Cardiff and Vale College
Coleg Caerdydd a'r Fro

Learner Relationship Management (Citizenship and Conduct) Procedures

1. Scope and Purpose

1.2 Ensure a fair and consistent framework where positive behaviour is encouraged and recognised and in which disciplinary issues can be resolved within a supportive environment.

1.3 Encourage a whole College approach to issues relating to behaviour management and the promotion of positive working relationships between all staff and students.

1.4 Provide clarity regarding behaviour(s) expected of learners and staff.

1.5 Determine the principles and procedures which will apply in the event of a learner of the College being considered to behave in an unacceptable manner or, if they fail to sustain a satisfactory academic record.

1.6 Determine procedures and guidance and support to all staff when dealing with issues relating to behaviour management or poor academic progress.

2 Application

2.1 These procedures apply to all behaviour management issues arising in respect of the behaviour of current learners of the College whilst within the College and/or whilst engaged in College related learning or other activities.

2.2 This procedure also applies when learners fail to sustain a satisfactory academic record.

2.3 This procedure may also apply to learner behaviour off premises and in learners' own time where the reputation of the College is compromised.

2.4 It is acknowledged though that sometimes learners with additional learning needs or disabilities may display behaviour which would normally result in disciplinary action, but that it may be more useful to deal with these matters outside these procedures. Also in certain circumstances the Fit to Study Policy may be more appropriate to apply.

2.5 This policy applies to all learners without exception; the College's cohort of learners includes school age children between the ages of 14 to 16 years old, mature adult learners, work-based learners, FE funded and fee paying learners.

Revision No:	6
Last Revision Date:	20/03/20
Next Revision Date:	20/06/21

2.6 Staff are asked to refer to the document, "Code of Conduct: Guidance to Safeguard Staff" and other HR policies.

3 Rights

3.1 The right to feel safe within the College environment and at all times whilst involved in College related learning activities.

3.2 The right to learn within an environment where others demonstrate positive and appropriate behaviour.

3.3 The right to be treated with respect by staff, learners and others.

4 Responsibilities

4.1 To act in a manner that ensures and respects personal safety and the safety of others.

4.2 To allow others to learn within an environment of positive and appropriate behaviour.

4.3 To treat all others with respect.

5 Restorative Approaches to Behaviour Management

5.1 The College is committed to working with staff and learners to develop an understanding of positive working relationships and an awareness of the impact of individual behaviour on others. All staff and learners are responsible for supporting and encouraging positive behaviour in others and responding to incidences of disruptive behaviour and poor academic progress in a consistent and appropriate manner.

5.2 All staff are expected to take a leading role in the management of behaviour during lectures, in public areas of the College and for addressing poor academic progress. It is expected that staff will use a variety of behaviour management techniques, strategies and skills.

5.3 Cardiff and Vale are committed to working a restorative approach, creating relationships which aim to create a College community where individuals feel comfortable, valued and respected. A restorative approach constitutes an innovative way to deal with inappropriate behaviour which puts repairing harm done to working relationships and people over and above the need to assign blame and dispense punishment (Wright 1999).

5.4 A restorative approach involves a conversation which allows everyone affected by harmful behaviour, a conflict situation or a problem the opportunity to express thoughts and feelings about what has happened, explain how they have been

affected by it and what they feel needs to happen in order to repair the harm so that they may leave the situation behind. It also encourages a learner to rethink their behaviour patterns in terms of academic progress.

5.5 The restorative approach involves a number of key processes which include restorative enquiry (listening to draw out an individual's account of an incident), circle time and mediation (between victim and offender).

5.6 The College has developed a set of values which in turn will underpin the behaviours that are required by both staff and learners to support the development of the restorative approach.

- Be Respectful and Responsible
- Be Safe and Resilient
- Be Ready to Learn

5.7 The college recognises that the Restorative Approach has the potential to make a significant contribution in;

- the College being a safer, happier, more inclusive community where people have a sense of belonging.
- raising self-esteem and morale of individuals.
- tackling inappropriate/bullying behaviours.
- raising attendance and improving retention and achievement.
- reduce exclusion and the need for exclusion.

5.8 Communicating a set of core values to staff and learners which will establish clear boundaries, routines and behavioural expectations and will be critical in ensuring the development of an ethos and culture of positive behaviours and working relationships This in turn will create an environment where people feel happy and comfortable to study and work and where poor behaviour and academic performance are not tolerated.

5.9 Informing the College community about the restorative approach to managing working relationships and the associated expected behaviours and processes to ensure that everyone is aware of what they should do in the event of inappropriate behaviour/poor academic progress. This aims to ensure that inappropriate behaviour and poor academic progress will be managed in an appropriate and consistent manner.

5.10 Providing training for staff in order to support the implementation of the restorative approach. There is an expectation that staff will work with learners to establish clear behavioural expectations and responsibilities, recognise the positive adherence to these and will clearly articulate and identify the responsibilities and consequences of failure to demonstrate appropriate behaviour.

5.11 Training for learners via the induction and tutorial programmes and by using cross-college publicity and posters.

5.12 Recording and monitoring instances of poor behaviour/poor academic progress to ensure that the correct procedure is being followed and that we respond effectively to any areas of concern or trends.

5.13 Reviewing regularly the effectiveness of our policy, procedure and our response to and acting on any areas of concern.

6 Responsibilities

6.1 Senior Management are responsible for:

6.1.1 Reviewing and managing the LRMCC Policy and the attached procedures, including the appeals process in respect of any outcomes that the LRM process brings.

6.1.2 Monitoring and responding to instances of inappropriate student behaviour and poor academic progress within their departments and for addressing these behaviours in a restorative manner in order to mend working relationships.

6.1.3 Ensuring that the delivery of curriculum classes and tutorials supports and embeds restorative practices and does not contravene the requirements or spirit of this policy.

6.1.4 Listening to and investigating appeals in response to the outcomes of the LRM process. Providing appropriate training and development for staff to support the implementation of this policy.

6.2 All Staff are responsible for:

6.2.1 Ensuring that their behaviour reflects the College core values.

6.2.2 Being aware of the Learner Relationship Management Policy and for implementing the associated procedures

6.2.3 Fully support the College commitment to the embedding of the Restorative Approach.

6.2.4 Attending CPD events on aspects of learner relationship management using the Restorative Approach.

6.2.5 Supporting our learners through the process.

6.3 Learners are responsible for:

6.4.1 Behaving in a way that supports the Policy across the College.

6.3.5 Attending induction and tutorial sessions to ensure they are aware of the policy and the expectations regarding behaviour.

6.3.6 Adopting the restorative approach in order to mend working relationships to allow all to continue safely in the learning process.

6.3.7 By signing the Learner Agreement, all learners have agreed to follow the Learner Relationship Management Policy and procedures of the College.

7 Procedure Workflow

7.1 The LRMCC procedures for the recording, management and determination of breaches of the policy and procedure are found in Appendix 1

7.2 The LRMCC procedures for the recording, management and determination of breaches of the policy and procedure by learners on the Junior Apprentice Programme are found in Appendix 2.

7.3 The LRMCC procedures for the appeal of decisions determined by panel hearing at stage 5 are found in Appendix 3

Linked Procedures

- Learner Relationship Operational Procedures
- Bullying and Harassment
- Fit to Study
- Substance Misuse
- Health and Safety
- Equality and Diversity
- Safeguarding
- Student Complaints

Procedure Appendices

Appendix 1 - Workflow
Appendix 2 – Workflow for Junior Apprenticeships
Appendix 3 – Appeals
Appendix 4 – Behaviour Threshold Indicators

Location and Access to the Policy

This is available from the website/ staff intranet/ Moodle and may be out of date if printed.
There is a Welsh version of this document available.

Date approved:	**Responsible Manager: Dean of Learner Journey**
Approved by: CQSA	**Executive Lead: Vice Principal for Curriculum & Standards SJ**
Review date: 20/06/2021	**Accessible to Students: Yes**

Revision No:	6
Last Revision Date:	20/03/20
Next Revision Date:	20/06/21

Cardiff and Vale College
Coleg Caerdydd a'r Fro

Appendix 1 - Workflow

Learner Relationship Management Operational Procedures
Flow Chart 2020-21

Stage 1 (Informal)
Restorative/Supportive Conversation

Student displays initial poor performance (poor behaviour or academic progress). Focus your questioning upon identifying any underlying causes of the displayed conduct and consult conduct indicators. In the rare instances where a learners' conduct is such that it breaches our gross misconduct, HoD should be contacted immediately, at which point the learner may be suspended pending investigation.

Stage Owner – Lecturer/Tutor

Recording Method – all details of restorative conversation to be recorded in Learner Performance Log in EBS ONTRACK.

When does it reach stage 2? – After three recorded instances

↓

Stage 2 (Formal) - Cause for Concern
Following three restorative conversations, if the learner's conduct does not improve. Lecturer/Tutor conducts a cause for concern meeting, following a PBC approach;

a) **Prior Events**– the events and activities that led up to/contributed to the learner's conduct.

b) Behaviour – the behaviour that the learner displayed.

c) **Consequences**- the consequences of the event, and the impact of the conduct on learners and others. This is not about future consequences.

Stage Owner – Lecturer/Tutor

Recording Method – all details of restorative conversation to be recorded in Learner Performance Log in EBS ONTRACK.

When does it reach stage 3? – After three recorded instances

↓

Stage 3 (Formal) – First Behaviour Warning
Following three Cause for Concern conversations, lecturer/tutor conducts behaviour warning meeting using the stage 3 question set;

1. What happened?
2. What were you thinking about at the time?
3. Who has been affected?
4. Is there additional support that would help you?
5. What do you need to do to put things rights?
6. What are the agreed actions/outcomes?

Stage Owner – Lecturer/Tutor

Recording Method – Details to be recorded in First Behaviour Warning section on EBS ONTRACK, with actions and outcomes monitored by the lecturer/tutor

When does it reach stage 4? – The warning remains active for six weeks. Any further behaviour instances will trigger stage 4. If there are no further issues within six weeks, the first behaviour warning is deemed to be actioned.

Cardiff and Vale College
Coleg Caerdydd a'r Fro

Stage 4 (Formal) – Final Behaviour Warning

Following the breach of a First Behaviour Warning, a final behaviour warning is conducted by the departmental DHoD or HoD using the stage 4 question set;

- What were the outcomes/actions agreed at the last meeting?
- Why have these not been achieved?
- What can be changed now to ensure you do meet these targets?
- Do you understand the seriousness of the situation and that your place at College may be at risk?
- What are the agreed actions/outcomes?

Stage Owner – Lecturer/Tutor

Recording Method – Details to be recorded in Final Behaviour Warning section on EBS ONTRACK, with actions and outcomes monitored by the lecturer/tutor in conjunction with DHoD/HoD

When does it reach stage 5? – The warning remains active for six weeks. Any further behaviour instances will trigger stage 5. If there are no further issues within six weeks, the first behaviour warning is deemed to be actioned.

Stage 5 (Formal) - Disciplinary Hearing

Following the breach of Final Behaviour Warning, a disciplinary hearing is chaired by Dean of Faculty and HoD, using the Stage 5 question set;

- Do you understand why you have been invited to this meeting?
- Can you explain what has brought you to this point and why actions/outcomes have not been achieved?
- Is there anything else you think we should know?

There are four potential outcomes from this meeting;

- Learner remains on course with further targets set.
- Further investigation is required following material disclosed at the hearing, requiring another hearing.
- Suspension for a fixed term
- Exclusion

Stage Owner – Dean of Faculty

Recording Method – Details to be recorded in Disciplinary Hearing section on EBS ONTRACK, with actions and outcomes monitored by the DHoD/HoD.

Decision Method – Dean and HOD consult and agree the decision. Learner is informed of the decision. If the outcome is suspension or exclusion. A formal exclusion letter is sent to the learner within 5 working days of the meeting. This is actioned by the Dean of Faculty with a copy sent to HoD ALN and Wellbeing.

Can the learner appeal? – A learner cannot appeal on a decision of fact. An appeal may be heard by member of the senior leadership team if;

- There is a fundamental breach in procedure which is likely to have a substantial effect upon fairness and equity.
- If new evidence comes to light which is not known to the Dean/HoD at the relevant time.

Good Practice Guidelines

- Recorded all stages using EBS ONTRACK – Try not to use paper records, they cannot be accessed centrally and pose a data protection risk.
- Try and unpick any cause of the behaviour/conduct- access Learning Coaches, Wellbeing Officers, EPOs to see if they can help
- It may be useful to invite an advocate when speaking to a learner – this could be a parent, carer, guardian, professional advocate.
- Record any behaviour conduct in the PBC format – this places the behaviour in context and removes the subjective element linked to an incident.
- Remind the learner of the College expectations – link your conversations around these (Be Responsible and Respectful, Be Ready to Learn and Be Safe and Resilient)

Appendix 2 – Workflow for Junior Apprenticeships

Learner Relationship Management Operational Procedures for Junior Apprenticeships Flow Chart 2020-21

Stage 1 (Informal) ~ Restorative/Supportive Conversation (RC)
Junior Apprentice learners display initial poor performance (attendance, punctuality, poor behaviour, non-submission of work, work submitted but not up to acceptable standard).

As this is behaviour is commonplace amongst Junior Apprentices, staff are not expected to log every conversation relating to behaviour.

This stage is managed by the Subject Teachers/course tutor, learning coaches or any member of College staff who is involved in an incident.

↓

Stage 2 ~ Cause of Concern (NC)
However, if there is no improvement after a period of time the member of staff to log the conversation in the LRM section in EBS ONTRACK. At this stage staff to conduct an informal restorative conversation using the restorative question set as a guide.

This stage is managed by the Subject Teacher/Course Tutor or another member of college staff. However, the Schools' Manager, Department Heads and the Schools Administrator must be kept informed. Parents/Carers will be sent a letter as a result.

↓

Stage 3 (Formal Warning) ~ First Behaviour Warning
When a learner receives three Causes of Concern the Subject Teacher/Course Tutor should meet with the learner to complete First Behaviour Warning. This prompts discussion of performance concerns using the restorative question set. The learner completes an agreement which states how they intend to improve their performance moving forwards and if they require any additional support.

First Behaviour Warning to be reviewed by the Subject Teacher/Course Tutor after five working days. (Any further Causes of Concern will initiate the next stage or if targets are not met).

This stage is managed by the Subject Teacher/Course Tutor or DHOD/HOD in conjunction with the Schools Manager. Parents/Carers to be invited to the meeting and the relevant school will be informed.

Stage 4 (Panel Meeting) ~ Final Behaviour Disciplinary
Meeting between the Head of Department, Schools Manager, Local Authority Representatives, Parents/Carers and any other relevant parties. The discussion focusses on concerns raised to date.

Possible outcomes include:

- The learner remains on course, but with stipulated conditions
- The learner returns to school following consultation with home school and local authority
- The learner is referred to a partner organisation

This stage is managed by the Schools Manager in conjunction with parties listed above.

Good Practice Guidelines

- Recorded all stages using EBS ONTRACK – Try not to use paper records, they cannot be accessed centrally and pose a data protection risk.
- Try and unpick any cause of the behaviour/conduct- access Learning Coaches, Wellbeing Officers, EPOs to see if they can help
- It may be useful to invite an advocate when speaking to a learner – this could be a parent, carer, guardian, professional advocate.
- Record any behaviour conduct in the PBC format – this places the behaviour in context and removes the subjective element linked to an incident.
- Remind the learner of the College expectations – link your conversations around these (Be Responsible and Respectful, Be Ready to Learn and Be Safe and Resilient)

Appendix 3 – Appeals

Rationale

The appeals procedure is in place to ensure that learners in the College are treated fairly and have the right to appeal the outcome of the Learner Relationship process.

Learner have a right to appeal if they consider the process:

- has not given the learner the opportunity to have their case fairly heard;
- has treated them unfairly throughout the process;
- has not followed the College's Learner Relationship Management Policy and procedures.

Procedure

- The learner must lodge their appeal in writing to the Head of Learner Support Services within 5 working days of notification of their exclusion from the College.
- An Appeals Panel will meet within 10 working term time days of the appeal being received by the College.
- The Appeals Panel will consist of 3 people drawn from the College's management team. The members of the panel will not be connected with the original misconduct LRM process.
- The learner may present their case to the Appeals Panel and may bring witnesses to support their case and may be accompanied by a parent, guardian or friend. Learners under the age of 19 will be expected to bring a parent/guardian with them.
- Any new evidence to be brought by the learner must be submitted to the College 5 working days before the appeal is heard.
- If you cannot attend the hearing because of circumstances beyond your control you should advise the College as soon as possible. The College will make all reasonable efforts to reschedule any hearing. However, if you do not inform the College that you cannot attend the Appeals Panel will go ahead in your absence.

Outcome

The outcome of the appeal may be:

- To confirm the decision of the attendance, complaints, harassment or disciplinary panel or to confirm the assessment decision.
- To modify or overturn the decision of the disciplinary panel or to modify or overturn the assessment decision.

The judgment of the appeals panel is final and there is no further right of appeal. This will be issued in writing to the learner within 3 working term time days of the hearing.

Cardiff and Vale College
Coleg Caerdydd a'r Fro

Levels of Learner Behaviour - Guidelines

Minor Misconduct

Minor misconduct may justify an informal conversation, however, required a Cause of Concern may be issued would start the formal LRM process. However, in the case of Junior Apprentices issuing a Cause of Concern is at the teacher's/manager's discretion.

Examples of minor misconduct are:

- Persistent lateness, unauthorised absences, use of mobile phone in classes.
- Not submitting coursework or assignments without prior explanation,
- Not following reasonable instructions.
- Low level cheeky/disrespectful remarks.
- Disrupting a class or other College area/activity (e.g talking loudly, swearing (not directed at anyone in particular), play-fighting).
- Smoking outside of the designated smoking areas.
- Inappropriate behaviour on College transport.
- Wearing inappropriate clothing (e.g. t-shirts which display words/images that could offend).

Serious Misconduct (Behavioural Incident)

Serious misconduct may involve a temporary suspension whilst a full investigation of the incident is completed. Lecturers/Tutors should inform their DHoD/HoD and record the incident on EBS ONTRACK. Pending the outcome of the investigation, the learner may be invited to a 'Return to Study' meeting chaired by the appropriate Head of Department (for Junior Apprentices this will be with the support of the Schools Manager if necessary) to discuss the incident or progressed through the LRM process.

Examples of serious misconduct are:

- Verbal abuse/facing up to a member of staff/ fellow learner (that may involve swearing);
- Inappropriate comments towards others based on grounds of gender, race, sexual orientation, disability or religious belief etc;
- Fighting (not to include play fighting);
- Deliberate damage to College property or the property of others;
- Being under the influence of alcohol;
- Serious incidents of bullying (including Cyber bullying);
- Breaches of health and safety regulations, e.g. interference with safety notices/H & S equipment;
- Misuse of internet or other computer related programmes or equipment, e.g. for the purpose of viewing obscene materials/possession of obscene materials;

- Misuse of mobile phones e.g. inappropriate capture, use or distribution of images;
- Driving recklessly or over the speed limit on College Campus;
- Inappropriate sexual behaviour;
- Plagiarism should be treated as serious or gross misconduct under this Policy, depending on the circumstances.

Gross Misconduct

Gross misconduct will normally involve a temporary suspension whilst a full investigation of the incident is completed. If the investigation indicates gross misconduct the learner will be referred to a Disciplinary Hearing attended which could result in exclusion from the College.

Junior Apprentice Disciplinary Hearings will be attended by College and Local Authority representatives. Any excluded learners may be referred back to schools or to other partner organisations.

Examples of gross misconduct are:

- Abusive language/threats against a member of staff, fellow student or visitor;
- Harassment/victimisation of others based on protected characteristics e.g. gender, race, sexual orientation, disability or religious belief etc;
- Physical assault;
- Carrying an offensive weapon;
- Deliberate damage to College buildings or property or the property of others;
- Being under the influence of illegal drugs, in possession of illegal drugs, taking or attempting to buy or sell illegal drugs on College premises;
- Theft of property;
- Mugging;
- Committing arson on College premises;
- Misue use of the College's IT infrastructure.
- Plagiarism should be treated as serious or gross misconduct under this Policy, depending on the circumstances.

Please note the following:

- The above lists are neither prescriptive nor exhaustive – they are intended as a guide only. The categorisation of misconduct is a matter of professional judgement and this may alter as a result of information gained in investigating or hearing the matter.

- Certain conduct may potentially constitute a breach of law and will normally be reported to the police.

Cardiff and Vale College
Coleg Caerdydd a'r Fro

CoVid 2019 Learner Relationship Management