

# Learner Professional Standards and Conduct Policy

Policy Details			
<b>Policy Owner</b>	Quality Manager		
<b>CE Sponsor</b>	Deputy Principal		
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<b>Version:</b>	<b>Approved by:</b>	<b>Date approved:</b>	<b>To be reviewed:</b>
1	College Executive	24 <sup>th</sup> September 2024	July 2025
1	Version 1 not required by Curriculum and Quality Committee as no significant changes		

Version Control	
Version Number	Changes from previous 12 months policy
1	Replaces previous disciplinary policy
2	Amendments to grammar and level 3

### Equality Impact Assessment Tool

		Yes/No	Comments
<b>1</b>	<b>Does the policy/guidance affect one group less or more favourably than another on the basis of:</b>		
	Race or ethnicity	No	
	Disability	No	
	Gender	No	
	Religion or belief	No	
	Sexual orientation	No	
	Age	No	
	Marriage and Civil Partnership	No	
	Maternity and Pregnancy	No	
	Gender Reassignment	No	
<b>2</b>	<b>Is there any evidence that some groups are affected differently?</b>	No	
<b>3</b>	<b>If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?</b>	N/A	
<b>4</b>	<b>Is the impact of the policy/guidance likely to be negative?</b>	No	
<b>5</b>	<b>If so, can the impact be avoided?</b>	N/A	
<b>6</b>	<b>What alternatives are there to achieving the policy/guidance without the impact?</b>	N/A	
<b>7</b>	<b>Can we reduce the impact by taking different action?</b>	N/A	

## Introduction and Scope

The purpose of the policy is to promote positive behaviour as a way of supporting learner progress towards reaching their potential. In cases where support for a learner is unsuccessful, and/or the learner displays unacceptable behaviour, this might involve applying appropriate sanctions to protect the interests and learning of other learners and staff. This policy and procedure cover all learners enrolled at Colchester Institute including FE learners, apprentices and adults.

## Policy Statement

The behaviour of most learners at Colchester Institute is exemplary. This policy and procedure is intended to deal with the few occasions when learner behaviour does not meet the standards that are expected of them. The curriculum and the expected standard of behaviour at Colchester Institute provide a bridge to the next stage in learners' lives, whether further study, employment or apprenticeships. The College is committed to supporting learners to adopt and practise the professional behaviours that will help them to succeed in their future, work, and study.

All learners have the right to learn and a responsibility to allow others to learn in a safe, secure and respectful environment. Colchester Institute also has a responsibility to provide staff with a safe, secure and respectful environment in which to work.

Learners agree to abide by the College behaviour rules and regulations when they enrol and they apply not just on the College Campus but also in the general local community and wherever learners meet people and organisations outside the College, including online. The aim of this policy is to ensure the provision of such an environment, to support the learning process and to always promote acceptable conduct as well as promoting behaviours which support good citizenship and employability.

Wherever possible, the College will work constructively with learners to resolve disciplinary issues but implicit in this policy is the recognition of the need to disapprove of, formally record and, in certain circumstances, apply appropriate sanctions to unacceptable conduct which disrupts learning, shows disrespect, is unlawful, or threatens harm to others. Should any actions undertaken by learners outside of the College premises impact upon the college or any individual's engagement with the college, then disciplinary action will also be considered.

## Executive Summary

All learners are expected to respect the rights of others and take responsibility for their own actions. Learners' responsibilities are to conform to academic rules and regulations and comply with acceptable standards of behaviour as indicated by the Learner Professional Standards and Expectations. Where there are instances of non-compliance, disciplinary action will be taken. This policy recognises four levels of non-compliance with suitable sanctions at each level:

- **Level 1** enables teachers and other staff at the college to identify behavioural issues with learners and initiate early intervention and support.
- **Level 2** enables Assistant Area Heads or other managers to impose remedial and developmental actions following a disciplinary meeting from a significant or repeated breaches of Learner Professional Standards and Expectations.

- **Level 3** enables Area Heads or other managers to impose intervention and sanctions following a disciplinary meeting from a serious breach of the Learner Professional Standards and Expectations or further repeated breaches.
- **Level 4** enables Area Heads or an appropriate member of the Senior Leadership Team, to conduct a Formal Hearing which may lead to the ultimate sanction of exclusion from Colchester Institute from a gross breach of the Learner Professional Standards and Expectations.
- **Exceptional Summary Exclusions** may be used for misconduct that intends to cause or causes significant harm to another learner, staff, visitor, stakeholder or member of the college community. Actions that endanger life or involvement in misconduct on college premises that require the response of the Police, Specialist police units, Fire and Rescue Service and/or criminal activity.

At level 4, the learner has the right to appeal if they consider the judgement unfair, or if the College has failed to follow correct procedures. There is no right of appeal against an Exceptional Summary Exclusion.

## Principles

Colchester Institute is committed to meeting the needs of learners by providing high quality education and training in an environment conducive to learning. In return the College expects an appropriate level of behaviour and commitment by individual learners, relating to:

- Equality, Diversity and Inclusion
- Attitude to learning and study
- Safety and health
- Respect for the College environment and facilities
- Respect for Staff, learners, visitors and the local community

This should ensure that all learners are able to derive the maximum benefit from their study.

The College is mindful, and will remain mindful when implementing this policy, of its legal obligations, including its obligations under the Equality Act 2010, UK GDPR and the Data Protection Act 2018. The individual needs of learners (for example, those learners with learning difficulties or disabilities, vulnerable learners or where English is a second language) will be taken into consideration where appropriate in applying the policy and procedures. The College is also mindful of the Prevent agenda and its responsibilities to keep the local Prevent policing team or Channel Panel informed of appropriate concerns as well as responsibilities to keep our safeguarding partners aware of any concerns or issues. (see appendix 2)

It is expected that all Colchester Institute staff are mindful of making all reasonable adjustments to meet the needs and declared disabilities of learners and taking these issues into account before initiating any disciplinary procedures.

The Policy and procedures are designed to ensure fairness, transparency and are in line with the following college policies:

- Dealing with Bullying and Harassment at College, Policy and Procedures for Learners
- Diversity, Equity and Inclusion Policy
- Fitness to Study Policy
- Safeguarding Policy
- Harmful Sexual Behaviours Policy
- Admissions Review Policy
- Fees Policy – Further Education
- Code of Practice for Offensive Articles (Weapons and Drugs)

### **Learner Professional Standards and Expectations**

All learners are required to adhere to the Learner Professional Standards and Expectations, which are underpinned by the college values of:



### **Behaviour Standards**

All learners have the right to experience a learning environment that enables them to be successful. To achieve this, learners must not engage in any academic or non-academic conduct which adversely interferes with teaching and learning, is disrespectful to other members of the College community or property or breaches the Standards and Expectations, which includes but is not limited by the lists below, which are summarised on posters displayed in learning spaces and around the College:

**Around the College, all Colchester Institute learners are expected to:**

- comply with all College regulations and policy requirements
- abide by the College Dress Code
- display college identification cards and lanyards at all times and provide other details on request by a member of staff
- assist security within the College by ensuring that caps, hoods or any other clothing does not obscure the face
- not smoke or vape anywhere on the college premises except in the designated areas

- comply with the College's vehicle regulations including making arrangements to pay for parking
- assist with enquiries, attend meetings or hearings when requested to do so
- never to be under the influence of, in the possession of, or distribute any drugs or alcohol or engage in any gang-related activity
- contact teachers or other college staff to discuss any concerns.

**In relation to positive relationships with other members of the College Community, all learners are expected to:**

- never engage in swearing, taunting of any kind including name calling on the basis of age, ethnic origin, gender, disability, sexual orientation, religion or belief
- comply with all reasonable requests or instructions given by a member of staff in the normal course of college business
- be respectful and considerate of each other, the College environment, the local community, and any community visited
- not to take photographs or moving images of anyone without their express permission
- not engage with the inappropriate or offensive use of social media including bullying and harassment
- speak to one another and staff calmly and politely, avoiding words and actions that may be interpreted as abusive, offensive or threatening
- not to engage in any bullying or abusive behaviour, including sexual harassment

**In Learning Environments, all Colchester Institute learners are expected to adhere to the following Academic and Professional standards:**

- attend all classes and provide a clear explanation to the tutor when not in attendance
- report any absence using the college processes
- be punctual and properly prepared for classes and motivated to work to the best of their ability
- not engage in behaviour that disrupts the teaching or learning activity
- comply with any and all requirements of behaviour and safety in the classroom and other learning environments.
- not eat or drink in a learning environment with the exception of bottled water where permitted
- be fully engaged in all learning activities, whatever the context
- respectfully contribute to discussions and listen to others
- complete all work set and provide reasonable explanation to the tutor when they fail to do so
- be fully engaged in meeting the required standards of assessment as part of the curriculum including submitting work within required guidelines, deadlines, and attending all mandatory examinations
- undertake all required homework and independent learning activities
- download and use the Ci Connect app to stay in touch with important updates from the college

- ensure that they respect the college environment and to leave each class in good condition and order

### **Behaviour Management**

The disciplinary procedure, contained within this policy, will be invoked where there are indications that the Learner Professional Standards and Expectations has been breached. It is expected that any such breach is responded to at the lowest appropriate level of response. Any disciplinary process that indicates that a higher level of response is required, may be escalated to the appropriate level.

For the purposes of this policy, suspension should not be confused with exclusion as it does not automatically presume guilt. Only an Area Head, or a Senior Manager can sanction a suspension.

If the conditions of a suspension are not adhered to, this is to be regarded as a breach of the Learner Professional Standards and Expectations.

### **Timescales**

Regardless of the level of breach of the Learner Professional Standards and Expectations and whether the learner has been suspended or not the college will endeavour to conclude the investigation, hold relevant meetings and provide the learner with an outcome within five working days. Exceptions may apply where additional information is forthcoming during formal meetings that necessitate further investigation.

### **Breaches of the Learner Professional Standards and Expectations**

Initial and low-level breaches of the learner professional standards and expectations will normally invoke Level 1 or 2 of the Colchester Institute Learner Professional Standards and Conduct Policy and Procedure which will be implemented by the initiating member of staff or the Assistant Area Head.

#### **Informal Level**

##### **Level 1 Minor Breach of Learner Professional Standards and Expectations**

All staff are required to promote the Standards and Expectations and report on any breaches using the Cause for Concern System (ProMonitor). If a member of staff believes that the breach is persistent or requires the intervention of the relevant Area Head or Assistant Area Head, they are to inform them that they wish to invoke Level 2 of the procedure.

For Study Programme learners, Course Leaders, Lecturers or Progression and Destination Tutors (PDT) are to respond to any low-level breach of the Learner Standards and Expectations with the learner and record actions on ProMonitor.

For persistent minor breaches of the Learner Standards and Expectations, the learner can be informed that they have been given an informal warning that will be identified on ProMonitor and are required to abide by stated conditions and advised that persistent breaches may lead to escalation to Level 2.

It is the responsibility of the Course Leader to ensure that the Area Head or Assistant Area Head is aware of emerging issues for Study Programme learners.

Where appropriate, Course Leader/PDT should ensure parents are aware of issues as they emerge.

## **Formal Levels**

### **Level 2 Significant Breach of Professional Standards and Expectations**

If a member of staff believes there has been:

- a single significant breach of the Learner Standards and Expectations; or
- continual breaches of the Learner Standards and Expectations despite Informal Warnings at Level 1.

They can request the appropriate Assistant Area Head for the learner escalates the matter to Level 2 of the Learner Professional Standards and Conduct Policy.

- The learner is to be informed of the reason the disciplinary process has been invoked
- The learner is to be informed that an investigation will be undertaken
- Where possible and appropriate, the learner is to be enabled to make a statement and told other evidence will be gathered
- The learner is to be informed that the Assistant Area Head will Chair the meeting with another member of staff
- The learner is to be informed of the possible outcomes at Level 2 disciplinary meeting which include:
  - No case to answer
  - A warning (written warning) may be issued to the learner who will also sign up to an agreement to abide by the Learner Standards and Expectations, both will be recorded on ProMonitor
  - Potential escalation to Level 3
  - All outcomes at Level 2 are to be communicated to the learner (and their next of kin if under 18) and recorded on the ProMonitor

### **Level 3 and 4 Disciplinary Meetings**

**For disciplinary meetings identified in the procedures below at stage 3 or 4**, Curriculum Administration staff must send out communication to the learner and, when under 18 to the named next of kin.

The communication should:

1. Communicate the time/date/place of the meeting
2. Set out the allegation to which the learner must respond
3. Include a copy of the Learner Professional Standards and Conduct Policy



4. Set out that the learner may bring a representative, such as a fellow learner or named next of kin to the meeting. If any other person is expected to attend the meeting, the agreement of the college is to be obtained at least 24 hours prior to the time and date of the meeting

For any learner with SEND or wellbeing concerns an appropriate member of staff, with knowledge of the learner, should attend the meeting to act as an advocate where appropriate.

Curriculum administration staff organise and prepare paperwork for the meeting.

At the meeting, the Chair must:

- Explain the purpose of the meeting
- Confirm with the learner their receipt of a copy of the Learner Professional Standards and Conduct Policy
- Outline the possible outcomes
- Put the specifics of the allegation to them
- Give the learner the opportunity to respond
- Ensure salient points are recorded
- Confirm how the outcome of the meeting will be communicated

The learner is to be informed of the possible outcomes at Level 3 which include:

1. No case to answer
2. An appropriate warning (final written warning) may be issued which will be recorded on ProMonitor and a requirement to sign up to an agreement to abide by the Learner Standards and Expectation or any specific aspect of it.
3. Potential escalation to Level 4 which the learner should be informed could lead to exclusion from the college.
4. Exclusion from the college for a fixed period or permanently

All outcomes are to be confirmed by letter to the learner and recorded on ProMonitor with the signed agreements.

### **Level 3 Serious Breach of the Professional Standards and Expectations**

If an Assistant Area Head believes a learner has engaged in serious misconduct (see appendix 1) or that a learner has breached the conditions of a previous warning/Signed Agreement outcome from Level 2, they are to refer the issue to their Area Head or in their absence, any member of the Senior Leadership Team.

The Area Head may, where warranted, escalate the matter to Level 3.

The Area Head will consider in the circumstances, whether it is necessary to suspend the learner for the period of the investigation.

If suspended, the learner is to be informed that the suspension is a neutral act and will be for no longer than required.

The learner is to be informed that the Area Head will normally Chair the disciplinary meeting with another manager who will record the minutes of the meeting.

#### **Level 4 Gross Breach of the Professional Standards and Expectations**

If an Area Head believes a learner has engaged in gross misconduct (see appendix 1) or that a learner has breached the conditions of a Final Written Warning outcome from Level 3, they are to refer the issue to their Assistant Principal

The Assistant Principal or other member of the Senior Leadership Team will consider in the circumstances, whether it is necessary to suspend the learner for the period of the investigation.

If suspended, the learner is to be informed that the suspension is a neutral act and will be for no longer than required.

The procedures to be undertaken are the same as at Level 3 except for:

- The learner is to be informed that two Area Heads will chair the disciplinary meeting, one of which will record it.
- The learner is to be informed of the possible outcomes at Level 4 which include:
  1. No case to answer
  2. The extension to the times and conditions identified in previous warnings or other actions appropriate to the circumstances
  3. Exclusion from the college for a fixed period or permanently
- Outcomes one and two are to be confirmed by letter from the Area Head and recorded on ProMonitor with the signed agreements.
- Outcome three is to be confirmed by letter to the learner from the Assistant Principal and recorded on Promonitor and the College's management information system.
- Any appeal against outcome three of a Level 4 Disciplinary meeting is to be requested in writing within ten working days of the date of the outcome letter and addressed to the PA to the Principal.

#### **Exceptional Summary Exclusions**

An Exceptional Summary Exclusion may be implemented in a case where there is irrefutable evidence that an act of gross misconduct has occurred. This can be actioned only by a member of the Senior Leadership Team (SLT) and agreed by a member of the College Executive. Other College staff will be involved in providing evidence to the member of SLT. An outcome letter will be sent to the learner, with a copy to the parents/carers and/or employer, which must include the reason for the Summary Exclusion. For apprentices, the employer must be notified immediately. The student may be suspended pending a decision, or action might be immediate.

For any learner with EHCP or significant safeguarding concerns the Head of ALS and the DSL must be consulted prior to summary exclusion taking place.

There is no right of appeal against an Exceptional Summary Exclusion.

There is no expectation that a learner will be interviewed or asked for their viewpoint if a case is dealt with as an Exceptional Summary Exclusion, though sometimes this might happen. Additionally, parents/carers will normally be informed prior to the issuing of an Exceptional Summary Exclusion. For apprentices, the employer must be notified immediately.

A student who has been summarily excluded from the College will usually be prohibited from applying for courses in future years.

### **Fees**

In the event of suspension or exclusion there is no automatic refund of fees.

### **Appeals**

Under this policy, a learner can request that an appeal be heard only against decisions arrived at the level 4 outcome.

A request for an appeal to be heard must be submitted within ten working days of receipt of the disciplinary outcome letter. Any request for an appeal to a decision made at level 4 **must** be made in writing, by the learner, to the PA to the Principal and must identify the grounds of appeal with the reasons. There are usually only three grounds for appeal:

- they were not provided with a fair hearing
- there is new evidence that was unavailable at the earlier hearing or interview that would have affected the outcome
- the penalty imposed is disproportionate to the act of misconduct

The appeal hearing will normally be conducted within ten working days of the receipt of the appeal where possible. The panel will be chaired by a member of the College Leadership and Management Group.

### **Stage 4 Appeals - SLT**

The Appeal Panel will take evidence from the learner and review the findings of earlier disciplinary meetings. The learner may be accompanied by a friend or relative. If the learner requests any other person to attend the meeting, the agreement of the college is to be obtained at least 24 hours prior to the time and date of the meeting.

The Appeals Panel will determine one of 3 outcomes:

- both the finding and the penalty imposed be upheld
- the finding is confirmed but that the penalty is re-determined
- the finding is overruled

There can be no further internal appeal against the decision of the Appeals Panel.

## **Appendix 1**

### **Types of misconduct**

Any conduct that is a threat to the good management and safety of the college, causes threat or harm to other members of the College or local community will be regarded as misconduct.

The level of seriousness of any type of misconduct can be variable depending on the nature of the incident and the impact it could have on others and the colleges reputation.

The following examples illustrates behaviour which is likely to signify misconduct, but is neither exclusive nor exhaustive:

### **Examples of behaviours constituting serious or gross misconduct**

- Refusal to follow any reasonable instruction of college staff (or emergency services staff).
- Refusal to comply with college regulations (or emergency services staff).
- Deliberately, or by negligence causing damage to, or defacement of, any College buildings, or property owned by Colchester Institute, its staff, learners or visitors.
- Behaviour likely to be offensive to public decency (including swearing and offensive language).
- Misuse of communication technology including the taking of photographs without permission or the display or circulation of material which could cause offence or distress to others.
- Smoking or vaping in non-designated areas.
- Persistent minor breaches of the Learner Professional Standards and Expectations.
- Refusing to comply with reasonable instructions of staff (or emergency services) which results in others being placed at risk of harm or suffer actual harm.
- Refusing to comply with college regulations (or emergency services) which results in others being placed at risk of harm or suffer actual harm.
- IT systems, equipment, books or furnishings or any property of others.
- Any act that falls within the remit of the college's Safeguarding Policy which places others at risk.
- Serious academic misconduct such as plagiarism (copying or cheating).
- Any act which may have an adverse effect on the work or reputation of the college, other learners, staff or visitors.
- Theft, fraud, or deliberate falsification of records.
- Non-disclosure of information that could impede the safety of learners, staff and the wider college community or negatively impact learning (Criminal convictions or ongoing Police investigations, safeguarding or omissions of support/medical need information).

## **Zero Tolerance examples likely to result in Exceptional summary exclusion**

- Any act of violent, indecent, or offensive behaviour towards staff, learners, visitors or members of the local community.
- The possession of any offensive weapon(s) or any object which may reasonably be deemed as offensive by the college.
- All forms of harassment, bullying or intimidation, including unwanted sexual advances, of or to learners, staff, or visitors to the College, or other College stakeholders
- Learners being under the influence of, in the possession of, or distributing any drugs or alcohol including legal highs.
- Publication or distribution of any insulting or libellous allegations towards other learners, members of staff or college including on social networking sites.
- Racist, sexist, homophobic or other discriminatory behaviour.
- Undertaking any activity which involves radicalisation.
- Engaging in gang related activities.

## **Appendix 2**

### **External Agency Involvement**

Where any member of staff has reason to believe that a learner may have committed a criminal offence, the College may refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the learner pending the outcome of police enquiries and any charges which may be brought against the learner.

The Assistant Principal: Learner Experience and Support will liaise with the police to confirm whether there is any reason why the disciplinary proceedings should not continue.

Where the learner has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known, the College reserves the right to recommence proceedings under this procedure in relation to the matter.

It is emphasised that in relation to the application of this procedure, the College is not bound by the results of any criminal proceedings against learners.

In all matters that involve the radicalisation of learners, the Designated Safeguarding Lead will liaise with the local Channel\* Panel or any other appropriate body. In appropriate circumstances, the Designated Safeguarding Lead will liaise with Essex Children's Safeguarding Board.

*\*Channel is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. The programme uses a multi-agency approach to protect vulnerable people by:*

*a. identifying individuals at risk;*

*b. assessing the nature and extent of that risk; and*

*c. developing the most appropriate support plan for the individuals concerned.*

*Channel may be appropriate for anyone who is vulnerable to being drawn into any form of terrorism. Channel is about ensuring that vulnerable children and adults of any faith, ethnicity or background receive support before their vulnerabilities are exploited by those that would want them to embrace terrorism, and before they become involved in criminal terrorist related activity'.*

'Protecting vulnerable people from being drawn into terrorism'  
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Learners who have an EHCP in which the College is named and learners who are in the care of the Local Authority may need additional external agency support if involved in sanctions within this policy.

Where a learner has an EHCP (in which we are named) the breach and sanction (Level 2 and above) will be communicated to the Head of ALS, or their deputy who will inform the relevant external agency.

Where a learner is in the care of the Local Authority the breach and sanction (Level 2 and above) will be communicated to the Social Worker or the Virtual School.

### Appendix 3 - Flow chart

