



LEARNER CONDUCT POLICY AND PROCEDURE



Review date	By	Next review date
Aug-23	Curriculum Manager	01/08/2024

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1. Introduction

- We aim to provide a welcoming, friendly and inclusive adult learning environment in which all learners can be inspired and achieve their goals
- We will promote British Values to all our learners as part of their learning experience.
- Tutors will use every opportunity to make sure that learners respect and reinforce British Values whilst creating space for open debate
- To achieve this we have set out our code of conduct, procedures and the action which will be taken if the code of conduct is not followed.
- The code of conduct and procedures apply to all enrolled learners
- Breach of the code of conduct may lead to disciplinary action being taken against a learner

and repeated breaches or a very serious breach may lead to the suspension or exclusion from On Course South West

2. On Course South West Learner Code of Conduct

The Learner Code of Conduct is clearly set out online for every learner. Tutors will go through the Learner Code of Conduct as part of the course induction process. Learners must observe On Course South West rules which are set out below.

2.1 We expect all learners to:

- Attend regularly and always be on time
- Participate and contribute to an inclusive learning environment in which staff and learners feel safe and are treated fairly
- Follow health and safety and IT user procedures
- Report any concerns about their safety or the safety of others to their tutor or member of our Safeguarding Team
- Tell us if they have a disability that might affect their learning
- Set goals and review their progress
- Give in their course work on time
- Ensure they do not copy (plagiarise) work from other learners, books or the internet and pass it off as their own work
- Complete their portfolio of work and take any examinations for which they have been entered
- Discuss their next steps with their tutor before the end of their course
- Evaluate their course by completing our course surveys
- Let us know if they get a job or progress to further learning

2.2 Tutors will develop a set of ground rules with their learners at the start of a course to help improve learning. Negotiating class based ground rules will:

- Encourage and improve team working
- Develop positive behaviours and attitudes
- Respect each other to all develop as individuals and a group
- Enable learners to self-assess their own behaviour set against an agreed set of rules
- Learners may use their mobile phone for learning purposes with their tutor's permission (BYOD – Bring your own device). Learners must not use their mobile to make or accept personal calls in class, unless agreed by the tutor.

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2.3 Misconduct

Disciplinary action may be taken against a learner whose behaviour is considered by *On Course South West* to be misconduct. If this happens repeatedly or if there is a single, very serious violation the learner may be suspended or permanently excluded.

2.4 Gross Misconduct

On Course South West operates a zero tolerance policy on violence, alcohol, drugs, weapons and intoxication. Infringements will be dealt with under Stage 3 of the procedure. Gross misconduct includes threat of violence or actual violence, extremism and radicalisation, deliberate damage to property, putting other people at risk, bullying or harassment, assessment malpractice (including plagiarism) and improper use of *On Course South West* computing systems. Gross misconduct will be dealt with under stage 3 of the procedure and stage 1 or even stage 2 may be bypassed.

3. Precautionary suspension

In cases where it is considered a learner may have committed gross misconduct or that they may pose a danger to other learners, or staff, stage 1 and stage 2 may be bypassed and dealt with under stage 3 of the procedure; the learner may be suspended from all or part of On Course South West's or partner's premises pending any investigation by a senior member of staff and/or the conclusion of any legal proceedings.

4. Criminal offences

If there is reason to believe that a learner may have committed a criminal offence the matter may be referred to the Police. We will normally continue to take action under this procedure irrespective of any action taken by the Police.

Stages of the learner disciplinary procedure

4.1 Initial Stage: Informal approach

The tutor may counsel a learner who is not meeting the conduct code and may set requirements or targets. This should be recorded and a copy provided for the learner. The tutor will advise the Curriculum Lead of the situation and the Curriculum Lead will monitor the situation and progress towards resolution.

The Safeguarding and Prevent Team or Learning Advisor are available to assist learners. If staff are aware that learners have problems which may have affected their behaviour, they will be able to offer support.

4.2 Second Stage: Manager's involvement

If, following informal action there is further cause for concern, or if the Curriculum Manager considers conduct is such that an informal approach is not appropriate, they will talk to the learners about their concerns and after taking account of any explanation given, decide on the appropriate action. This may include one or more of the following:

- take no formal action
- refer the matter to Stage 3
- issue a formal warning
- restrict access to certain facilities for a specified period

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- recommend support if appropriate
- set improvement targets/requirement and approve support if appropriate

The outcome of the meeting will be confirmed in writing, normally within 1 week. If the learner is under 25 or an adult with a learning disability, the parent or guardian will be sent a copy of any written warning.

5 Third Stage: Curriculum Manager Involvement

If there are further incidents of unacceptable conduct following the Curriculum Lead's warning or if potential, gross misconduct occurs at any time, this will first be investigated by the Curriculum Manager or another On Course South West Manager. Following this investigation, the learner may be invited to attend a hearing with the Curriculum Manager or other senior manager. This person will normally have had no prior involvement in the case.

The learner will be informed of:

- the time and place of the hearing (giving 5 working days' notice)
- the nature of the conduct and the evidence to be presented
- any witnesses we may call
- their right to be accompanied by a friend, another learner or advocate (we do not permit legal representation)
- support for the learner provided by Learner Services

If, during the hearing, the Curriculum Manager considers that further investigation is needed, the hearing will be adjourned until that investigation is complete. The learner will be asked to provide any information about any witnesses they wish to call and any documentary evidence they wish to present at least two days prior to the hearing, otherwise it may not be considered. After hearing the case, the Curriculum Manager will, (after taking into account any explanation given) decide whether any sanction is to be issued. The manager may do one or more of the following:

- take no further action
- issue a formal warning and, if appropriate, suspend them from the class or On Course South West for a specified period of time
- issue a final formal warning and, if appropriate, suspend them from the class (and, if appropriate, related classes) or the Institute for a specified period of time
- exclude them permanently
- take some other appropriate action

The decision will be confirmed in writing, normally within one week. Learners will be informed that they may appeal the decision being given; this must be done within two weeks of receipt of the decision.

6. Learner Disciplinary Appeals Panel

- 6.1 The learner (or, if under the age of 25 for adults with learning disabilities or difficulties, their parents/representative or advocate) may appeal against a

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decision made at the hearing by notifying the Head of Skills and Post 16 for Plymouth City Council in writing within 14 days of the date of the letter communicating the decision of the hearing. The Head of Skills and Post 16 will appoint a Plymouth City Council representative to administrate the Appeals Process.

- 6.2 The letter of notification must state the grounds of the appeal. The Disciplinary Appeals Panel shall hear a summary of the case based on the grounds of appeal only.
- 6.3 The membership of the Disciplinary Appeals Panel will include two Board Members and the Curriculum Manager or a nominated On Course South West manager. The membership of the appeals panel will exclude any Board members/staff previously involved.
- 6.4 A Plymouth City Council representative for the Head of Skills and Post 16 shall convene a meeting of the Disciplinary Appeals Panel within twelve days of receiving the notification of appeal (excluding weekends and statutory holidays). At least five clear days before the meeting the Plymouth City Council representative shall send to the members of the Appeals Panel notice of the meeting and circulate therewith those papers made available to members of the Disciplinary Panel, together with a copy of the learner's grounds of appeal and any documentation provided by the learner and the manager.
- 6.5 The learner and their supporter/advocate (we do not allow legal representation) and manager shall be invited to attend the meeting and furnished with all those papers circulated to members of the Disciplinary Appeals Panel. He/she shall be given the same notice of the meeting as provided for under 6.4 above.
- 6.6 The Disciplinary Appeals Panel has the power to uphold, amend or revoke the decision of the hearing decision.
- 6.7 The order of procedure is set out in section 7.
- 6.8 The Panel may decide either to give its decision and the reason(s) for it immediately in the presence of the parties or reserve it. A Plymouth City Council representative shall formally record the decision of the Panel and communicate it in writing to the parties.
- 6.9 The decision of the Appeals Panel is final.
- 6.10 The Learner Code of Conduct and Procedure is available on the website and a copy of this procedure will be supplied by the Curriculum Manager to the learner who the subject of the disciplinary action and to their nominated supporter or advocate.

7. Procedures for conduct of the learner disciplinary appeals panel

- The manager shall present the case against the learner, and may call witnesses

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- The learner (or representative/advocate) will have the opportunity to question the manager on the reports presented to the Panel and on the case given, and question any witnesses called
- Members of the Panel may ask questions of the manager and their witnesses
- The learner (or representative/advocate) shall present their case and call witnesses if he/she wishes
- The manager may ask questions of the learner and their witnesses
- Members of the Panel may ask questions of the learner and their witnesses
- The manager and the learner (or representative/advocate) shall sum up their case if they so wish
- The parties, their representatives and witnesses shall withdraw from the Panel
- The Panel, with a representative of Plymouth City Council acting, as their Secretary and Advisor, shall deliberate in private, only recalling the manager and the learner to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one is concerned with the point-giving rise to doubt.

The Panel shall announce its decision to the parties in person or in writing as it may determine.

- A Plymouth City Council representative shall confirm the decision to the learner in writing within 5 working days and to the Governing Body at its next meeting.
- The decision of the Appeals Panel is final.