

**Policy/Procedure Name:** Learner Performance and  
Conduct Policy

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**Approved by:** Executive Team

## Policy Version Control & Worksheet

Please ensure you complete the below table once you have checked this policy, to log acknowledgement of the sign off process.

Name	Date	Comments Made (Y/N)
Sarah Clancey	19/03/24	Yes
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## 1.0 Policy Statement

Brooklands College is committed to providing a fair and supportive environment for all learners. Our values of personal growth, inspiration, care, and collaboration guide our approach to performance and conduct.

- **We Champion** growth and success, appreciating the ideas, values and beliefs of everyone.
- **We Inspire**, motivate and raise aspirations through sharing good practice, taking risks, innovating and embracing change.
- **We Care**, we are compassionate, we foster a safe and supportive environment which enables everyone to grow and flourish.
- **We Collaborate** and build high quality, positive relationships to deliver high quality education and skills

It is College policy that all learners at Brooklands College are treated equitably and fairly and that the Performance and Conduct procedures are applied consistently across the College with due regard to the College's Learner Code of Conduct, the College's Health and Safety Policy, Equality and Diversity Policy and the Anti-bullying and Harassment Policy. The balance between positive reinforcement, support and discipline are fundamental to a fair and effective performance and conduct policy.

## 2.0 Scope

The purpose of the Performance and Conduct policy and procedure is to encourage positive performance and conduct; whilst challenging and supporting behaviour that falls short of the required standards expected in the College and community (including work places).

This policy is important because it helps to create a safe, calm, and supportive learning environment for all learners, staff, and visitors. By setting clear expectations for behaviour and providing clear consequences for those who break the rules, the college can help to ensure that its students are behaving in a way that is conducive to learning and to prepare them for the world of work.

Learners who behave in a respectful, responsible, and considerate manner are more likely to:

- Feel safe and secure in the college environment.
- Be able to focus on their learning.
- Build positive relationships with their peers and teachers.
- Contribute to a positive learning environment for everyone.
- Be more prepared for the world of work.

This policy applies to all enrolled learners of all ages, and covers misconduct alleged to have occurred on the College premises or other activity carried out as part of the learner's programme of study. This includes work related activities, College educational visits and the use of ICT including e-safety behaviour which may occur on or off College premises.

Parents/carers of learners aged under 18 at the start of their course will be informed of performance and conduct matters. Once a learner becomes 18 they may request that parents/carers are not informed (to be recorded on ProMonitor), however apprentice employers will be informed at each stage.

The parents/carers of learners with learning difficulties and disabilities in receipt of an Education and Health Care Plan (EHCP) or high needs funding or other vulnerable adults will always be informed of action taken against the learner under the College's disciplinary policy. Learners with English as their second language will be offered appropriate support with procedures.

The Performance and Conduct procedure is designed to establish the facts promptly and thoroughly, and to deal consistently and fairly with performance and conduct issues.

The College values should be maintained and consistently aligned to all sections of this policy.

### **3.0 Principles**

As a College Community we will ensure a safe and resilient environment promoting professional behaviours, social innovations and inclusion. We will work together to reinforce the College Code of Conduct, promoting professional expectations and standards to enable learners to be successful in their chosen careers.

It is important that all staff apply a consistent approach to the implementation of this policy, maintaining high professional standards and adhering to the College values.

All staff should apply an equally balanced approach to the recognition of positive behaviour reinforcement, support and discipline.

Reinforcement of positive behaviour comments are as important as cause for concern comments and the expected ratio should be at least equal in distribution. Positive behaviour comments should include (where appropriate) reference to the core College values.

Behaviour is a form of communication and in many cases poor performance and conduct are a symptom of underlying issues and it is important to explore these issues with the learners and liaise with the Safeguarding & Welfare Team, Progress Coaches and the Additional Learning Support Team (ALS) at the earliest point to ensure that appropriate support is provided.

Early intervention with performance and conduct issues is crucial in maximising impact.

## Levels and Responsibilities in the Performance and Conduct Procedure

The College seeks to teach and instil appropriate behaviours in learners to support them in their future lives and careers. The different levels of outcome enable many issues to be dealt with at an early stage, providing support, setting targets and implementing strategies to overcome any difficulties. Levels include:

Stage	Causes	Outcome and Actions	Teacher/Manager Review
Cause for Concern	Minor misconduct	Actions and expectations set for students and recorded on ProMonitor	Follow up discussion with student after 2 weeks to ensure they are on track
Support/ Intervention	Persistent minor misconduct	Early support/ intervention instigated by staff member, with relevant stakeholders with further actions	Follow up meeting to check student is meeting expectations
Stage 1	Continued persistent misconduct	Verbal warning issued with actions to improve, SMART targets	Follow up meeting after the agreed action period to check student is meeting expectations
Stage 2	Persistent Stage 1 behaviour	Written warning issued and action plan created with Smart Targets	Follow up meeting after the agreed action period to check student is meeting expectations
Stage 3	Persistent Stage 2 behaviour or gross misconduct	Final written warning issued and action plan created	Regular check in ensure student remains on track with actions
Stage 4	Persistent Stage 3 behaviour or gross misconduct	Hearing held to discuss suitability of learner continuing at College	Outcome information sent by email and hard copy informing of next steps

Most misconduct behaviours will be dealt with under stage 1 and stage 2; however gross misconduct may go directly to Stage 3 or Stage 4. Please refer to appendix 1 for definitions of misconduct likely to cause intervention action.

The responsibility for implementing each stage of the Performance and Conduct Procedure are detailed in appendix 2 and 3. This arrangement is also intended to ensure that an appeal may be referred to an independent manager more senior to the manager responsible for the initial Performance and Conduct action.

The Community Officer will promote a safe and secure environment for our college community by working closely with all staff and learners to cultivate an inclusive environment of positive and professional behaviours. The role will review trends and support the College in implementing early intervention strategies and embedding restorative practices to improve learner experiences and well being.

## **4.0 Performance and Conduct Procedure**

Throughout the procedure it is essential that any evidence is recorded onto ProMonitor (please refer to Performance and Conduct procedures) which is the College learner communication and recording system. It may not be possible to instigate Performance and Conduct action if the necessary evidence is not available. Recording of evidence is also important in the event that further Performance and Conduct action is required in the future.

The purpose of an investigation is to establish all the facts prior to considering whether a Performance and Conduct meeting is required. At every step in the procedure, the learner will be advised of the nature of the allegation against them and will be given the opportunity to state their case before any decision is made.

Incidents of bullying, harassment and/or discrimination; or concerns around Safeguarding and Prevent must be reported to the Safeguarding Team immediately via MyConcern, in addition to following the formal procedure.

The use of Cause for Concerns on ProMonitor should provide a comprehensive overview of any incident, including the details of the incident, the interventions taken, and the outcome. This should be followed up by the member of staff that logged the cause for concern. Recording of a Cause for Concern on Pro-monitor is not an end in itself, any Cause for Concern recorded on Promonitor must also be accompanied by actions that are time bound and reviewed explaining what interventions are being put in place and when and who will be following them up.

The English and Maths Team will follow the procedure in appendix 2 with the main teacher acting as the designated course lead.

## **5.0 Notification of Performance and Conduct Meeting**

If a learner's performance or conduct fails to meet acceptable standards, they will be notified of the intention to hold a Performance and Conduct meeting. This notification, to be given in writing five working days' in advance of the meeting, will state:

- the date, time and venue of the meeting;
- the nature of the alleged misconduct;
- the name of the member of staff conducting the meeting;
  
- the right or need to be accompanied by a friend, family member or carer.

The investigation paperwork must be supplied to the panel at least two days ahead of the meeting

## **6.0 The Performance and Conduct Meeting**

At the meeting, the allegations of misconduct will be clearly stated. All the evidence regarding the allegation will be presented. The learner will be given the opportunity to state their case. The Chair will review the learner's Performance and Conduct record.

If it is established that the allegations are unfounded then no action will be taken and recorded onto ProMonitor.

If it is established that the learner is guilty of misconduct the outcome of the meeting will be confirmed in writing and recorded onto ProMonitor and MyConcern if required.

Learners and their parents/carers should be notified in writing of the outcome of the meeting within one working week.

The outcome of any meeting is clearly dependent on the severity of the alleged misconduct. The possible outcomes for each stage in the Performance and Conduct are set out in the procedure. It is vital that all evidence/outcomes are fully recorded on ProMonitor at each stage.

The Curriculum & Quality Administrator will take minutes of stage 3 and 4 gross misconduct meetings.

### **Permanent Exclusion**

If, after chairing a Performance and Conduct hearing for gross misconduct, the Director believes that there is clearly no alternative other than to exclude the learner, the learner may be permanently excluded from the College.

Any learner excluded will be offered:

- Careers information, advice and guidance Youth Hub support; to help them make informed decisions about their future.
- The offer of welfare support to help them meet their basic needs.

If a learner wishes to appeal a decision they must follow the appeal process outlined in Section 8.

### **Suspension**

The purpose of suspension is to remove individuals where their presence at College may impede an investigation or constitute a risk to themselves or others. In all cases the reasons for suspension must be made clear to the learner and explained that the suspension is not an indication of guilt.

In the event of an incident involving multiple learners, if the level of involvement is unclear and there are safety concerns, it may be appropriate to suspend all known learners pending further investigation.

Suspension can only be imposed by the relevant Director or members of the Executive Team.

The learner will be escorted off the premises by a relevant middle leader and where appropriate a member of the premises team. During the period of suspension, the learner must remain off-campus unless specifically invited by a member of staff to attend the College for some reason relating to the issue being investigated (for example, to make a statement).

Parents/carers must be informed immediately by telephone on the day of suspension if the learner is under 18 years of age or a vulnerable learner. Employers will be informed if an apprentice is suspended irrespective of age. This should be followed up with the appropriate letter (SP1) on the day that suspension is imposed. Within 10 days the learner must be informed if a Performance and Conduct meeting will take place. Following each of these meetings confirmation of the outcomes must be confirmed in writing.

The 10 days should be considered a maximum period for complex situations involving an extensive investigation or due to high levels of risk. In general the suspension period should minimise the impact of the learners' progress.

In complex situations suspension may be extended beyond the 10 days to allow time for the investigation to be completed, this must be authorised by the Director. In this instance the learner and parents/carers/employers must be contacted and informed of the reasons for extension and the date of the Performance and Conduct meeting (if required).

In addition to the formal suspension process, the Community Security Officer will be authorised to issue a 'cooling off period' to learners on the day of an incident to ensure the safety of all learners.

14-16 learners should not be sent home. The Safeguarding Team and the 14-16 area manager or college administrator should be contacted when 14-16 learners are involved. During a period of suspension, all learners must be provided with planned, individualised learning opportunities to mitigate the loss of learning that may occur during this time.

The details of all suspensions must be recorded onto ProMonitor.

## **Appeals**

If a learner wishes to appeal against a Performance and Conduct outcome they must do so within 10 working days from the date of the letter notifying them of the outcome. Following an appeal, an appeal meeting must take place (letter AH1) with the appeal heard at the appropriate level. Valid reasons for an appeal may be that:

- there has been a procedural error and the learner Performance and Conduct Procedure has been unfairly applied or has been contravened in some way;
- the sanction is disproportionate to the nature of the offence;
- that new evidence has come to light since the Performance and Conduct meeting that may affect the outcome.



## Appendix 1 - Definitions of Misconduct

Minor Misconduct	Gross misconduct
Refusing to take an active part in all lessons identified within the programme of learning	Bringing the College/department into disrepute
Preventing others from learning through persistent disruption	Intentional cheating and plagiarism – copying from other learners, from the internet or other sources and presenting as own work
Failure to follow a staff members' reasonable instruction	Abuse or harassment as defined in the College's code of conduct - including online abuse or harassment to other learners or staff
Rudeness, inconsiderate behaviour	Serious disruptive or offensive behaviour
Misuse of College IT equipment and inappropriate use of IT and social media	Behaviour likely to cause accident or injury to themselves or others
Persistent non-compliance with dress code (including ID badge and adherence to health & safety practices)	Theft or fraud
Defiance against College values, policies and code of conduct on College premises (including break times)	Inappropriate use of the internet and online or phone communications including accessing or transmitting material which is considered by the College to be obscene, abusive, sexist, homo/bi/transphobic, racist, defamatory or in any other way likely to cause offence
Inappropriate language to staff	Inappropriate behaviour resulting from

and/or other learners	the use of recreational drugs or alcohol or the possession of them
Poor attendance and punctuality	Bullying and/or intimidation of staff or learners
Unprofessional behaviour within commercial/ professional setting	Assaulting member of staff or other learner (Stage 4)
Unauthorised absences from work placement	Promotion or selling of drugs (Stage 4)
	Possession of offensive weapons (Stage 4)
	Sexual abuse (Stage 4)
	Arson (Stage 4)
	Other Criminal activity (Stage 4)

\*Note: this is not an exhaustive list of minor or gross misconduct activities.

## Appendix 2 - Performance and Conduct Procedure outline (including on-site apprentices)

Stage	Causes	Actions by	Appeal
Cause for concern	Minor misconduct	1. Cause for concern - issues, actioned and recorded on ProMonitor by any staff member.	
Early Support/ intervention	<p>Persistent minor misconduct.</p> <p>3X cause for concerns issued.</p>	<p>1. Early Support/ intervention can be instigated by any staff member in collaboration with their designated course lead.</p> <p>2. Please invite relevant stakeholders such as Safeguarding and Welfare, ALS and Progress Coach to explore conduct issues with the learner and identify further support to modify performance and conduct.</p> <p>3. Record all actions on ProMonitor.</p> <p>4. Course lead or teacher to contact parent/carer/employer to discuss.</p>	
1	<p>Continued persistent misconduct</p> <p>5X cause for concerns issued.</p>	<p>1. The designated course lead/ teacher explains to the learner the reason for the hearing.</p> <p>2. The designated course lead/ teacher contacts the parent/carer/employer to inform them of the hearing.</p> <p>3. The designated course lead/ teacher chairs the hearing with support from the Progress Coach and Welfare and Wellbeing Officer (WVO).</p> <p>4. Verbal warning is issued if the allegations are upheld.</p> <p>5. The designated course lead/ teacher to contact parent/carer/employer to discuss.</p> <p>6. EHCP Coordinator will be notified to enable timely discussion with the Local Authority.</p>	Programme Manager

2	<p>Persistent Stage 1 behaviour</p>	<ol style="list-style-type: none"> <li>1. The designated course lead/ teacher explains to the learner the reason for the hearing.</li> <li>2. The designated course lead/ teacher contacts the parent/carer/employer to inform them of the hearing.</li> <li>3. The course lead/ teacher chairs the hearing with support from the Progress Coach and Welfare and Wellbeing Officer (WWO).</li> <li>4. Written warning is issued if the allegations are upheld.</li> <li>5. The Course lead/ teacher works with the Progress Coach and WWO to issue the learner with an action plan.</li> <li>6. LS2O (Outcome) letter prepared by the Quality and Curriculum Area Administrator with a copy of the action plan sent/emailed to the parent/carer/employer.</li> <li>7. The designated course lead/ teacher and Progress Coach - monitors and reviews the action plan for two weeks after the meeting (logging progress/details. on ProMonitor) putting in place support, where necessary.</li> </ol>	<p>Programme Manager</p>
3	<p>Persistent Stage 2 behaviour</p> <p>Gross misconduct</p>	<ol style="list-style-type: none"> <li>1. The designated course lead/ teacher explains to the learner the reason for the hearing.</li> <li>2. The designated course lead/ teacher requests that a Stage 3 (LS3) letter is sent to parents/carer/employer inviting them to the hearing.</li> <li>3. The designated course lead/ teacher presents to the Director with support from the Progress Coach, Welfare and Wellbeing Officer (WWO) and Safeguarding Lead as appropriate. The Curriculum and Quality Administrators will attend and take minutes of the meeting.</li> <li>4. Final written warning will be issued if the allegations are upheld.</li> <li>5. The Programme Manager contacts the parents/carer/employer to inform them of the outcome.</li> <li>6. The Programme Manager will work with the designated course lead, Progress Coach and WWO to issue the learner with an action plan.</li> <li>7. LS3O (Outcome) letter prepared by the Curriculum and Quality Administrator with a copy of the Action plan sent/emailed to the parent/carer/employer.</li> <li>8. The designated course lead and Progress Coach - monitors and reviews the action plan for the two weeks after the meeting</li> </ol>	<p>Director</p>

		(logging progress/details. on ProMonitor) putting in place support, where necessary).	
4	Persistent Stage 3 behaviour  Gross misconduct	<ol style="list-style-type: none"> <li>1. The Programme Manager explains to the learner the reason for the hearing.</li> <li>2. The Programme Manager requests that a Stage 4 (LS4) letter is sent to parents/carer/employer inviting them to the hearing.</li> <li>3. Packs of all evidence for this hearing is the responsibility of the appropriate Programme Manager and must be provided a minimum of 2 days prior to the meeting to the Director.</li> <li>4. The Programme Manager presents to the Director. Safeguarding Lead to attend as appropriate. Curriculum and Quality Administrators to attend and take minutes of the meeting.</li> <li>5. Hearing is held to discuss the suitability of the learner continuing at College, along with all evidence to support this final stage.</li> <li>6. Potential for permanent exclusion.</li> <li>7. Response to hearing issued in writing within 5 working days. Letter LS4O to be sent to learner cc parents/carers/employer by Administrators</li> <li>8. Details to be recorded onto ProMonitor.</li> </ol>	Assistant Principal
SEND and 14 to 16 year old Learners	IMPORTANT: Ensure all 14 – 16 and SEND learners are accompanied by an appropriate adult (parent/carer). Check with the 14-16 Administrator/administrator if the learner is on a school roll. If on school roll, contact must be made with the relevant person at the school to advise of any/all meetings that are taking place. The school may wish for a representative to attend the meeting. The Safeguarding Team should attend if appropriate.		
18+	Parents/carers of learners aged under 18 at the start of their course will be informed of performance and conduct disciplinary matters. Once a learner becomes 18 they may request that parents/carers are not informed.		
ESOL	Learners who require language support may benefit from being accompanied by an interpreter during the suspension period.		
Suspensions	<ul style="list-style-type: none"> <li>● Suspension can only be imposed by the relevant Head of Learning/Apprenticeships, on-call manager or members of the Executive Team.</li> <li>● The Community Security Officer will be authorised to issue a 'cooling off period' to learners on the day of an incident to ensure the safety of all learners.</li> </ul>		

	<ul style="list-style-type: none"><li>• 14-16 learners should not be sent home.</li></ul>
Learner with an EHCP	The EHCP coordinator will be notified in advance of any hearing at stage 3 or 4 to enable timely discussion with the local authority.
Incidents of bullying, harassment and/or discrimination; or concerns around Safeguarding and Prevent must be reported to the Safeguarding Team immediately in addition to following the formal procedure.	

### Appendix 3 - Procedure outline (Work-based learning)

Stage	Causes	Actions by	Appeal
Cause for concern	Minor misconduct	1. <b>Cause for concern</b> - recorded on ProMonitor by any staff member.	
Early Support/ Intervention	Persistent minor misconduct.  3X cause for concerns issued.	1. Early Support - instigated by any staff member in collaboration with Curriculum teacher & Assessor/Coach. Recorded on ProMonitor. Assessor/Coach to contact parent/carer/employer to discuss.	
1	Continued persistent misconduct  5X cause for concerns issued.	1. Coach – responds to ProMonitor cause for concerns. Issues a verbal warning with details around why this has occurred, updating conversations on ProMonitor. 2. Coach to contact parent/carer/employer to discuss.	
2	Persistent Stage 1 behaviour	1. The Coach explains to the learner the reason for the hearing. 2. The Coach contacts the parent/carer/employer to inform them of the hearing. 3. The Coach chairs the hearing with support from the Apprenticeship Review Officer (ASO). 4. The Coach works with the ARO to issue the learner with an action plan. 5. LS2O (Outcome) letter prepared by the Administrator with a copy of the action plan sent/emailed to the parent/carer/employer. 6. /Coach and ARO - monitors and reviews the Action Plan for two weeks after the meeting (logging progress/details on ProMonitor) putting in place support, where necessary.	Programme Manager
3	Persistent Stage 2 behaviour  Gross misconduct	1. The Coach explains to the learner the reason for the hearing. 2. The Coach requests that a Stage 3 (LS3) letter is sent to parents/carer/employer inviting them to the hearing.	Director

		<ol style="list-style-type: none"> <li>3. The Coach presents to the Director of Apprenticeships with support from the (ARO). Safeguarding Lead to attend as appropriate.</li> <li>4. The Coach contacts the parents/carer/employer to inform them of the outcome.</li> <li>5. The Coach works with the ARO to issue the learner with an action plan.</li> <li>6. LS3O (Outcome) letter prepared by the Administrator with a copy of the action plan sent/emailed to the parent/carer/employer.</li> <li>7. Coach and ARO - monitors and reviews the action plan for two weeks after the meeting.</li> </ol>	
4	<p>Persistent stage 3 behaviour</p> <p>Gross misconduct</p>	<ol style="list-style-type: none"> <li>1. The Director of Apprenticeships explains to the learner the reason for the hearing.</li> <li>2. The Director of Apprenticeships requests that a Stage 4 (LS4) letter is sent to parents/carer/employer inviting them to the hearing.</li> <li>3. Packs of all evidence for this hearing is the responsibility of the appropriate Administrator and must be provided a minimum of 2 days prior to the meeting to the Director .</li> <li>4. The Director of Apprenticeships presents to the Executive Director (SSSR). Safeguarding Lead to attend as appropriate.</li> <li>5. Hearing is held to discuss the suitability of the learner continuing at College, along with all evidence to support this final stage.</li> <li>6. Potential for permanent exclusion.</li> <li>7. Response to hearing issued in writing within 5 working days. Letter LS4O to be sent to learner cc parents/carers/employer from Director by Administrator.</li> </ol>	Assistant Principal
18+	<p>Parents/carers of learners aged under 18 at the start of their course will be informed of performance and conduct matters. Once a learner becomes 18 they may request that parents/carers are not informed, however apprentice employers will be informed at each stage.</p>		
<p>Incidents of bullying, harassment and/or discrimination; or concerns around Safeguarding and Prevent must be reported to the Safeguarding Team immediately in addition to following the formal procedure.</p>			