



Learner Management Policy and Procedures

Updated 4th April 2024

Learner Management Policy

1 Scope of the Policy

1.1 The policy and procedures apply to all Brent Start learners.

2 Aims of the Policy

2.1 To inform all members of the Brent Start community (learners, staff, parents/carers and partners) about how the management of learners is conducted.

2.2 To establish a consistency of approach to the management of learners.

3 Policy Details

3.1 All learners are responsible for abiding by and fulfilling the requirements of the Learner Code of Conduct (Appendix A).

3.2 Brent Start will support learners who are finding it difficult to meet our expectations; every attempt will be made to resolve difficulties informally, and at an early stage. If a learner demonstrates an inability to do work of the required standard despite his/her best efforts, Brent Start will provide appropriate support and guidance. Formal disciplinary procedures will only be used when initial, supportive strategies have failed.

3.3 There are three stages to the formal disciplinary procedures (Appendix B). There will normally be a sequential progression through the stages. The final stage may be entered immediately in the event of serious or alleged gross misconduct.

3.4 Temporary suspension may be used as a first stage in the disciplinary process where appropriate (Appendix C).

3.5 Permanent exclusion from Brent Start may be the final outcome of the disciplinary process (Appendix D) in which case the learners have the right of appeal to the Head of Brent Start.

3.6 The Senior Management Team have responsibility for the management of learners and only they can temporarily suspend, or exclude, learners on disciplinary grounds.

3.7 All staff have a responsibility to reinforce the high expectations we have of learners and to assist in the management of learners around the site, within classrooms and on related activities.

4 Monitoring and Review

4.1 The effectiveness of the policy will be monitored by the Senior Management Team (SMT) should any amendments be required.

5 Related Documents

- Brent Council Complaints Procedure
- Data Protection Policy
- Equality and Diversity Policy
- eSafety Policy
- Examination and Assessment Policy

- Health and Safety Policy
- Quality Policy
- Safeguarding Policy and Procedures

Appendix A: Brent Start Learner Code of Conduct

At Brent Start, we are committed to ensuring the health, safety and security of all our staff, learners and visitors. The code of conduct is designed to create a safe and successful learning environment by defining the behaviours expected of all learners, both in physical classrooms and online. All Brent Start learners must:

1. Attend all lessons on time and inform your teacher immediately if you are going to be late or absent.
2. Meet all coursework deadlines and complete your work to the best of your ability.
3. Work independently on assignments, examinations and portfolios and ensure all work is your own.
4. Follow all instructions related to health, safety and security given by any Brent Start staff member.
5. Bring the equipment you need to lessons and use it safely and with care.
6. Let us know if you become aware of any safeguarding issues, e.g. bullying, harassment or radicalisation, online or offline.
7. Complete all forms and documents as directed, such as your ILP and surveys.
8. Raise any issues and complaints calmly and with the expectation that they will be dealt with fairly and in line with the Brent Start complaints procedure, if applicable.
9. Use computers in accordance with the Teaching Computer Usage Guidelines both when learning online and at our centres.
10. Not download any pornographic, racist or other offensive material to a Brent Start device or using Brent Start networks - any learner found engaging in such an activity may be permanently excluded from Brent Start.
11. Treat everyone with respect and consideration and behave in a way which respects the needs of others to learn, teach and work.
12. Not use language and behaviour that others find violent, unkind, offensive or discriminatory.
13. Not bring drugs or alcohol to our learning centres or attend classes under the influence of drugs or alcohol.
14. Switch off your mobile phone during classes unless the teacher instructs you to use it to assist learning.
15. Take responsibility for the behaviour and safety of the children in your care while on the premises, including accompanying them to the toilets, if necessary.

Action will be taken against any learner whose behaviour is considered by Brent Start to constitute misconduct. If this happens repeatedly, or there is a single very serious violation, the learner may be suspended or permanently excluded. If a learner is disrupting the learning of others, they may be required to leave the classroom and/or Brent Start premises immediately.

Any behaviour involving violence, the threat of violence, deliberate damage to property, putting the health and safety of others in danger, bullying, harassment, intimidation, dishonesty (including cheating and theft) or any illegal activity is likely to lead to a learner being asked to leave their course and being refused entry to any future course at Brent Start.

Appendix B: Learner Disciplinary Procedures

The Disciplinary Procedure relates to:

- attendance and punctuality;
- conduct and work performance in individual courses;
- gross misconduct.

Learners with learning difficulties or disabilities:

If the learner concerned has significant learning difficulties or disabilities, or is a vulnerable adult, or is engaged in provision specifically for learners with significant learning difficulties or disabilities, the implementation of any stage of this disciplinary procedure will be carried out with the participation of their parent(s)/carer(s) and any caring agency which might be directly concerned in the care or welfare of that learner.

1. The Disciplinary Procedure relating to attendance and punctuality

Tutors will discuss any initial concerns about attendance and punctuality informally with a learner before applying any disciplinary procedures. Brent Start expects most issues to be resolved in this way.

The disciplinary procedure has three stages. At each stage Brent Start will give the learner the opportunity to explain any extenuating circumstances and offer a variety of support to help improvement.

Stage 1

Where a learner's attendance and/or punctuality is causing concern their tutor will meet with the learner and issue a warning. A record of the meeting will be kept and any targets noted. If necessary, a parent or carer will be notified.

If the learner's attendance and/or punctuality becomes further cause for concern the next stage will apply. If the learner makes no improvement or completely fails to attend, the final stage (Stage 3) will apply.

Stage 2

If attendance and/or punctuality continues to be a concern, the Programme Leader will meet with the learner and issue a Final Warning. At this meeting, confirmation will be sought that the learner wishes to remain at Brent Start. A record of the meeting will be kept, and any targets noted. This final warning will be confirmed in writing to the learner and if necessary to any parents/carers and/or caring agency.

Stage 3

Failure to respond to this final warning will result in the learner being required by the relevant Senior Programme Leader to withdraw from the course. This will be confirmed in writing to the learner and if necessary to any parents/carers and/or caring agency. Advice on alternatives to the course at Brent Start will be provided if required.

Appeal

If the learner is required to withdraw from the course, the learner will have the right of appeal to the Head of Brent Start. Please refer to Appendix D: Appeals.

- The learner will be informed of this right of appeal at the time the decision is

- made;
- The learner must exercise this right of appeal in writing within five working days of the decision being made.

2. The Disciplinary Procedure relating to conduct short of gross misconduct

Tutors will discuss initial concerns about conduct or attitude to work informally with a learner before applying any disciplinary procedures. Brent Start expects most issues to be resolved in this way.

Stage 1

Where a learner's conduct or attitude to work is causing concern their tutor will meet with the learner and issue a warning. Clear improvement targets will be set. A record of the meeting will be kept and any targets noted. If necessary, a parent or carer will be notified. Support will be provided if required.

Stage 2

If a learner's conduct or attitude to work continues to be a concern, the Programme Leader will meet with the learner and issue a Final Warning. At this meeting, confirmation will be sought that the learner wishes to remain at Brent Start.

If the learner is on a course for Adults with Learning Disabilities (ALD) the meeting will be conducted with the parent/carer and a representative of any relevant caring agency. A record of the meeting will be kept, and any targets noted. This final warning will be confirmed in writing to the learner and if necessary to any parents/carers and the caring agency. Support will continue to be provided if required.

Stage 3

Failure to respond to this Final Warning will result in the learner being required by the relevant Senior Programme Leader to withdraw from the course. The Senior Programme Leader, or the Programme Leader as their designate alternate, will meet with the learner and, if the learner is on a course for Adults with Learning Disabilities (ALD) with the parent/carer and a representative of any relevant caring agency. The outcome will be confirmed in writing to the learner and if necessary to any parents/carers and the caring agency. Advice on alternatives to the course at Brent Start will be provided if required.

Appeal

If the learner is required to withdraw from the course, the learner will have the right of appeal to the Head of Brent Start. In the case of a learner on a course for Adults with learning Difficulties this appeal may be made by the parent/carer or the caring agency on their behalf. Please refer to "Appendix D: Appeals".

- The learner (and if necessary, any parents/carers and/or caring agency) will be informed of this right of appeal at the time the decision is made;
- The learner must exercise this right of appeal in writing within five working days of the decision being made.

3. The Disciplinary Procedure relating to matters of gross misconduct

In matters relating to alleged gross misconduct a learner would normally be temporarily suspended pending an investigation. Please refer to Appendix C: Temporary

Suspension.

The Senior Programme Leader, or the Programme Leader as their designate alternate, will invite the learner and, if the learner is on a course for Adults with Learning Disabilities (ALD), the parent/carer and a representative of any relevant caring agency, to a meeting. They will consider the circumstances of the misconduct; the way the offence has been dealt with in previous cases; any mitigating circumstances the learner may wish to put forward and previous incidents/disciplinary action taken.

The Senior Programme Leader will then decide to:

- take no further action;
- issue a Warning, following the same Discipline Procedure as above for misconduct;
- suspend the learner for a fixed term;
- exclude the learner from the course or all courses.

In the cases of suspension for a fixed term or withdrawal of the learner, the learner will have the right of appeal to the Head of Brent Start. Please refer to "Appendix D: Appeals".

- The learner (and if necessary any parents/carers and/or caring agency) will be informed of this right of appeal at the time the decision is made;
- The learner must exercise this right of appeal in writing within five working days of the decision being made.

Appendix C: Temporary Suspension

1 Rationale

- 1.1 A learner may be temporarily suspended pending an investigation where the continued attendance of the learner may
- constitute a threat to the health and safety of persons or property
 - interfere with an investigation
 - cause undue disruption to the normal operation of Brent Start
 - not be in the learner's own interest
- or where there is reasonable belief that the learner has committed an act of gross misconduct.
- 1.2 Temporary suspension pending investigation is not a form of disciplinary action but may be appropriate to particular circumstances while the facts of a disciplinary matter are being established. It may (or may not) lead to disciplinary action.
- 1.3 Senior Programme Leaders have responsibility for the management of learners and only they or their delegated alternates (Programme Leaders) can temporarily suspend a learner.

2 Procedures

- 2.1 If the learner is present at the moment of suspension, the Senior Programme Leader or designated alternate will explain the reasons for the suspension and give the learner a copy of Brent Start's Learner Management Policy Appendices.
- 2.2 If the learner is on a course for Adults with Learning Disabilities (ALD) the Senior Programme Leader or delegated alternate will contact the parents/carers and/or any relevant caring agency to explain the reasons for the suspension and to ask them to collect the learner from the premises.
- 2.3 If the learner is not present at the moment of suspension, the Senior Programme Leader or designated alternate will contact the learner and if necessary, a parent/carer and/or caring agency by phone and explain the reasons for the suspension. Attendance registers will be marked as 'Suspended').
- 2.4 The Senior Programme Leader or designated alternate will inform all relevant staff by email of the temporary suspension of the learner; however, the email will not give the reasons for the suspension.
- 2.5 Learners on temporary suspension should complete work at home during the suspension in order to minimise disruption to learning. In the event of coursework deadlines or public examinations to be taken, Brent Start will make adjustments as appropriate.
- 2.6 The Senior Programme Leader or designated alternate will write to the learner and if necessary, a parent/carer and/or caring agency within three working days of the suspension with reasons for the suspension, with a copy of Brent Start's Learner Management Policy Appendices.
- 2.7 Temporary suspensions will normally be for a period of five working days, although Brent Start will endeavour to investigate the matter as soon as possible in order to minimise disruption to learning. Temporary suspensions may also be lengthened if the investigation is complex or further evidence presents itself.
- 2.8 All staff involved with this process must exercise discretion and must not pre-judge. Confidentiality must be upheld.

Appendix D: Appeals

1 Grounds for Appeal

- 1.1 Brent Start reserves the right to determine whether or not an appeal falls within its appeals framework and should be allowed to proceed.
- 1.2 The grounds of appeal are:
 - (a) That there was a failure to follow Brent Start procedures that may have adversely affected the outcome;
 - (b) That new evidence has come to light that was not available at the original disciplinary hearing and could be expected to materially influence the original outcome. Where this occurs, the evidence must be provided together with an explanation as to why it was not provided earlier;
 - (c) That the findings were unreasonable in the light of the finding on the facts;
 - (d) That the penalty imposed was too severe in the circumstances.
- 1.3 The learner has the right of appeal to the Head of Brent Start Senior if the outcome is that the learner is excluded from a course or courses. Notice of appeal must be lodged in writing, stating the grounds for the appeal, and received by the Head of Brent Start within five working days of the date of the notification of the outcome.

2 The Appeal Hearing

- 2.1 The Appeal Hearing will be convened within 10 working days of the appeal being lodged. The learner will be given at least 5 working days' notice of the time and place of the Appeal Hearing.
- 2.2 The Appeal Hearing will be chaired by the Head of Brent Start. In the absence of the Head of Brent Start, a designated alternate from the Senior Management Team may chair the Appeal Hearing.
- 2.3 The learner may be accompanied by a family representative or carer. Legal representation will only be permitted in exceptional circumstances.
- 2.4 The Head of Brent Start may be accompanied by a colleague.
- 2.5 At the Appeal Hearing, the learner will be invited to explain the grounds of the appeal and to state his or her case.
- 2.6 The Senior Programme Leader or designated alternate who made the decision to exclude the learner will be present and will be asked to respond to the appeal and explain the reasons for the exclusion.
- 2.7 The Head of Brent Start may ask questions of the learner and the Senior Programme Leader or designated alternate. Witnesses would not normally be allowed to attend except in relation to any new evidence which has come to light since the exclusion interview.

3 The Decision

- 3.1 The Head of Brent Start will confirm the decision to allow or dismiss the appeal in writing to the learner within five working days of the Appeal Hearing.
- 3.2 If the appeal is allowed, the Head of Brent Start may decide on disciplinary action lesser than that recommended by the Senior Programme Leader or designated alternate. The Head of Brent Start will confirm the decision to allow or dismiss the appeal in writing to the learner within five working days of the Appeal Hearing.

Appendix E: Miscellaneous

1 Attendance at meetings and Appeal Hearings

- 1.1 If a learner fails to attend a disciplinary meeting or Appeal Hearing, one further attempt to reschedule will be made.
- 1.2 Failure by a learner to attend a further meeting or Appeal Hearing without reasonable cause will not prevent proceedings continuing and decisions being taken.
- 1.3 While Brent Start aims to meet all the time limits in these procedures, if circumstances arise which make this impossible the learner will be contacted to explain any delay.

2 Criminal Offences

- 2.1 Where Brent Start has reason to believe that a learner may have committed a criminal offence, Brent Start reserves the right to refer the matter to the police.
- 2.2 Brent Start reserves the right to reach a disciplinary conclusion independently of any police enquiry. However, in deference to any police enquiry, Brent Start may decide to suspend its own investigation and disciplinary action until the police enquiry has ended.

3 Definitions

- 3.1 For the purposes of this policy and procedures, "working days" refers to Monday to Friday.
- 3.2 "Family Representative" refers to any layperson that is able to support the learner during the proceedings. This includes another learner, a friend from outside Brent Start, parent, carer or other relative, or representative of a caring agency. It may not be an employee of Brent Start or the wider Employment, Skills and Enterprise service.
- 3.3 All disciplinary meetings and hearings under these procedures are internal to Brent Start and not normally open to legal or professional representation for either Brent Start or the learner. Legal representation will only be permitted in exceptional circumstances and at the Appeal stage only, for example where learners cannot represent themselves because of disability or where criminal proceedings might arise from an interview. This exception would only be allowed with the permission of the Head of Brent Start and any request should be submitted at the same time as the appeal is lodged.

4 Variations and Amendments to Disciplinary Procedures

- 4.1 In exceptional cases it may be necessary to make variations to these procedures. Brent Start may make such variations as it sees fit subject to informing the learner concerned and subject to reasonableness and fairness.