

# Learner Performance and Behaviour Policy

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Reference(s): A: WS Training Procedures

**Purpose:** To provide a positive environment for teaching and learning. WS Training is committed to ensuring that the rights of individuals are respected and that each person is treated with dignity, respect and courtesy at all times.

## Policy

### 1 INTRODUCTION AND SCOPE OF THE POLICY

WS Training Summary Learner Performance and Behaviour Policy are published on the G Drive for staff and available in Centre for learners. Learners' responsibilities are clearly shown, as are expectations around behaviour. Generally, staff will speak immediately and informally to an individual learner or to groups of learners who are misbehaving, drawing to their attention why the behaviour is unacceptable. If, however, the misconduct is of a serious nature and requires more formal action the procedures noted below in the Learner Performance and Behaviour Policy will be followed.

This policy applies to all situations where a member of the Providers community is involved in activities relating to their work or study, including representing the Provider away from the main site and travelling to and from the Centre.

The Policy will be used in a positive way to help learners who are displaying a pattern of misconduct, absence and/or poor performance to agree an action plan designed to help them correct their misconduct so that they may have the opportunity to complete their studies successfully.

The Learner Performance and Behaviour Policy applies to all Learners, aged 16 upwards, and is intended to ensure procedural fairness, consistent and just treatment, that the facts relating to misconduct are clearly established and accurately recorded, and matters are fully and appropriately investigated before disciplinary action is taken.

WS Training acknowledges that sometimes learners with learning difficulties or disabilities may display behaviour which may ordinarily result in disciplinary action, but it may be more appropriate to deal with these matters outside of this procedure. In such cases, staff will seek advice from a manager within the centre

There are four elements to the Policy: Informal; Personal Performance Concerns and Stage 1 and formal; Stages 2 and 3.

Incident reports – for single incidents of inappropriate behaviour	
Stage 1	for incidents of continued poor behaviour
Stage 2	for serious misconduct
Stage 3	for very serious misconduct

The informal stage using Incident reports and Stage 1 is used to support learners in making positive changes to their performance and behaviour.

**THE Learner can expect** at all stages of the process:

- a) to be informed clearly about the alleged misconduct;
- b) to receive in advance of formal meetings copies of documents, including reports from staff and/or other persons, relating to the alleged misconduct (the extent of this will depend on the seriousness of the alleged misconduct);
- c) to be informed of the date and time of any interview and where it will take place and who will attend;
- d) to have the right to be accompanied at Stage 2 and Stage 3 of the formal disciplinary process by a friend and/or supporter (e.g. communicator/interpreter);
- e) to know that parents/guardians of learners who are under 19 (or, appropriately, of learners of any age who have learning difficulties/disabilities) will be kept informed of all action taken under Stage 1, 2 and 3 procedures;
- f) that the employers of work-based learning and employer-sponsored learners will be advised of any action taken under the Learner Performance and Behaviour Policy;
- g) that WS Training will report to the police offences/activities that might lead to a criminal conviction;
- h) to know that decisions (outcomes) will not be agreed until learners have had an opportunity at meetings to present their account of the alleged misconduct; that is,
  - unless, a learner does not turn up for a meeting, in which case a decision may be reached in their absence; and/or
  - Unless, the misconduct is very serious and police have been involved, in which case WS Training may decide to suspend their investigations until the police investigation is completed and the outcome known. Once the outcome of the police investigations is known, a decision will be taken on whether or not to proceed with disciplinary investigation/action;
  - that at all stages learners will be given the opportunity to agree actions to help them correct their behaviour:
- i) that the learner and parent(s)/guardian(s)/employer/sponsor will receive confirmation in writing of the outcome of formal meetings,
- j) Information about all stages of the disciplinary actions will be monitored to ensure the way in which the procedure is being applied ensures fairness, consistency and just treatment.

## 2 GUIDELINES FOR IMPLEMENTATION

### Incident reports ( IRs) and daily learning records (LRs)

IRs and LRAs are discussed to encourage positive change in learner performance and behaviour by agreeing actions and support needed within a given timeframe.

All staff shall have a responsibility to correct minor lapses in learner behaviour and conduct through informal verbal warnings.

**STAGE 1: CONTINUED POOR BEHAVIOUR** - normally dealt with by the relevant tutor

Tutors are responsible for monitoring IRs and LRs, and in liaison with team will agree when appropriate to move to Stage 1 if there appears to be no real improvement in Learner's behaviour.

**The Tutor:**

- a) Will normally contact the learner and arrange a meeting to talk, offer appropriate support and explain the consequences if the behaviour is repeated.
- b) Advise the learner that a copy of the report of the meeting and a covering letter will be sent to their parents if they are under the age of 19.
- c) Will ensure that the Stage 1 is recorded and will monitor and consider progress at reviews.

**STAGE 2: SERIOUS MISCONDUCT** for incidents of a more serious nature (normally dealt with by Manager)

- a) member(s) of staff identifying misconduct, or having the misconduct reported to them, will speak to the learner immediately drawing to their attention why their behaviour is inappropriate; and/or
- b) as appropriate, report the circumstances to a manager in the centre.

**The Manager** (or other appropriate member of staff):

- will contact the learner immediately/on the same day to inform the learner of the alleged misconduct and advise that they will be subject to Stage 2 of the formal Learner Performance and Behaviour Policy; and
- will arrange for any investigation to be undertaken if appropriate
- for learners under the age of 19 years - the Manager or Tutor will make telephone contact with their parent / guardian to inform them of the issue
- They will arrange a formal meeting with the learner to take place within 5 working days of the reported misconduct or completion of investigation at which the lapse / repeated lapse in acceptable behaviour will be explored and appropriate support offered. The learner will be advised of the reason that a written warning is being given, the standard of behaviour expected from the learner in the future and the consequences of repeated unacceptable behaviour
- At the meeting the Manager will review any documents and complete a record of formal meeting and Action Plan (if appropriate).
- will undertake Review Meeting if required
- Will send copies of Record of Meeting and Review Meeting to the learner, parents/guardian, and a copy to be placed in the learner file.

**STAGE 3: VERY SERIOUS MISCONDUCT** (normally dealt with by Senior Management)

WS Training will report to the police offences/activities that might lead to a criminal conviction. The learner may be suspended pending the outcome of any police investigation and follow-up action for relevant criminal convictions will be taken. Where learners who are accused of a relevant crime committed outside W S Training and where police investigations are in progress or a court case is pending W S Training may also take appropriate action.

- a) all incidents of a very serious nature will be reported immediately to the Senior Management Team
- b) a written report will be prepared immediately by the person (or persons) observing and/or reporting the incident(s)
- c) if, when reported, the member of the Senior Management Team assesses the offence could lead to criminal proceedings the matter will be reported immediately to the Chief Executive and the police will be contacted unless
- d) W S Training staff has already summoned the police, or for whatever reason the police are already involved
- e) At the discretion of the Senior Manager the learner may be asked to leave W S Training for a short 'cooling off' period in order to defuse a situation or on grounds of health and safety. A cooling off period will not normally be longer than 2 working days.
- f) Alternatively, a member of the Senior Leadership Team may suspend a learner's right to attend W S Training, either during a period of investigation in relation to a particular instance or if they are judged to be a danger to themselves or other people.
- g) The Senior Manager will advise the learner of the suspension or 'cooling off' period and the learner will be escorted from the premises at the earliest opportunity, with a provision being made for staff supervision until the time that the learner is able to leave the site. In the case of a suspension the learner will receive a letter confirming the suspension and the reason for the action being taken. Where a learner is under the age of 19 years the Manager or Tutor responsible will make immediate contact with the learner's parent / guardian to advise them of the suspension or cooling off period. They will also receive a copy of the confirmatory letter.
- h) Wherever possible work will be sent to the learner during a period of suspension and arrangements made to enable the learner to take externally set examinations.
- i) If a learner is suspended pending a police investigation and is absent for a prolonged period, WS Training reserves the right to withdraw the learner if it is judged that the learner has missed too much teaching and learning in order to achieve their qualification(s).
- j) **IF** the matter is not thought to be criminal in nature, or the police advise that criminal proceedings will not be pursued, or criminal proceedings have been pursued but the learner has been found not guilty the Manager will:
  - ensure the facts of the incident are clearly and justly established; and,
  - if there is any uncertainty about any aspect (or the learner disputes the allegation) will arrange for a formal investigation to be carried out by a Manager or Team Leader who has no prior knowledge of the learner or the incident.

- arrange a date for a formal interview with the learner to be held within 5 working days of the incident, or following the outcome of the investigation
  - The meeting to include the investigating officer or other appropriate staff, learner and learner's parents.
  - Following the meeting the Senior Manager will complete a written report and recommend any sanctions to be applied if the case for misconduct is found.
- k) If the incident causes any damage to WS Training's premises or property the learner and/or parents/carers will be liable for any costs incurred by this damage

All reports and relevant documentation will be forwarded immediately to a member of the Senior Management Team:

- review recommended sanctions for agreement
- the learner is written to within 5 working days to confirm the outcome, setting out clearly any penalty imposed, the appeals process and if exclusion/suspension is a penalty what procedure must be followed if the learner wishes to reapply to study at WS Training following the period of exclusion.

### 3 PENALTIES

#### **Stage 1 - Minor Misconduct:**

- a) The Stage 1 report agreed between the Tutor and the learner will include an action plan designed to help the learner to correct their behaviour.

#### **Stage 2 - Serious Misconduct:**

- a) An action plan will be agreed with the learner, who should be made aware that the misconduct may be referred to in any references for universities and/or employers for a period of up to six months.
- b) A written warning will be issued alongside the action plan, reinforcing the timescale for expected improvement in behaviour and advising that failure to improve would result in moving to Stage 3 of the Learner Performance and Behaviour Policy.

**Stage 3 - Very Serious Misconduct:** penalties imposed against Learners for misconduct may include:

- a) A written warning. However, if the learner repeats the misconduct within a specified period (up to six months) they may receive a further written warning. Three written warnings may result in withdrawal from programme
- b) offences relating to examinations and/or coursework (for example, cheating of any kind, using mobile phones in exams) will be reported to Awarding Bodies with the most likely penalty being failure in the exam or, in extreme cases, the whole award
- c) fixed period of suspension or exclusion, with the learner required to write to the Senior Management Team seeking readmission/permission to reapply
- d) permanent exclusion

#### **Notes:**

- Only the Manager in centre may decide whether a learner should be suspended for any period of time.
- A period of suspension should not be seen as a judgement against the learner.
- A learner is not entitled to receive any Bursary payments during a period of suspension
- Only a Senior Post holder may decide whether a learner should be **excluded** for a period of time

## 4 APPEALS

Appeals relate to Stages 2 and 3 of this policy.

**THE Learner** must write to the Senior Management Team within 14 days of the date of the letter confirming the outcome of the Stage 2 or 3 meeting and any penalty imposed. The learner's letter must clearly specify the grounds for the appeal. Learners may ask for help in writing the letter.

An appeal will be considered by the Senior Management Team only:

- if there is evidence that the Team leader/other member of staff investigating the incident has not made reasonable efforts to acquire all relevant information; or
- new evidence has become available that could affect the decision and resulting penalty; and/or
- there is evidence of prejudice or bias; or
- Evidence that the disciplinary process has not been properly followed.

Any period of suspension being served by the learner will continue throughout the duration of the appeal.

The learner may present the appeal in person, in writing or may be represented by an adviser or friend. The Disciplinary process is an internal W S Training process, and legal representatives may accompany learners and take notes, but would not be permitted to speak unless invited to do so.

Following consideration, the Senior Management Team may:

- allow the appeal and review the judgement;
- confirm the original outcome, but recommend a lesser penalty, or
- Reject the appeal.

The outcome of the Disciplinary Appeal will be sent to the learner in writing within five working days of the hearing.

Related Procedure/Documents Anti Bullying Policy and e-safety Policy

Month to Review: August 2018