



**LINCOLN COLLEGE**

**LEARNER CONDUCT PROCEDURE**

**POLICY CQ/PR/17**

**SPONSOR**

Head of Quality Improvement

## **EQUALITY AND DIVERSITY STATEMENT**

Lincoln College strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs or practices, disability, marital status, family circumstances, sexual orientation, spent criminal convictions, age or any other inappropriate grounds.

# LEARNER CONDUCT PROCEDURE

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## LINCOLN COLLEGE

The Student Union and members of staff, including those in Student Services can help learners in interpreting the following procedure to ensure full understanding.

### LEARNER CONDUCT PROCEDURE

#### 1 PURPOSE

The purpose of the procedure is to promote and maintain high standards of conduct in personal behaviour, attendance and progress amongst learners and to ensure fair treatment for all learners in relation to conduct sanctions.

#### 2 AIMS

2.1 The procedure aims to prepare learners for the world of work and to realise what acceptable standards and professional conduct will be expected of them in a working environment.

2.2 The procedure also aims to give a clear structure that supports staff and learners in upholding high standards of learner conduct, whilst at college.

#### 3 DEFINITIONS

3.1 Throughout this procedure the following terms are defined as:

##### 3.1.1 Learner

A learner is considered by the College to be a person who has enrolled on a course or programme of study, irrespective of any defining characteristic (for example, age or length of study) and is registered as 'continuing' on ProSolution. This includes Study Programme learners, Adult learners, and Apprentices.

##### 3.1.2 Learner Conduct Sanction:

Following investigation and discussion, a learner may be issued with one of the following Learner Conduct Sanctions:

Level 1	–	Official Caution
Level 2	–	Final Warning
Level 3	–	Exclusion from the college

Preceding a Level 1 sanction, learners will have been identified as a cause for concern and restorative actions defined by college staff (see section 5).

##### 3.1.3 Learner Conduct Review Meeting

A Learner Conduct Review Meeting will consider issues of conduct, which may include the standard of learner's work and their progress, personal behaviour and attendance. The meeting will provide learners with an opportunity to share with staff any

issues or mitigating circumstances that have affected their performance.

Should a learner be issued with a Learner Conduct Sanction, the resulting GROWTH target(s)/action plan will be discussed, shared and then reviewed after an agreed and reasonable period of time at a Learner Conduct Review Meeting.

The learner will usually be given 3 working days' notice of a Learner Conduct Review Meeting, unless a mutually acceptable time is agreed by the learner and relevant college staff members.

#### 3.1.4 Strategic Safeguarding Panel

Cases of Serious Misconduct will be considered by the Strategic Safeguarding Panel.

## **4 GENERAL PRINCIPLES**

- 4.1 The procedure has been approved by the Learning Standards Quality Committee and the college's Group Leadership Team.
- 4.2 The procedure applies to all learners of Lincoln College.
- 4.3 Every effort should and will be made to avoid the use of learner conduct sanctions where alternatives are appropriate. However, where support has been provided and not worked, the College can progress to apply conduct sanctions to make restorative change in a learner's behaviour.
- 4.4 The need to implement the conduct procedure should be a rare occurrence in the College and should not be viewed as tool for classroom management. The formal procedure should not be used in circumstances where relatively minor problems can be resolved by informal communications with the individual(s) concerned.
- 4.5 There should be a clear distinction between the implementation of the formal procedure and routine intervention by a Curriculum Lead (or their nominee), following reports of unacceptable learner conduct. It is acceptable for an Assistant Principal (or their nominee) to remove a learner from the learning environment for reasons of safety (of that individual or others) or to allow for a 'cooling off' period. In both cases, the removal is temporary and the learner will be instructed to return to college on the next working day unless the Serious Misconduct procedure is invoked. Parents/carers, employers and/or training providers should be notified accordingly. Such removal will not necessarily constitute a suspension and the learner concerned will not automatically become subject to the formal procedure although this option can be considered in these circumstances.
- 4.6 The conduct procedure relates to any conduct that is contrary to the maintenance of good order, effective learning, discipline or safety within any areas of the College's business. It also relates to standards of work and absence.

- 4.7 Whilst, any allegation of unacceptable learner conduct is to be dealt with as a matter of urgency, no learner conduct sanctions should be applied until a case has been fully investigated and all involved parties have been spoken to.
- 4.8 Written records are to be maintained at each stage of the formal procedure.
- 4.9 **Where a learner has any of the issues noted in the table below, Student Services MUST be included at each stage of the conduct procedure** and the appropriate member of staff contacted as follows:

<b>Learner:</b>	<b>Student Services Contact:</b>
has a EHCP	SEND Coordinator <a href="mailto:assessmentofficer@lincolncollege.ac.uk">assessmentofficer@lincolncollege.ac.uk</a>
is a Looked After Child (LAC) / is a Care Leavers	Safeguarding Coordinator <a href="mailto:safeguarding@lincolncollege.ac.uk">safeguarding@lincolncollege.ac.uk</a>
is 14-16 years old	
has a diagnosed Mental Health Condition	Assessment and Support Coordinator <a href="mailto:assessmentofficer@lincolncollege.ac.uk">assessmentofficer@lincolncollege.ac.uk</a>

- 4.10 Where a learner is under the age of 18 years of age or 16-24 with an EHCP, a Looked After Child (LAC) or care leaver, copies of all correspondence, originating from the College will be sent to the parents or carers. Should the learner have opted out of this principle this will be highlighted on ProSolution.
- 4.11 Where a learner is studying at the College via a training provider, or employer, then all copies of correspondence, originating from the College will be sent to the training provider or employer.
- 4.12 To ensure that learners receive the most appropriate support and guidance, this conduct procedure should be used in conjunction with the college's Mental Health and Disability Policy, the Safeguarding Policy, the Search and Confiscation Policy, and the Lincoln College Appeals Panel Policy.

## 5 **PROCEDURE FOR UNACCPETABLE PROFESSIONAL CONDUCT IN PERSONAL BEHAVIOUR, PROGRESS AND ATTENDANCE**

- 5.1 A flow chart for the procedure in dealing with unacceptable personal behaviour, professional conduct and attendance is provided as Appendix 1.
- 5.2 The Learner Conduct Procedure had four clear phases, which incrementally increase the accountability of learners and the necessity to improve their behaviour.

## Cause for Concern

- 5.3 Where a member of staff feels that a learner's behaviour, progress or attendance is below the standard expected by the college, the member of staff should attempt to address this informally via classroom management techniques and restorative conversations with the learner. Should these actions not sufficiently alter the learner's behaviour, progress or attendance, staff should contact the learner's Progression Coach/APC to raise a Cause for Concern and discuss the matter. Reference should be made about these concerns on ProMonitor/SmartAssessor. Requests for conduct sanctions to be applied to learners must be avoided; instead the learner's actions and impact of those actions be reported to the Progress Coach.
- 5.4 The Progress Coach/APC will informally meet with the learner to discuss the concerns about their behaviour, progress or attendance, and agree what actions the learner is required to take. These actions should be captured as routine GROWTH targets on ProMonitor/SmartAssessor.

## Level 1 – Official Caution

- 5.5 If, following informal engagements with their Progress Coach/APC, the learner's behaviour, progress or attendance has not improved in line with the expectations of their GROWTH targets, they will be formally invited to a Learner Conduct Review Meeting with their Progress Coach/APC and a relevant course tutor/assessor. The learner should be given three working days' notice of this meeting taking place or be at a time mutually agreed by both the learner and the Progress Coach/APC/tutor/assessor. This meeting should, normally, also involve other relevant members of staff (for example, Student Services) and parents/carers.
- 5.6 If the Learner Conduct Review Meeting finds that a learner's behaviour, progress or attendance has not improved in line with the expectations of their GROWTH targets and no sufficient mitigation has been presented by the learner, then the learner will be issued with an **Official Caution** and set further/new GROWTH targets.
- 5.7 The Official Caution will:
- Be discussed with the learner in person, usually, with the Progress Coach and course tutor at the Learner Conduct Review Meeting, so they are clear on why they are being issued with the Official Caution. A record will be placed on ProMonitor, with a letter being sent to the learner's parent/carer if they are under the age of 18, or 16-24 with an EHCP, LAC or Care Leaver. If the learner chooses not to attend the Learner Conduct Review Meeting, the meeting will go ahead without them being present.
  - Be summarised in writing, recording the reason for the sanction, the improvements required (copy of GROWTH targets) and the time limit within which such improvement must be achieved.
  - Be uploaded to the learner's ProMonitor/SmartAssessor record.

- Advise the learner that it is the first of the two formal stages of the conduct procedure prior to exclusion and that they have a right to appeal the sanction (see section 7).
- Be removed from the learner's ProMonitor/SmartAssessor record after 6 months, subject to the learner's behaviour, progress or attendance meeting the GROWTH targets set by the Progress Coach.

## Level 2 - Final Warning

- 5.8 If the learner's behaviour, progress or attendance does not improve in line with the expectations of the GROWTH targets set in the Official Caution, they will be formally invited to a Learner Conduct Review Meeting with, usually, the relevant Curriculum Lead. The learner should be given three working days' notice of this meeting taking place or be at a time mutually agreed by both the learner and the Curriculum Lead. This meeting should, normally, also involve other relevant members of staff (for example the Progress Coach/APC, Student Services) and parents/carers.
- 5.9 If the Learner Conduct Review Meeting finds that a learner's behaviour, progress or attendance has not improved in line with the expectations of their GROWTH targets set in the Official Caution and no sufficient mitigation has been presented by the learner, then the learner will be issued with a **Final Warning** and set further/new GROWTH targets.

The Final Warning will:

- Be discussed with the learner in person, usually, by the Curriculum Lead at the Learner Conduct Review Meeting, so they are clear on why they are being issued with the Final Warning. A record will be placed on ProMonitor, with a letter being sent to the learner's parent/carer if they are under the age of 18, or 16-24 with an EHCP, LAC or Care Leaver. If the learner chooses not to attend the Learner Conduct Review Meeting, the meeting will go ahead without them being present.
- Be summarised in writing, recording the reason for the sanction, the improvements required (copy of GROWTH targets) and the time limit within which such improvement must be achieved.
- Be uploaded to the learner's ProMonitor/SmartAssessor record.
- Advise the learner that it is the second of the two formal stages of the conduct procedure prior to exclusion and that they have a right to appeal the sanction (see section 7).
- Be removed from the learner's ProMonitor/SmartAssessor record after 12 months, subject to the learner's behaviour, progress or



attendance meeting the GROWTH targets set by the Curriculum Lead.

### **Level 3 – Exclusion**

- 5.9 If the learner's behaviour, progress or attendance does not improve in line with the expectations of the GROWTH targets set in the Final Warning, they will be formally invited to a Learner Conduct Review Meeting with, usually, the relevant Assistant Principal. The learner should be given three working days' notice of this meeting taking place or be at a time mutually agreed by both the learner and the Curriculum Lead. This meeting should, normally, also involve other relevant members of staff (for example the Progress Coach/APC, Curriculum Lead Student Services) and parents/carers.
- 5.9 If the Learner Conduct Review Meeting finds that a learner's behaviour, progress or attendance has not improved in line with the expectations of their GROWTH targets set in the Final Warning and no sufficient mitigation has been presented by the learner, then the learner will be issued with a **Notice of Exclusion**.

The Notice of Exclusion will:

- Be discussed with the learner in person, usually, by the Assistant Principal at the Learner Conduct Review Meeting, so they are clear on why they are being Excluded. A record will be placed on ProMonitor, with a letter being sent to the learner's parent/carer if they are under the age of 18, or 16-24 with an EHCP, LAC or Care Leaver. If the learner chooses not to attend the Learner Conduct Review Meeting, the meeting will go ahead without them being present.
- Be confirmed in writing, will specify the reasons for the Exclusion and the date until which the proposed exclusion will be effective. Advise that it is the final stage of the formal conduct procedure and that they have a right to appeal (see section 7).
- Be uploaded to the learner's ProMonitor/SmartAssessor record.

## **6 FORMAL PROCEDURE FOR SERIOUS MISCONDUCT**

6.1 The following actions are examples which are normally regarded as serious misconduct:

- Actual or threatened violence, or behaviour which provokes violence on or towards a learner, member of staff or visitor
- Bringing illegal substances onto College premises
- Bringing a bladed item or weapon onto College premises
- Behaviour which could or does result in harm to others
- Intentionally damaging or destroying property, materials or resources

- Photographing/videoing of staff, students and/or visitors to Lincoln College without their express permission
- Taking of a person's or the college's property without permission
- Behaviour which infringes the college Equality and Diversity Policy
- Behaviour that contravenes fundamental British values
- Continual refusal to carry out reasonable instructions or to comply with College rules
- Behaviour considered to be damaging to the College's reputation, occurring either on or off college premises

The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

- 6.2 Any allegation of serious misconduct is to be immediately reported to the Assistant Principal, or in their absence the Head of Student Services, who will make a judgement as to whether it meets the threshold for serious misconduct. If it does, it will be passed to an Investigating Officer to enquire into the facts of the case as soon as is reasonably practicable. Guidance for the taking of statements is provided in appendix 5. The Investigating Officer will not subsequently be either wholly or partly responsible for determining the disciplinary sanction.
- 6.3 In cases of serious misconduct, the Assistant Principal, Head of Student Services or their nominee, may suspend a learner pending investigation. Suspension should be a neutral act and does not preclude guilt. Where a learner is suspended, they can request a meeting with the Assistant Principal to explain the reasoning for the suspension and talk through the process. This meeting should be made available at the earliest possible opportunity.
- 6.4 If the allegation involves a criminal offence (e.g. theft; assault; harassment, including racist or homophobic abuse; sexual assault) the Assistant Principal will instruct the member of staff reporting the incident to advise the complainant of their right to contact the police. Where the initial evidence appears credible and suggests that an allegation is accurate, the accused learner will immediately be sent home in a safe and, if necessary, supported manner. The learner's parents/carers will be informed (if under 18 or an EHCP is in place) and Student Services will be engaged to contact the Police. A Learner Conduct Review Meeting will be held with the associated Curriculum Lead at the earliest opportunity to decide upon further action/suspension.
- 6.5 It should be noted that, under usual circumstances, no college investigation can take place where there is an ongoing police investigation and that the college process will begin once the Police investigation is concluded. However, in exceptional circumstances and acting in the best interests of the learner, the college may, with the permission of the Police, undertake a serious misconduct investigation prior to the conclusion of the Police investigation.

It should be noted that the college investigation will evaluate and conclude if a breach of college has occurred; whereas, a Police

investigation will assess if criminal activity has taken place. As such, it is possible that the outcomes of the college and Police investigations, and any related sanctions, may differ.

- 6.6 Learners will be given every opportunity to participate in serious misconduct investigations and make statements stating their view of events. Should a learner not wish or refuses to engage in the process, the college will continue without the learner's participation and make clear to the learner that any decision will be made based on the evidence available to the college.
- 6.7 The Investigating Officer will present initial findings back to the Assistant Principal, who will decide whether the matter will be addressed through academic conduct sanction or passed to the Strategic Safeguarding Panel to review independently, based on:
- does the alleged serious conduct compromise the safety and/or well-being of themselves or others (for example, bringing illegal substances onto college property)
  - does the alleged serious misconduct targeted at an individual (for example, targeted theft or damaging of property)

The Assistant Principal will also review any suspension in place at this time.

- 6.8 If it is decided that the case will be heard through Strategic Safeguarding, the Investigating Officer will ensure the Safeguarding administration team confirm the process to the learner in writing.
- 6.9 The Strategic Safeguarding Panel will be chaired by the Safeguarding Lead and Equality and Diversity Officer or their nominee and be attended by the Investigating Officer who will set out the findings of the investigation including any explanation or account from the learner subject to the investigation.
- 6.10 The learner will be supported by the College's Student Services team to provide the necessary evidence for consideration by the panel if required and can be accompanied by a parent or other suitable person at any meeting with the Investigating Officer.
- 6.11 The Strategic Safeguarding Panel will have the right to impose a period of suspension, issue a disciplinary sanction, issue an additional sanction such as a requirement to attend training for example or exclude the learner from the College. The decision of the Strategic Safeguarding Panel will be made in writing to the learner within five working days of the panel decision being made.
- 6.12 The Learner will have the right to appeal (section 7).
- 6.13 A flow chart of the serious misconduct procedure is provided as Appendix 2.

## 7 RIGHT TO APPEAL

- 7.1 The learner will have the right to appeal level 1 and 2 sanctions. Appeals must be made to the relevant Assistant Principal, in writing, stating the grounds for the appeal and be received within 10 working days of the sanction being issued. The decision of the Assistant Principal will be final.
- 7.2 Appeals should be made using the Appeal Request Form (see appendix 3). The support of Student Services can be made available to a learner wishing to make an appeal.
- 7.3 The Assistant Principal shall consider the learners' appeal and will, usually, communicate their decision to the learner within 10 working days of receipt of the appeal.
- 7.4 Appeals against Exclusions and sanctions decided by the Strategic Safeguarding Panel must be made, in writing, to the Lincoln College Appeals Panel. All appeals must be received within 10 working days of receipt of the written confirmation of the Strategic Safeguarding Panel decision and follow the procedure noted in the College Appeals Panel Policy and Procedure (Policy CQ/PO/26), which can be obtained by contacting [quality@lincolncollege.ac.uk](mailto:quality@lincolncollege.ac.uk).

## 8 ADMINISTRATION

- 8.1 Administration related to the Learner Conduct Procedure, including Serious Misconduct, lies within the responsibility of the relevant academic area, with the exception of cases referred to the Strategic Safeguarding Panel.

Correspondence related to learner conduct meetings, notification of sanction etc. will be the responsibility of the administration in the academic area responsible for the learner involved.

The suspension of a learner is normally a decision made the Assistant Principal for the academic area of that learner. The administration for that Assistant Principal's academic area will be responsible for writing to the learner and advising them of the suspension.

The recording of the outcome of any learner conduct meeting on ProMonitor/SmartAssessor and elsewhere will be the responsibility of the administration area, or the academic member of staff dealing with the matter, in the relevant academic area for that learner.

- 8.2 Cases of Serious Misconduct which have been referred to the Strategic Safeguarding Panel, will be administered by the administration area within Student Services, other than the initial suspension of a learner.

Any decision made by the Investigating Officer or the Strategic Safeguarding Panel will be advised to the learner in writing by Student Services administration team.

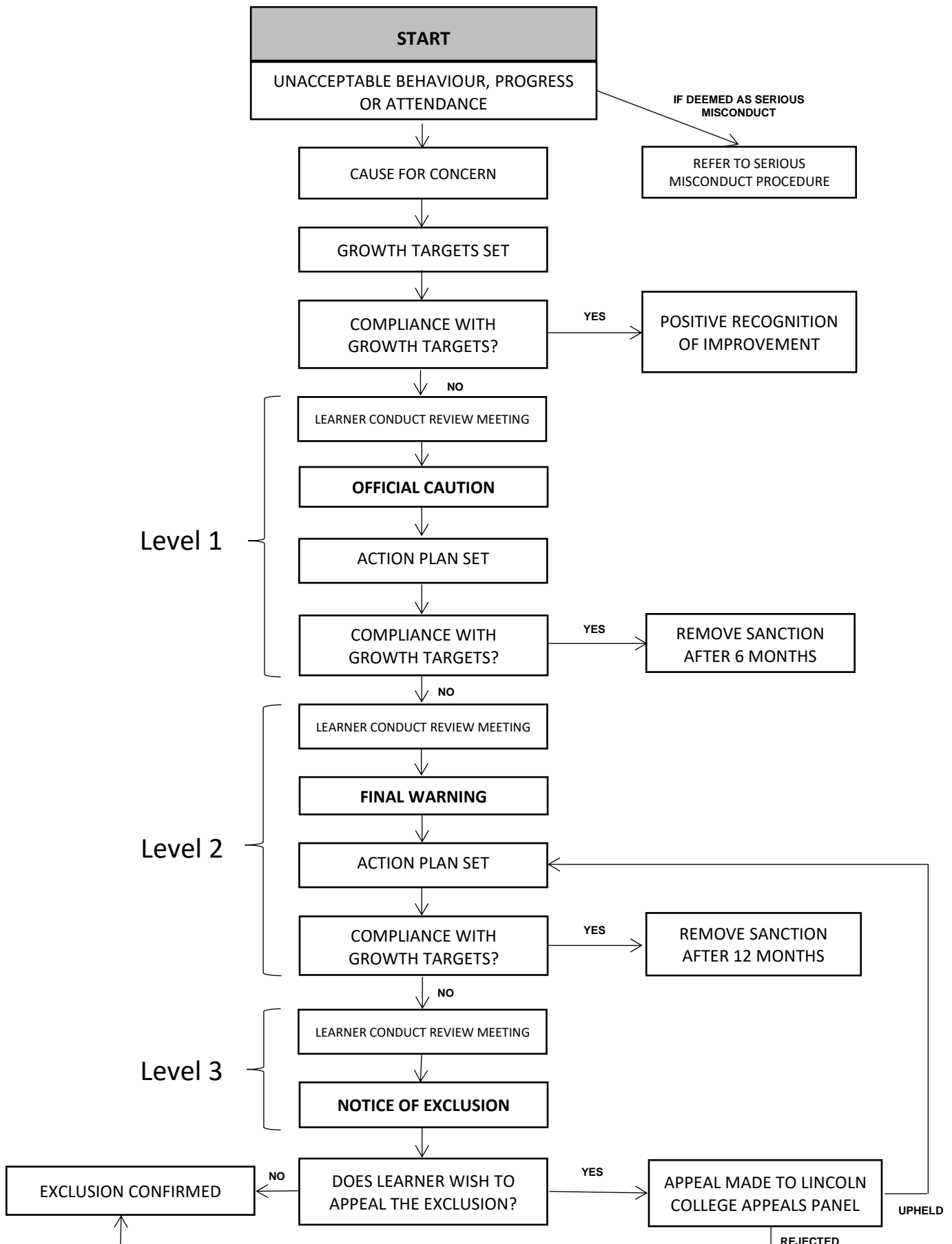
Student Services will update ProMonitor/SmartAssessor with the outcome of any Strategic Safeguarding Panel meeting if relevant.

- 8.3 Any correspondence issued to learners aged 14-18 years or 14-24 with an EHCP, LAC or Care Leavers, should be copied to parents or carers.

## **9 ANNUAL REVIEW OF THE LEARNER CONDUCT PROCEDURE**

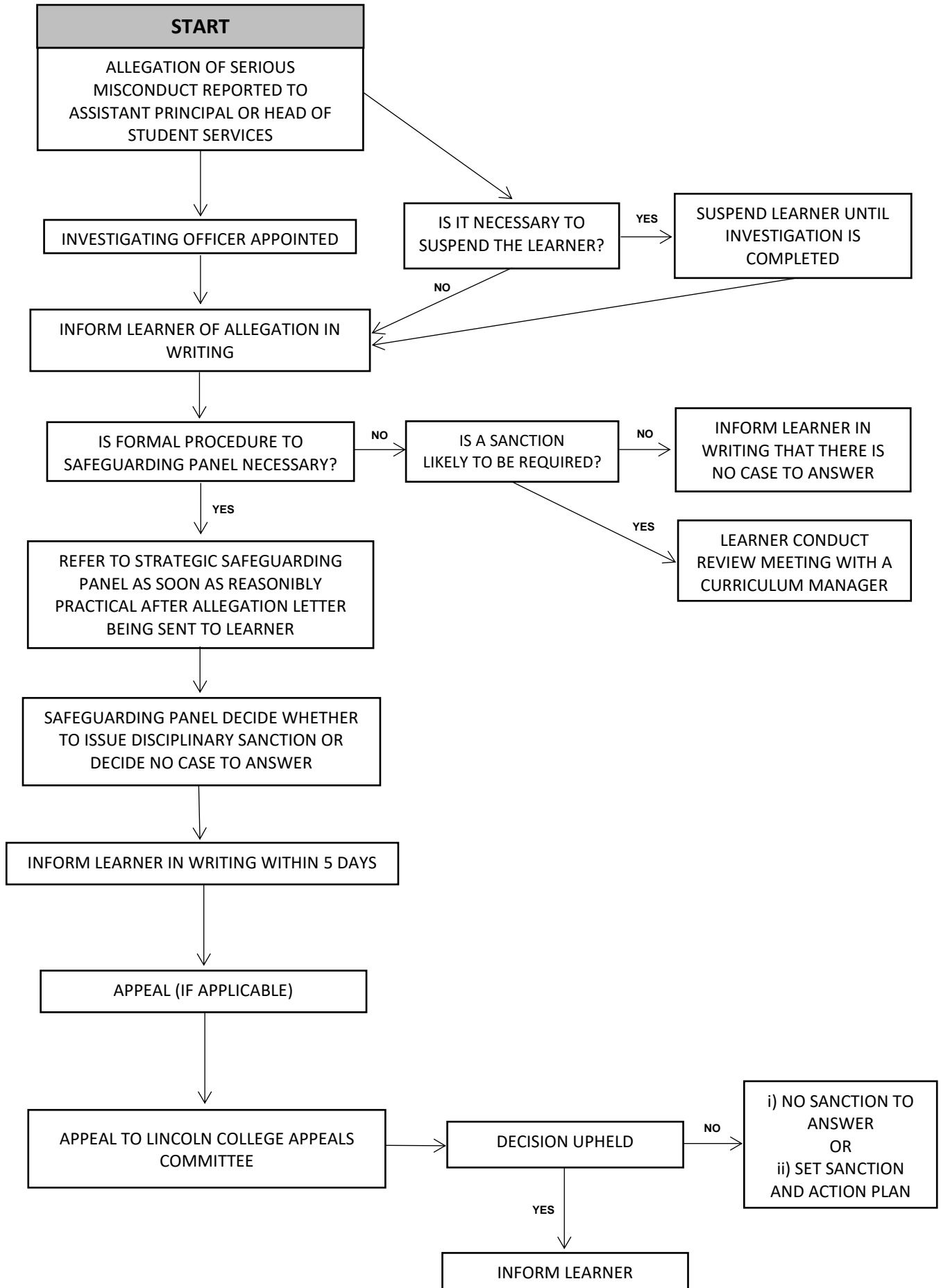
The Strategic Safeguarding Panel and the Learning Standards Quality Committee will review the Learner Conduct Procedure on an annual basis and make recommendations for its development.

PROCEDURE FOR UNACCEPTABLE BEHAVIOUR, PROGRESS OR ATTENDANCE – FLOWCHART



# SERIOUS MISCONDUCT - FLOWCHART

# APPENDIX 2



## Appeal Request Form

Should you wish to appeal an exclusion or sanction, please complete the form below and email to [quality@lincolncollege.ac.uk](mailto:quality@lincolncollege.ac.uk), including any other evidence you feel relevant. This should be within 10 working days of written confirmation of the sanction.

Your name	
Learner / student number	
Course of study	
Date of written confirmation of exclusion	
What are your reasons for appeal? (please tick the relevant box)	<ul style="list-style-type: none"> <li>• I feel that insufficient consideration has been given, by the college, to the evidence related to my case <input type="checkbox"/></li> <li>• I have not had the opportunity to put forward my case <input type="checkbox"/></li> <li>• I believe college policy has not been adhered to <input type="checkbox"/></li> <li>• New evidence/information has come to light regarding the case <input type="checkbox"/></li> <li>• An excessive or disproportionate sanction has been applied to me <input type="checkbox"/></li> </ul>
Please give further information explaining the reasons for your appeal	
Please state your preferred outcome of this appeal.	



## **GUIDANCE FOR THE RECORDING OF STATEMENTS**

This guidance is intended to support college staff who may need to record a statement from learners as part of an ongoing investigation. It is to be noted, however, that the principles outlined in this guidance may be applied in any situation that information needs to be obtained by college staff from those involved in an incident.

It is the intention of this guidance to assist college staff in obtaining and recording an accurate and truthful account of incidents that potentially breach the colleges' behavioural expectations and that occur under the jurisdiction of the college.

All parties involved should be able to give their own accounts of what has allegedly happened and thus facilitate a measured and considered response from college staff responsible for ensuring appropriate conduct at college.

As part of a thorough investigation of incidents, and in consideration of all the evidence, it should be a necessity that all those involved in and any witnesses to incidents, give their version of events.

Any physical evidence associated with an alleged incident should, if possible, be retained. If this is not practicable then photographs along with a signed witness statement would be acceptable.

All written statements must be attributed, signed and dated.

## **TAKING STATEMENTS IN COLLEGE**

It is vital that all those involved in or witness to an incident make their statements separately as it results in an objective investigation and the question of collusion is negated.

### **1. REFUSAL TO GIVE A STATEMENT**

If the any person involved in an incident refuses to give a statement the college should document this and ensure that they have tried all means to obtain this information depending on the reason given for refusal. It is important for college staff to be able to make their decision in the full knowledge of any circumstances that the perpetrator may put forward in mitigation.

## **2. APPROPRIATE PERSON TO TAKE A STATEMENT**

The member of staff taking the statement should always be neutral and not have been involved in the incident. It is also best practice that the statement taker and investigator of the case should not be a person involved in the ultimate decision making in relation to possible sanctions.

Learners may, in some circumstances, only divulge information to persons with whom they feel at ease and in whom they can trust. The interviewer should have the skills to put the learner at their ease at the start of the interview. Consideration should be given to the environment in which a statement is taken.

Following these principles will ensure that fairness is seen to be done and no allegations of undue influence or pressure can be made by learners or others.

Best practice would suggest that an appropriate adult is also made available to support learners particularly, if they are distressed or vulnerable. This adult would be there to ensure good communication and the understanding of the process by the learner but not act as an advocate or interfere in the investigation.

In taking a statement from a learner, consideration should be given to their age, aptitude, ability in terms of the process and the appropriate format chosen to take the statement, for example, supporting learners with special educational needs.

Consideration should be given to learners for whom English is not their first language – such pupils may express their case more accurately in their first language through an interpreter.

## **3. SETTING THE GROUND RULES - WITNESSES**

It is important that the staff member taking the statement outlines the ground rules to ensure the witness is aware of the procedure.

Witnesses should be informed of the time and place of the alleged incident but given no unnecessary details as their statement needs to reflect their recollection of what occurred.

Reassure the witness that the investigation will be fully investigated in a fair manner and outline that this is their opportunity to ensure that their voice is heard.

Outline that everyone involved with the incident will be asked to give a statement.

Outline how the statement is to be taken which should be in the form of a free account from the witness followed by clarification through questioning.

Outline that the witness can take as long as necessary for the statement and there are no time restraints, for example, having to return to class.

Outline the importance for honesty and that this statement will be used as part of the investigation. It should be made clear to the witness that this is not a confidential experience and that the outcome may eventually be shared with others. If appropriate the witness should be assured that personal information will be treated with sensitivity

and not disclosed to anyone unnecessarily. If during the statement taking process information is disclosed that raises a safeguarding concern then this should be referred to the appropriate agency.

The witness should be informed that their statement may be used as part of the investigation and may contribute to other investigations undertaken by college staff.

The witness should be allowed to correct or add anything to ensure accuracy. To conclude the process both of you will sign it to show that you both agree that it is a true record of what the witness has stated.

#### **4. SETTING THE GROUND RULES – PERSON FOR WHOM AN ALLEGATION HAS BEEN MADE**

The person who has had an allegation made against them must be informed of the basis of the case against and should be provided with a description of the alleged offending behaviour, including the time and the place of the incident.

The above ground rules for taking statements from witnesses should also be outlined at this time also.

#### **5. THE PRACTICALITIES OF STATEMENT TAKING**

- 5.1 A statement should commence with identifying the witness and provide details of their status, for example, learner studying....., occupation, position held, relationships and so on, as appropriate.
- 5.2 The statement should be in the first person and speech should be direct, for example, the learner said “I hate the sight of you and I’ll smack you one if you speak to me again”
- 5.3 It is important that locations, damage to property and physical injuries etc. are fully described. If applicable, a person witnessing a physical injury, such as a lecturer or First Aider, can make a statement testifying as to the injury and its description as well as the victim.
- 5.4 Hearsay evidence refers to information that a witness has heard but does not have first-hand knowledge of. It may be useful in eventually establishing facts but must always be treated with caution. As a general rule it is not usually admissible as evidence but if in doubt it should be recorded as this can be redacted later.
- 5.5 The use of jargon or slang should be avoided unless it relates to reporting direct speech. An example would be the use of the term “abusive” language. In this case the direct speech should be used. It is important that the witness’s words or phrases are used.
- 5.6 SURNAMES and PLACE NAMES should be in block capitals.
- 5.7 Exhibits produced in a statement MUST be allocated a unique reference number (URN) and clearly identifiable. Each item referred to must have its own URN.

The URN will be made up of the exhibitor's initials and a sequential number i.e. the third exhibit produced by Alexander Graham Bell would be identified as AGB/3.

The continuity of evidence is important and this should be reflected in witness statements. A practical example of this could be where a learner hands a member of staff a small amount of cannabis they saw another learner drop. A statement would be recorded from this learner setting out the circumstances. The small amount of cannabis would be given an exhibit URN (the Learner's initials and a sequential number i.e. LCS/1). The statement should record that fact that they passed this item to a member of staff.

The member of staff taking possession of the cannabis would record a statement setting out that they received the small amount of cannabis from the learner and refer to it within their statement as exhibit LCS/1. In turn they should indicate what has happened to that exhibit i.e. placed in secure cupboard within Student Services.

In the example above a person recording a statement should be mindful that neither they, nor the learner, can prove that the item is a "small amount of cannabis" and should describe that they believe it to be cannabis and not as a statement of fact.

- 5.8 Whenever identification is an issue (person, vehicle etc.) the content of the witness statement should be addressed using the ADVOKATE model:

**A**mount of time observed – How long in view.

**D**istance – How far away.

**V**isibility – Clear unobstructed view, weather etc.

**O**bservation impeded- Any obstacles in the way (tree, vehicles, buildings etc.)

**K**nown or seen before or how often – Is the person known to the witness

**A**ny special reason for remembering- Special identifying features

**T**ime elapsed between observing and subsequent identification

**E**rror – Discrepancy between description and actual appearance

## **6. ATTRIBUTING AND ANONIMISING STATEMENTS FOR USE IN EXCLUSIONS**

If the college has a good reason for protecting the anonymity of a learner then the original statement should be available for decision makers to peruse to verify their integrity. In exclusion documentation a photocopy of the original statement may be used with the learners' name deleted and supplemented with 'Learner A', 'Learner B' etc. as appropriate.

It is normal in the case of statements from learners that exclusion panels rely on these written statements.

An electronic copy of the statement template can be obtained by contacting Student Services.

# Format for taking written statement

**RESTRICTED (when complete)**



<b>WITNESS STATEMENT</b>			
Statement of:			
Age if under 18:	(if over 18 insert 'over 18')	School and role / occupation:	
This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief			
Signature: _____ (witness)			
Date _____			

Signature:		Signature witnessed by:	
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**RESTRICTED (when complete)**