

Learner Code of Conduct & Disciplinary Policy

Code of Conduct

Learners must:

- Show respect and consideration for other learners, staff, visitors and members of the community, their property and equipment.
- Attend and be punctual for all classes, tutorials, work experience and examinations.
- Follow and adhere to all Cultural Capital Ltd's Health & Safety and Emergency procedures.
- Follow and adhere to all Cultural Capital Ltd's policies and procedures, including, and in particular, examination codes of conduct set out by the awarding bodies.
- Adhere to the Cultural Capital Ltd's 'No Smoking' policy and only smoke in the permitted areas.
- Behave in an appropriate manner in and around Cultural Capital Ltd centres and when on Cultural Capital Ltd business or excursions. This includes the Learning Centre and other open access areas, the immediate community and when formally representing Cultural Capital Ltd. This also relates to incidents, inside or outside, of Cultural Capital Ltd that are deemed to bring the Cultural Capital Ltd into disrepute.

By signing an enrolment form, learners are agreeing to comply with Cultural Capital Ltd policies and procedures. If a learner fails to meet the Cultural Capital Ltd's Code of Conduct, the Disciplinary Procedure (detailed below) may be applied.

Disciplinary Procedure

Learners whose work and/or behaviour is not of the required standard are liable to be disciplined. The Cultural Capital Ltd operates a three-stage procedure, which, in general, will be followed for dealing with both unsatisfactory performance and behaviour. In exceptional circumstances, the Head of Division may deem it appropriate to forgo Stage 1 and/or Stage 2.

In cases of suspected or alleged gross misconduct on Cultural Capital Ltd premises or under Cultural Capital Ltd supervision the Associate Director will normally authorise immediate exclusion whilst an investigation is carried out, which will be followed by a *Stage 3* disciplinary meeting with the Associate Director.

Examples of unacceptable conduct include smoking outside the designated areas, spitting, poor attitude on work experience and not obeying restrictions on use of mobile phones.

Examples of gross misconduct include use of or carrying drugs or alcohol, physical assault, theft, criminal damage and reckless behaviour that puts others at risk.

Stage One

In the first instance the learner will normally receive a formal verbal warning from the Personal Tutor. The relevant tutor will complete a Stage One form and give a copy to the learner, Centre Manager. Records will be kept on the learner file and a further breach of the Learner Code of Conduct will result in disciplinary being taken to Stage 2.

All SFA Training Courses Are Co-Financed by the ESF
Suite 229, 2a Ruckholt Road, Leyton, London E10 5NP

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Stage Two

In the second instance, or in more serious cases, of disciplinary matters, a learner is required to attend a Stage 2 disciplinary meeting with the Senior Tutor, who will consider the case and make recommendations for further actions. The relevant Tutor will complete the Stage 2 and submit to the Centre Manager with all relevant evidence. The Centre Manager will arrange a meeting and the learner will be invited to a meeting by letter with a copy of the Stage 2 form attached. Where appropriate the learner should be accompanied by their parent(s)/guardian, employer(s) or managing agent. A member of the Cultural Capital Ltd delivery or support team will also be present at the meeting to support the learner.

The outcomes of the Stage 2 disciplinary meeting will be sent to the learner in writing within seven days of the meeting, the letter will detail the actions arising from the meeting and the consequences of not meeting those actions. Records will be kept on the learner file and a further breach of the Learner Code of Conduct will result in disciplinary action being taken to Stage 3.

Stage Three – Final Disciplinary

Should further improvements not be made, or in the most serious cases of disciplinary matters, the learner will be invited to a Stage 3 disciplinary meeting with the Managing Director, who will consider the case and make recommendations for further actions. This could lead to exclusion/removal from Cultural Capital Ltd. The relevant tutor will complete the Stage 3 form and pass to the Centre Manager to consider who will then send to the Managing Director together with the relevant evidence. The Managing Director will invite the learner to a meeting by letter specifying the date and time of the meeting and a copy of the Stage 3 form outlining the circumstances leading to the disciplinary action being taken. Where appropriate the learner should be accompanied by their parent(s)/guardian, employer(s) or managing agent. A member of the Cultural Capital Ltd delivery or support team should also be present at the meeting to support the learner.

The outcomes of the Stage 3 disciplinary meeting will be sent to the learner in writing within seven days of the meeting. The letter will detail the actions arising from the meeting and the consequences of not meeting those actions. This is the *final written warning* and any further breaches of the Learner Code of Conduct could result in permanent exclusion.

In instances of gross misconduct, the Managing Director may exclude a learner immediately. If this action is followed, the Deputy Chief Executive will be informed immediately, an investigation will be carried out and a Stage 3 meeting arranged where the permanency of the exclusion will be determined.

Rights to Representation

At stages 2 and 3 of the Disciplinary Procedure, all learners have the right to be accompanied by a Learner Representative, a parent/guardian, friend or advocate.

Right of Appeal

Learners have the right to appeal against any decision leading to exclusion within 10 working days. This must be made in writing to the Deputy Chief Executive (Teaching & Learning), giving the nature of the appeal, and outlining any further information they would like to be taken into consideration relating to the disciplinary matter.

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Misconduct

Failure to observe any of the points in the Code of Conduct is deemed as misconduct.

Gross Misconduct

Where failure to observe the Code is deemed of a sufficiently serious nature, it shall be treated as gross misconduct. Below are some examples of behaviour, which would be considered as gross misconduct:

- Physical, sexual, or racial assault, harassment, or violent and abusive behaviour directed at other learners, members of staff or visitors.
- Harassment, bullying or abusive behaviour through any form of electronic communication or on social media.
- Theft of, damage to, or unauthorised use of property or systems belonging to the Cultural Capital Ltd, other learners, members of staff or visitors.
- Possession, sale, or use of illegal drugs on Cultural Capital Ltd property or whilst on Cultural Capital Ltd organised activities.
- Any other act or omission which may result in the security, safety, or health of other learners, members of staff, visitors or the general public being put at risk or the disruption of Cultural Capital Ltd activity.
- Not adhering to examination/awarding body rules or guidelines.

Discipline and Conduct

In all organisations there are rules of behaviour. The Code of Conduct is intended to enable all members of the Cultural Capital Ltd community to work and study in a pleasant and safe environment.

Discretionary Arrangements

If the learner has previously disclosed a mental health, emotional or behavioural difficulty it is necessary to access information on these difficulties before commencing with the disciplinary procedure. If the learner's difficulties are the primary cause of poor discipline and the incident is not of a serious nature, then alternative options can be considered, e.g., putting in place a behaviour plan linked to the disciplinary procedure before the procedure is implemented.

Each case will be considered on a case-by-case basis taking into consideration any difficulties, but even if there is evidence that the learner has mental health/emotional or behaviour needs, it may still be appropriate to invoke the disciplinary procedure because this in no way lessens the duty of care the Cultural Capital Ltd owes to other learners and staff.

The Learner Code of Conduct and Disciplinary Procedure will be reviewed annually.

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