reported to their HoS and that this will result in a stage 3 Formal Written Warning and that their NOK will be notified (if under 18). Non-compliant learners may also be asked to leave the site.
9. This must be communicated with the learner at the time, and the staff member must alert this on Promonitor and contact the relevant HoS. It is important that the reporting staff member makes a statement of this in case of any future appeal by the student.
10. There will be no ‘hearing’ for this as this is a straightforward health and safety breach and the letter can be signed by the relevant HoS.
11. Curriculum Administrator to arrange for the letter to be sent. There is no need to suspend the learner.

For non-compliance and where the learner becomes rude, aggressive or threatening

12. Student behaviour is a different scenario and is covered under another part of the disciplinary process for behavioural Gross Misconduct.
13. This will be treated in the same way as any other Gross Misconduct incident, with the added layer of a Health and Safety breach, which based on the situation in hand, may also result in a suspension.

Appendix 16 - Equality Impact Assessment (EIA)

Please complete both sides of this Equality Impact Assessment and ensure that the latest copy of this is recorded with the Quality department.

Policy Reference and Name	SS-03 Learner Behaviour Support and Disciplinary Policy
Assessment date	November 2020
Completed by	Tony Mangan
What are the aims of the policy?	To provide clear guidance on the provision of learner support and behavioural guidelines
Who does the policy affect?	All learners engaged in learning with Moulton College
Who is involved in implementing the policy?	Leaders, Managers, All college staff, the learners themselves
What information is currently available about the impact of this policy and its associated procedures?	Prior policy and procedure
Do you need more information to help you make an assessment about the impact of this policy and its associated procedures?	No
Do you have any examples that show how this policy will have a positive impact on any of the equality characteristics listed in the table below?	This policy is fair to all students, regardless of protected characteristic or vulnerability. This is because it focuses on the learner ability to adhere to the college's code of conduct and behavioural guidelines. Where a student is unable to meet any identified guidelines due to a specific characteristic, this would be identified at induction, prior to signing the code of conduct, and appropriate levels of support identified to aid the student to meet the code of conduct.
Which other policies does this policy link with?	These are listed on page 2 of the policy
What consultation has taken place in the development of this policy?	Previous applications of the policy, feedback from users of the policy, Parental feedback, Discussion with leaders, managers and students.

Version 24.09.2020

Use the table below to assess the impact of this policy on each of the listed characteristics. Your decision must be evidence based. Sources of evidence might include success rates, achievement gaps, application and enrolment data, student voice, consultation outcomes, recruitment and employment data, customer feedback or complaints, meeting minutes.

Characteristic (These characteristics are protected under the Equality Act 2010)	Negative impact? Y / N	Evidence to support your impact assessment decision	Requires further action? Y/N
Age	N	This policy applies to all ages.	N
Disability	N		N
Race	N		N
Gender, inc. re-assignment	N		N
Sexual orientation	N		N
Religion / belief	N		N
Pregnancy / maternity	N		N
Marriage / civil partnership	N		N
Socio-economic	N		N

Overall EIA judgement

Select	
✓	<p>No change required The assessment is that the policy is/will be robust. There is no evidence of potentially unlawful discrimination and all reasonable opportunities to advance equality and foster good relations have been taken, subject to continuing monitoring and review</p>
	<p>Adjust the policy or practice This involves taking steps to remove any barriers, to better advance equality and/or to foster good relations. This may involve removing or changing the aspect of the policy that creates any negative or unwanted impact. It may also involve introducing additional measures to reduce or mitigate any potential negative impact</p>
	<p>Continue the policy This means adopting/continuing with the policy despite the potential for adverse impact. Set out the rationale for this decision, including how the decision is compatible with our legal obligation. Where there is discrimination, but it is considered not to be unlawful – the objective justification must be recorded</p>
	<p>Stop the policy If there would otherwise be unlawful discrimination or adverse effects that are not justified and cannot be prevented/mitigated</p>