

# Learner Disciplinary Policy

Issued on 5<sup>th</sup> Jan 2016

## Scope and Purpose

To provide a set of procedures to ensure that learners who fail to meet the expectations of the Centre are treated with consistency, whilst considering the individual circumstances of each learner.

- The Policy applies to all the Centre's Learners, both full and part time.
- Through induction and on an on-going basis, we will provide learners with a clear understanding of the commitments that they make to their studies, to the Centre, its community and its environment.
- Ensure that learners adhere to Centre Policies.
- Ensure that disciplinary actions are coupled with support for the learner which considers their individual circumstances.
- Document all actions taken learners.

## Disciplinary Offences

The following are some examples of misconduct; further examples will be discussed at Induction:

- any breach of health and safety or other regulations of the Centre, as outlined at Induction and in the Learner/Centre Handbook;
- any failure to follow the reasonable instructions of a member of staff;
- any theft of property or any other dishonest acts;
- deliberately or by gross negligence causing damage to any Centre buildings, equipment, books or furnishings or any property of others;
- any misuse of substances e.g. solvents, alcohol, non-medical use of prescribed drugs or illegal drugs. This applies to substance misuse within, or having an effect within, the grounds and premises of the Centre.
- Any unauthorised interference with hardware, software or data belonging to or used by the Centre or other learners;
- any smoking within Centre, except in authorised places;
- any cheating, plagiarism or copying of the work of other learners;
- any unduly noisy or any unruly behaviour or the use of foul or abusive language;
- disrupting Centre activity, whether involving staff or other learners;
- any bullying, intimidation, taunting, verbal abuse or the use of any violence or threat of violence towards any person;
- any behaviour which is socially or sexually offensive or which is offensive to those with learning and/or physical disabilities;
- any behaviour which could bring the Centre into disrepute;
- any illegal act which may have an adverse effect on the work of the Centre or on other learners.

To protect the learning environment, the Centre takes seriously any breaches of this Policy and will follow the Centre's Learner Disciplinary Process should this happen.

## **Gross Misconduct**

Furthermore, the Centre's Learner Disciplinary Process will be used in cases where learners are involved in gross misconduct, including the following:

- theft of any kind;
- threatening behaviour or assault;
- bullying or harassment including by text or email;
- deliberate damage to property (Centre and personal property);
- endangering the health and safety of others;
- any potentially criminal activities affecting the Centre and/or other learners;
- possession and/or use of alcohol;
- possession and/or use of illegal substances;
- gambling;
- plagiarism, cheating, and forgery;
- inappropriate access to web material deemed unsuitable;
- inappropriate use of the Centre e-mail

This is not an exhaustive list and each incident will be reviewed individually.

Where action of a learner is deemed to be Gross Misconduct, the Centre will in the first instance suspend the learner pending a formal investigation. In all cases of Gross Misconduct the Head of Centre will investigate the incident and may permanently exclude a learner. If plagiarism is suspected, the Quality Assurance Co-ordinator has responsibility for investigation.

All Cases of Gross Misconduct will result placing the learner on a final warning. In all circumstances a letter will be issued to the learner notifying them of the decision taken.

## **Stages of the Disciplinary Process**

### **1. Informal Stage**

This is a support measure before the disciplinary procedure is invoked and will generally relate to a failure to fulfil a commitment to Centre e.g. regular lateness, poor attendance, failure to complete work on time or minor forms of misconduct. The following should act as a guide;

- Poor Attendance
- Lack of Punctuality
- Missing Deadlines
- Poor Achievement due to lack of effort
- Poor Behaviour

If a Tutor has a concern, the Tutor must issue a written Concern Notice to the Learner.

Once a concern notice has been issued, the tutor must then arrange a review meeting with the learner within 5 working days relevant to that learner. The tutor will agree with the learner an action

plan. This Action Plan will be reviewed at or before the date agreed and if progress has been made, no record will be kept on the learner's log.

If the learner and tutor cannot agree, the learner can invoke the Disciplinary Appeals process. The tutor must await the outcome of this process before the tutor can move to Stage 2 of this policy.

## **2. First Formal Warning**

A formal warning is given if there has been failure to agree action during the informal stage or make satisfactory progress during the agreed period or because of a second concern being raised or in response to an incident of misconduct. A student can be issued directly with a first formal warning for any serious disciplinary breach. A first formal warning will be recorded on the learner's log.

2.1 Arrangements will be made to interview the student for a meeting within 5 working days of issuing the formal warning. The meeting will be held with two members of staff present. The learner can invite a representative to this meeting. At the meeting an individual action plan will be issued with clear performance targets and dates. The agreed actions will be entered on the learner's log. If the learner does not agree, the learner can invoke the Disciplinary Appeals Policy.

2.2 The centre will issue a letter to the learner including the targets agreed and the period the learner will be on review.

2.3 A review date will be set at this meeting. However more frequent meetings can be arranged, if agreed.

2.4 At the end of the review period another meeting will be held with a member of staff. If targets have been met, then no further action is taken and this will be recorded on the learner's log.

2.5 If there is no satisfactory outcome the learner will be given a **SECOND FORMAL WARNING**.

2.6 If a **SECOND FINAL WARNING** is issued it will be referred directly to the Head of Centre. This will be recorded on the learner's log.

## **3. Second/Final Formal Warning**

A second and final formal warning is given if there is failure to make satisfactory progress as a result of the first formal warning or if there are issues of a serious nature that require immediate attention. In all cases of gross misconduct the student can be issued with a second and Final Warning without having to go through other stages of the disciplinary process. A second formal warning will be recorded on the learner's log.

3.1 The learner is asked to attend a final review meeting within 5 working days of issuing the formal warning. The meeting will be held with two members of staff present. If it is a case of gross misconduct, the Head of Centre will lead the meeting. The learner can invite a representative to this meeting. During this meeting an individual action plan will be agreed, targets set and the plan will be signed. If the learner does not agree, they can invoke the Disciplinary Appeals Policy.

3.2 The Centre will issue a standard letter including the agreed targets and the period the student will be on review.

3.3 It should be made clear that any further failure to respond to support and monitoring strategies offered by the Centre is likely to result in a student being asked to leave the Centre.

3.4 A review date will be set and at the end of the review period the learner must attend a final review meeting with a senior member of staff. If targets have been met, then no further action is taken and this will be recorded on the learner's log.

3.5 If the learner breaks the individual action plan the student will be referred to the Head of Centre. The learner's representative can attend this meeting. The Head of Centre will decide on the next course of action, this could be suspension pending further investigation or permanent exclusion from the Centre. The student does have the right of appeal.

3.6 If a learner is taken off the second formal warning and a further concern is raised (repeat of previous/similar behaviour), the student will in all cases be referred directly to the Head of Centre who will decide on the appropriate course of action.

#### **4. Disciplinary Appeals Process**

4.1 The Centre will establish a Learner Disciplinary Appeals Panel to deal with all learner disciplinary appeals. This will consist of a minimum of two members of staff who are not directly involved with the learner.

4.2 Learners must appeal in writing to the Appeals Panel within 5 working days of attending a disciplinary meeting.

4.3 The Disciplinary Appeals Panel will request written information from all those involved and meet within 5 working days of receiving the appeal. The learner will be asked to attend the meeting and can invite a representative to this meeting.

4.4 The Panel will review all information and decide which will be communicated in writing to the learner.

4.5 The decision of the Panel is final.