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|------------------------------------|---|
| Policy and Procedure Title         | <b>Learner Disciplinary Policy and Procedure</b>          |
| Date Approved                      | 3rd September 2018  |
| Approved by                        | Executive   |
| Date of Equality Impact Assessment | N/A   |
| Next Review Date                   | April 2019  |
| Executive Lead                     | Vice Principal Curriculum, Quality and Learner Experience |
| Applicable to:                     | Staff, Learners   |
| Accessible to:                     | Staff, Learners   |

## 1. SCOPE AND PURPOSE

- 1.1 The Learner Disciplinary Policy and Procedure is intended to guide staff in taking a fair and consistent approach in matters of learner discipline. The policy is linked to the 'Learner Agreement and College Code' which sets out the rules governing acceptable learner behaviour. The Learner Disciplinary Policy and Procedure is to be used where learner misbehaviour cannot be dealt with through everyday classroom management or when behaviour remains unsatisfactory following informal discussion or warnings
- 1.2 The Learner Disciplinary Policy and Procedure is based on principles of equality, fairness and natural justice. It seeks to ensure and protect the right of all members of the college to study and work in an environment of mutual respect and tolerance, and is designed to be robust and supportive
- 1.3 All learners must be made aware of the rules they are expected to comply with. These are detailed in the 'Learner Agreement and College Code'. Learners must also be made aware of the Learner Disciplinary Policy and Procedure and related sanctions that can be applied if they fail to comply
- 1.4 During induction learners will receive a briefing on the Learner Disciplinary Policy and Procedure. Copies of the 'Learner Agreement and College Code' and the Learner Disciplinary Policy and Procedure will be on each learner's ILP. Learners will indicate that they have read each of these documents
- 1.5 Special consideration can be given where a learner's understanding of the Learner Disciplinary Policy and Procedure may be affected by their learning difficulty, disability or mental health. Each case will be dealt with on an individual basis following consultation with the Head of Learner Services as appropriate
- 1.6 At all stages of the Learner Disciplinary Policy and Procedure, learners should be informed of their right for support and the provision of any appropriate reasonable adjustments
- 1.7 It should be made clear to learners that their curriculum team can provide them with information regarding the Learner Disciplinary Policy and Procedure, the rights of the individual and any possible representation. Access to support, if required and where appropriate, can also be provided
- 1.8 The Learner Disciplinary Policy and Procedure applies to all learners, of all ages, in all types of provision; in all locations

- 1.9 Breaches of the Learner Disciplinary Policy and Procedure by learners in college accommodation should be addressed by the Curriculum Area in which they are enrolled. The relevant member of accommodation staff will act as investigating officer and will prepare and present evidence at any resulting Disciplinary Hearing
- 1.10 Learners in accommodation have a set of rules to comply with, specific to their residential status. These rules do not sit outside of the college Learner Disciplinary Policy and Procedure. Failure to comply with accommodation rules and expectations will lead to disciplinary action under the Learner Disciplinary Policy and Procedure as appropriate
- 1.11 Where a learner in college accommodation commits a gross breach (in particular, one related to drug or alcohol possession/use) then removal from college accommodation is a potential sanction – especially for HE learners
- 1.12 The ‘Fitness to Study’ policy and procedure is no longer in use. Where there is concern about a learner’s health / mental health / wellbeing, this should be addressed in a supportive manner by the Curriculum Team in partnership with Learner Services to ensure that the appropriate procedures are adhered to

## 2 RESPONSIBILITIES

- 2.1 Overall responsibility for the implementation of the Learner Disciplinary Policy and Procedure lies with the Vice Principal, Curriculum, Quality and Learner Experience
- 2.2 During teaching, training and learning sessions, the teacher/assessor/trainer has immediate responsibility for learner discipline
- 2.3 All college staff have responsibility for maintaining learner discipline outside the teaching and learning areas and should advise any learners behaving in a manner that is contrary to the ‘Learner Agreement and College Code’ that their behaviour may lead to disciplinary action. Staff should then follow the appropriate action outlined in the policy
- 2.4 Parents and carers of learners under the age of 18 will be kept informed of any disciplinary action at stages 2 and 3. Where a learner is aged 18 and over, parents and carers may only be informed with the learner’s permission
- 2.5 While it is recognised that employers may have their own codes of conduct and disciplinary procedure, work place learners will be expected to comply with the ‘Learner Agreement and College Code’ whilst on college premises. This should be made clear to both learners and employers. Employers will be made aware of any disciplinary action involving their employee
- 2.6 Learners have the right of appeal at all stages of the Learner Disciplinary Policy and Procedure
- 2.7 Loughborough College learners studying on Higher Education programmes are subject to the LDPP along with the additional policies, processes and procedures in place to oversee provision in partnership with partner universities

## 3 TYPES OF DISCIPLINARY BREACHES

- 3.1 Breaches of discipline may be classed as: ‘**minor**’, ‘**major**’ or ‘**gross**’. The examples given below are for guidance only and do not represent an exhaustive list. Professional

judgement should be made in individual cases and it is ultimately the responsibility of the Head of Department to classify a breach of discipline as either minor, major or gross

➤ **Minor Breach (Stage 1):** including but not limited to allegations of:

- repeated lateness
- unauthorised absence
- 'low level' disruptive behaviour
- non-submission or non-completion of academic work
- inadequate academic/work performance
- unauthorised use of a mobile phone
- misuse of college ID to include allowing entry/exit to a college site for another learner/individual without their own ID (including learners in college accommodation allowing entry to unauthorised guests)

➤ **Major Breach (Stage 2):** including but not limited to allegations of:

- repeating a minor breach
- failure to comply with a Stage 1 Action Plan
- offensive language or behaviour
- refusal to show identification or display ID badge
- acting in an unsafe manner, including a failure to comply with health and safety regulations (including accommodation specific rules)
- disrupting the work or recreation of others
- plagiarism or copying the work of other learners
- repeated non-completion or submission of work
- smoking in an unauthorised area
- failure to comply with a reasonable request from a member of college staff

➤ **Gross Breach (Stage 3):** including but not limited to allegations of:

- failure to comply with a Stage 2 Action Plan
- theft
- violence or threat of violence, including verbal threats and threats made by e-mail, mobile phone, social networking sites and text message
- filming/photography of other persons without their knowledge or consent
- being under the influence of drugs or alcohol
- use of or possession of drugs or alcohol
- supplying illegal or prescription drugs
- wilful damage to college or another person's property
- gambling
- sending, accessing and/or downloading pornographic or offensive material via the internet/social media
- other breaches of the college computer, internet, social media and e-mail facilities or regulations;
- insubordination or refusal to carry out reasonable requests from staff
- bullying or harassment
- carrying/use of an offensive weapon
- repeated misuse of college ID to include allowing entry/exit to a college site for another learner/individual without their own ID (including learners in college accommodation allowing entry to unauthorised guests)
- making an unfounded or malicious allegation against a member of staff or learner

- any activity affecting the college or other learners or which could bring the college into disrepute
- exam malpractice (Awarding Body protocols and sanctions will run alongside any college processes)

- 3.2 Where a learner is experiencing difficulties meeting the demands of their programme as a result of their physical, mental or emotional health and wellbeing then the use of the LDPP may not be appropriate. Intervention and support can be recorded on the ILP using the 'Manage Learner Meetings' tab and completing a 'Progress Review' to ensure that any reasonable adjustments are made and any necessary support strategies are implemented prior to consideration of the LDPP
- 3.3 In cases such as 3.2 above, every effort should be made to support the learner through partnership work between curriculum and college support services prior to the introduction of any disciplinary procedures
- 3.4 Where a learner is suspected of a criminal offence, the police will be contacted. Any subsequent formal police action will not affect the college's own disciplinary policy from being implemented unless the police request that we pause our own internal investigations until they have undertaken necessary background work. The procedure may be extended or suspended depending on the type of police investigation being carried out
- 3.5 Where a safeguarding issue is raised in association with a breach of the Learner Disciplinary Policy and Procedure the staff member initiating the disciplinary response must contact the on duty safeguarding staff member using 07979737474

#### 4. INVESTIGATION

- 4.1 An allegation of a breach of The Learner Disciplinary Policy and Procedure will be investigated
- 4.2 The extent of the investigation should be commensurate with the nature of the alleged disciplinary breach. For an alleged minor breach, it may simply take the form of a staff member reviewing entries made on a learner's ILP. In more serious or complex cases, it may require interviewing witnesses, taking statements and examining other documentation
- 4.3 The outcome of the investigation will determine at which stage of the Learner Disciplinary Policy and Procedure any ensuing hearing will be held (Stage 1, 2 or 3)
- 4.4 The outcome of the investigation will be recorded on ProMonitor

#### 5. DISCIPLINARY PROCEDURE

##### ➤ Minor Breach (Stage 1)

- At the minor breach stage, where informal efforts have not resulted in the necessary improvements, and evidence supports the allegation of a minor breach, a **Stage 1 Disciplinary Meeting** will be held. This is a short, focused meeting to efficiently address minor misdemeanours

- A Stage 1 Disciplinary Meeting can be held without advance notification and there is no requirement or expectation that a learner should be accompanied at the meeting
- At the Meeting, the Study Programme Lead/Subject Lead/Personal Tutor (or nominated representative) will consider any evidence concerning the alleged breach of the Learner Disciplinary Policy and Procedure. Any evidence should be uploaded to the Learner's Stage 1 Disciplinary Meeting record using the 'linked document' facility on the ILP
- The **Stage 1 Disciplinary Meeting** is held by the Study Programme Lead/Subject Lead/Personal Tutor (or nominated representative). Details of this meeting will be recorded on ProMonitor. Guidance on the conduct of a Stage 1 Disciplinary Meeting is available in Appendix 1 on page 14
- At the Meeting, evidence will be presented by the member of staff holding the meeting to outline the breach of discipline and any action taken to date. The learner will present his or her case which will include any mitigating factors
- The staff member will consider the appropriate outcome and any recommended sanction
- Where an allegation is not upheld a decision of 'no case to answer' will be recorded on ProMonitor and no further action taken
- Where a learner fails to attend a Stage 1 Disciplinary Meeting without prior notification or explanation then the meeting will be held in his/her absence and a decision taken
- Where an allegation of a minor breach is upheld, a 'Stage 1 Written Warning Letter' will be sent to the learner and their parent, if under 18 (using the template on ProMonitor) and a Stage 1 Action Plan will be set (and recorded on ProMonitor) which will identify specific behaviours, actions, appropriate support and timescales
- The Study Programme Lead/Subject Lead/Personal Tutor (or nominated representative) will monitor the Stage 1 Action Plan. At the end of the agreed timescale (usually 7 days), a review of the Stage 1 Action Plan is completed by the Study Programme Lead/Subject Lead/Personal Tutor and the action plan updated on ProMonitor
- If the requirements of the Stage 1 Action Plan have not been adhered to, Stage 2 of the procedure can be initiated and logged on ProMonitor

➤ **Major Breach (Stage 2)**

- At this stage, the learner will be required to attend a **Stage 2 Disciplinary Hearing**
- Once an investigation has been concluded, the learner (and parent/carer if aged under 18) should be informed of this meeting in writing, giving 5 working days' notice using the letter template 'Invitation to Stage 2 Disciplinary Hearing' found in the 'Print Reports' section at the bottom of the Stage 2 Disciplinary Hearing page on ProMonitor

- The necessary documents to be enclosed with the letter are indicated in the 'Overview of Stage 2 Disciplinary Hearing' on page 12. All evidence to be presented at the Hearing will be sent with the letter. The learner may be supported at the hearing by a member of staff, friend, relative or LSU representative (not a legal advisor). Any evidence should be uploaded to the Learner's Stage 2 Disciplinary Hearing record using the 'linked document' facility on the ILP
  - The Stage 2 Disciplinary Hearing is chaired by the Curriculum Manager (or nominated representative) assisted by a staff colleague. Details of this meeting will be set up on ProMonitor using the 'Manage Learner Meetings' tab and selecting the appropriate 'meeting type' from the drop-down menu in the table. Guidance on the conduct of a Stage 2 Disciplinary Hearing is available in Appendix 2 on page 16
  - At the Hearing, evidence will be presented by the investigating officer to outline the breach of discipline and any action taken to date. The learner will present his or her case which will include any mitigating factors. All evidence will be made available to all parties. The panel members will question the investigating officer and the learner to ascertain the facts of the case and if material facts are disputed, further sources of evidence may be requested
  - The panel will consider the appropriate outcome and any recommended sanction
  - Where an allegation is not upheld, a lesser sanction may be applied (where a minor breach is found) or a decision of 'no case to answer' will be recorded on ProMonitor and no further action taken
  - Where a learner fails to attend a scheduled Stage 2 Disciplinary Hearing without prior notification or explanation then the hearing will be held in his/her absence and a decision taken
  - Where an allegation of a major breach is upheld, a 'Stage 2 Written Warning Letter' (using the template on ProMonitor) will be issued. A Stage 2 Action Plan will be set (and recorded on ProMonitor) which will identify specific behaviours, actions, appropriate support and timescales
  - The Study Programme Lead/Subject Lead/Personal Tutor (or nominated representative) will monitor the Stage 2 Action Plan. At the end of the agreed timescale, a review of the Stage 2 Action Plan will be completed and the action plan updated on ProMonitor
  - A summary record of the notes of the Hearing will be entered on ProMonitor in the 'Brief one to one Meeting Notes' section of the meeting record
  - If the requirements of the Stage 2 Action Plan have not been addressed, Stage 3 of the procedure can be initiated and logged on ProMonitor
- **Gross Breach (Stage 3)**
- At this stage, the learner will be required to attend a **Stage 3 Disciplinary Hearing**

- Once an investigation has been concluded, the learner (and parent/carer if aged under 18) should be informed of the Stage 3 Disciplinary Hearing in writing giving 5 working days' notice using the letter template 'Invitation to Stage 3 Disciplinary Hearing' found in the 'Print Reports' section at the bottom of the Stage 3 Disciplinary Hearing page set up on ProMonitor. Where a learner has been suspended pending the hearing, the notice period can be reduced in agreement with all parties
- The necessary documents to be enclosed with the letter are indicated in the 'Overview of Stage 3 Disciplinary Hearing' on page 13. All evidence to be presented at the Hearing will be sent with the letter. The learner may be supported at the hearing by a member of staff, friend, relative or LSU representative (not a legal advisor). Any evidence should be uploaded to the Learner's Stage 3 Disciplinary Hearing record using the 'linked document' facility on the ILP
- The **Stage 3 Disciplinary Hearing** is chaired by the Head (or nominated representative), assisted by a member of the Wider Management Team. Details of this meeting will be set up on ProMonitor using the 'Manage Learner Meetings' tab and selecting the appropriate 'meeting type' from the drop-down menu in the table. Guidance on the conduct of a Stage 3 Disciplinary Hearing is available in Appendix 3 on page 18
- At the Hearing, evidence will be presented by the investigating officer to outline the breach of discipline and any action taken to date. The learner will present his or her case which will include any mitigating factors. All evidence will be made available to all parties. The panel members will question the investigating officer and the learner to ascertain the facts of the case and if material facts are disputed, further sources of evidence may be requested
- The panel will consider the appropriate outcome and any recommended sanction
- Where an allegation is not upheld a lesser sanction may be applied (where a major or minor breach is found) or a decision of 'no case to answer' will be recorded on ProMonitor and no further action taken
- Where a learner fails to attend a scheduled Stage 3 Disciplinary Hearing without prior notification or explanation then the hearing will be held in his/her absence and a decision taken
- Where an allegation of a gross breach is upheld, a 'Stage 3 Written Warning' letter (using the template on ProMonitor) will be issued.
- A Stage 3 Action Plan will be set (and recorded on ProMonitor) and reviewed within the agreed timescale
- The Curriculum Manager (or nominated representative) will monitor the Stage 3 Action Plan. At the end of the agreed timescale, a review of the Stage 3 Action Plan will be completed and the action plan updated on ProMonitor
- Alternatively, the panel can make a request to the Vice Principal, Curriculum, Quality and Learner Experience that the learner is withdrawn from college

- A summary record of the notes of the Hearing will be entered on ProMonitor in the 'Brief one to one Meeting Notes' section of the meeting record
- Where a learner, who has previously received a Stage 3 Written Warning, is alleged to be in breach of their Stage 3 Action Plan or has allegedly committed a further breach of the Learner Disciplinary Policy and Procedure, then a Stage 3 Disciplinary Hearing is re-convened
- Where the alleged gross breach is upheld, then a 'Stage 3 Final Written Warning' letter (using template on ProMonitor) will be issued and a Stage 3 Final Action Plan will be agreed (and recorded on ProMonitor). Alternatively, request for withdrawal can be made to the Vice Principal, Curriculum, Quality and Learner Experience for authorisation

Where a learner is found to be in breach of a 'Stage 3 Final Written Warning', the Vice Principal, Curriculum, Quality and Learner Experience will be informed and the learner will be immediately withdrawn from college (without recourse to another Hearing) and a 'Withdrawal Letter' sent

## 6. SUSPENSION

- 6.1 **Suspension is not a sanction.** It should only be used where a learner is an immediate danger to her/himself or others; or where there is reason to believe that a learner has committed an act of gross misconduct and remaining on college premises (or other premises used to deliver Loughborough College education and training) presents a concern. It can be used as a temporarily '*cooling off*' period in an emotionally charged situation where the facts of an incident are not clear and an investigation is required. The Head (or nominated representative) should be consulted prior to suspension and an entry made on ProMonitor using the 'Manage Learner Meetings' tab and selecting 'Disciplinary – Suspension.'
- 6.2 If a learner is displaying violent behaviour, or is under the influence of alcohol/drugs that may threaten their own safety or the safety of others, Security and the Duty Manager should be informed. Where a learner's safety or well-being may be threatened because of being suspended or sent off college premises it may be necessary to engage parents/carers or other agencies as appropriate. Advice should be taken from Head of Learner Services or the Learner Services Manager, as required. Parents/carers of learners under the age of 18 must be informed if a learner has been suspended
- 6.3 The relevant Head of Department (or nominated representative) is responsible for making the decision whether or not to suspend a learner. The Duty Manager or a member of the Senior Leadership Team can also suspend a learner when the relevant Head of Department is not available
- 6.4 The suspension must be confirmed in writing to the learner by the relevant Head of Department (or nominated representative) using the letter template on ProMonitor using the 'Manage Learner Meetings' tab and selecting 'Disciplinary – Suspension.' College reception and security also need to be informed
- 6.5 Suspension should be kept to a minimum period and is carried out 'pending a disciplinary investigation'. The appropriate stage of the disciplinary procedure should then be initiated within five working days of the completion of an investigation



- 6.6 Whilst suspended, a learner may not enter college premises (or other premises used for the delivery of Loughborough College education or training provision) or access any college resources without permission from the relevant Head of Department (or nominated representative). Use of the college e-learning platform is still permitted during suspension (unless the alleged offence leading to suspension is related to an issue pertaining to the use of this facility).
- 6.7 Where a learner has been suspended, a register mark of ('K' known absence) should be used to record their absence. This will enable any bursary payments to be applied as appropriate

## 7. GUIDANCE ON OUTCOMES AND SANCTIONS

### 7.1 Breaches of Discipline

- **Minor Breach (Stage 1 Disciplinary Meeting)**  
(Once informal actions to address an initial breach have been tried unsuccessfully)
  - No case to answer
  - Stage 1 Action Plan (monitored by the Study Programme Lead/Subject Lead/Personal Tutor)
  - Stage 1 Written Warning (letter template found in the 'Print Reports' section of the meeting on ProMonitor) cc'd to parents of learners under 18
- **Major Breach (Stage 2 Disciplinary Hearing)**
  - No case to answer
  - A lesser (Stage 1) sanction where a Stage 1 breach is found
  - Stage 2 Action Plan (monitored by the Study Programme Lead/Subject Lead/Personal Tutor)
  - Stage 2 Written Warning (letter template found in the 'Print Reports' section of the meeting on ProMonitor) cc'd to parents of learners under 18
- **Gross Breach (Stage 3 Disciplinary Hearing)**
  - No case to answer
  - A lesser (Stage 1 or 2) sanction where a stage 1 or 2 breach is found
  - Stage 3 Action Plan (monitored by the Curriculum Manager, or nominated representative)
  - Stage 3 Written Warning (letter template found in the 'Print Reports' section of the meeting on ProMonitor) cc'd to parents of learners under 18
  - Stage 3 Final Written Warning (letter template found in the 'Print Reports' section of the meeting on ProMonitor) cc'd to parents of learners under 18
  - Transfer to a more suitable course
  - Withdrawal (post authorisation from the Vice Principal, Curriculum, Quality and Learner Experience) for a specified period (usually one academic year). The Withdrawal Letter template located in the 'Print Reports' section of the meeting on ProMonitor is used to notify the learner and parents of learners under 18 of the withdrawal

- 7.2 The application of the appropriate outcome is ultimately the decision of the Curriculum Manager (or nominated representative) at Stage 2 or the Head at a Stage 3 Disciplinary Hearing. Some degree of judgement should be made bearing in mind previous disciplinary history, progress on course, any mitigating circumstances and the likelihood of other learner's learning being disrupted

- 7.3 The learner should be informed of the decision of the panel in writing within five working days (wherever practicable) using the Stage 1, 2 or 3 Outcome Letter (templates on ProMonitor)

## 8. APPEALS

- 8.1 At each stage of the Learner Disciplinary Policy and Procedure, it is important that learners are given the right to appeal and are informed that they may seek advice on any support requirements from Learner Services and from LSU
- 8.2 At Stages 1 and 2 of the Learner Disciplinary Policy and Procedure, any appeal must be made in writing within five working days of receiving the outcome letter, and must state the grounds for the appeal (e.g. new evidence not considered by the panel, conduct or fairness of the original procedure, disagreement over sanction applied). An appeal from Stage 3 of the Learner Disciplinary Policy and Procedure must be made, in writing within ten working days of receiving the outcome letter, to the PA to the CEO for consideration
- 8.3 Where an appeal is granted, an Appeal Meeting will be set up using an 'Invitation to Appeal Meeting' letter on ProMonitor and recorded on a 'Disciplinary Appeal Meeting' template on ProMonitor
- 8.4 The appeal panel can uphold or dismiss an appeal. They cannot increase the severity of any sanction previously applied. If the appeal is upheld, the appeal panel can amend the sanction applied at the original disciplinary meeting
- 8.5 The decision of the Appeal panel is final and is the end of the disciplinary process

### ➤ **Minor Breach (Stage 1)**

- The appeal will be chaired by a Head of Department (or nominated representative) and a member of the college Wider Management Team within 10 working days of the receipt of the appeal (wherever practicable) and the learner (and parent/carer if aged under 18) will be given five working days' notice of the date, in writing. A learner can be supported in the appeal by a member of staff, friend, relative or LSU representative (not a legal advisor). The learner and the relevant Curriculum Manager (or nominated representative) will have the opportunity to present oral or written evidence. The decision of the Chair is final and will be communicated to the learner in writing within five working days (wherever practicable) and logged onto ProMonitor

### ➤ **Major Breach (Stage 2)**

- The appeal will be chaired by a Head of Department (or nominated representative) and a member of the college Wider Management Team within 10 working days of the receipt of the appeal (wherever practicable) and the learner (and parent/carer if aged under 18) will be given five working days' notice of the date, in writing. A learner can be supported in the appeal by a member of staff, friend, relative or LSU representative (not a legal advisor). The learner and the relevant Curriculum Manager (or nominated representative) will have the opportunity to present oral or written evidence. The decision of the Chair is final and will be communicated to the learner in writing within five working days (wherever practicable) and logged onto ProMonitor

### ➤ **Gross Breach (Stage 3)**

- The appeal will be heard by an appeal panel consisting of a Vice Principal (or nominated representative) and a Senior Leadership Team member. The appeal will be heard within 15 working days of the receipt of the appeal (wherever practicable) and the learner (and parent/carer if aged under 18) will be given five working days' notice of the date, in writing. A learner can be supported in the appeal by a member of staff, friend, relative or LSU representative (not a legal advisor). The learner and the relevant member of college staff will have the opportunity to present oral or written evidence. The decision of the Chair is final and will be communicated to the learner in writing within five working days (wherever practicable) and logged onto ProMonitor

## 9. RECORD KEEPING

- 9.1 Records of each stage of the disciplinary process must be entered onto ProMonitor, with all relevant documents completed and uploaded. All relevant parties must be informed in writing of the outcome at each stage
- 9.2 It is expected that ProMonitor is used to record evidence of learner behaviour and progress and any strategies used to address any issues of concern
- 9.3 Heads of Department (or nominated representative) will be regularly issued with an updated overview of the recorded disciplinary incidents in their programme areas together with the outcomes and sanctions applied

## 10. MODERATION OF FORMAL DISCIPLINARY PROCEDURE

- 10.1 Chairs of Disciplinary Hearings will have annual training to ensure consistency and fairness in processes and outcomes across the college
- 10.2 Chairs will also be issued with an exemplar list of sanctions and a regular, updated list of recently applied sanctions to help exercise judgements over decision making

## 11. SAFEGUARDING ISSUES

- 11.1 There may be occasions where breaches of the 'Learner Agreement and College Code' immediately relate to or later raise a safeguarding issue. In these circumstances, safeguarding must be given a priority. All cases need to be treated on an individual basis and the normal safeguarding procedures will apply. At no time should the impending outcome of a disciplinary process delay the reporting of a safeguarding issue. If unsure, seek advice from the Head of Learner Services

## 12. EQUALITY IMPACT ASSESSMENT

- 12.1 This policy has undergone an equality impact assessment to promote equality of opportunity, fairness and to eliminate any form of discrimination

## 13. REVIEW OF POLICY

- 13.1 The above policy will be reviewed by the relevant parties annually or as required

**OVERVIEW OF STAGE 1 DISCIPLINARY MEETING**

**MINOR BREACH**

Including but not limited to: repeated lateness, unauthorised absence; low level disruptive behaviour; non-submission or non-completion of academic work; inadequate academic/work performance; unauthorised use of mobile phone, misuse of college ID to include allowing entry/exit to a college site for another learner/individual without their own ID (including learners in college accommodation allowing entry to unauthorised guests).

| <b>Process</b>   | <b>Evidence Record</b>   |
|--|--|
| <ul style="list-style-type: none"> <li>The member of staff who identifies the issue adds a comment under 'Feedback for Learners' on ProMonitor</li> </ul>  | <ul style="list-style-type: none"> <li>Cause for concern (may lead to disciplinary) comment on ProMonitor</li> </ul>   |
| <ul style="list-style-type: none"> <li>The member of staff alleging the Minor Breach arranges for the matter to be taken to a Stage 1 Meeting</li> </ul>   | <ul style="list-style-type: none"> <li>Evidence is collated and given to the meeting chair, who arranges to meet the learner, which may be without advance notification</li> </ul> |
| <ul style="list-style-type: none"> <li>The learner meets 1:1 with the meeting lead (Study Programme Lead/Subject Lead or nominated representative) at a Stage 1 Disciplinary Meeting (see Appendix 1)</li> </ul> | <ul style="list-style-type: none"> <li>All entries on ProMonitor for the learner are reviewed</li> <li>Stage 1 Meeting notes are completed on the ProMonitor template</li> </ul>   |
| <ul style="list-style-type: none"> <li>The meeting lead decides on the appropriate outcome and sanction</li> </ul>   | If the Stage 1 breach is proven: <ul style="list-style-type: none"> <li>Stage 1 Written Warning is issued</li> <li>Stage 1 Action Plan is produced</li> </ul>                      |
| <ul style="list-style-type: none"> <li>Study Programme Lead/Subject Lead (or nominated representative) monitors and reviews the Stage 1 Action Plan</li> </ul>   | <ul style="list-style-type: none"> <li>Entry made on ProMonitor to confirm the outcome of the action plan review, at the end of the agreed timescale</li> </ul>                    |
| <ul style="list-style-type: none"> <li>If requirements of the Stage 1 Action Plan are not met, Stage 2 can be implemented</li> </ul>   | <ul style="list-style-type: none"> <li>Entry on ProMonitor</li> </ul>  |

**Sanctions and Outcomes**

No case to answer (no action required)

Stage 1 Written warning and action plan

**Appeals Process (to be lodged within 5 working days from receipt of Disciplinary Outcome letter)**

|  |   |
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| Head of Department (or nominated representative) and WMT member hears appeal within 10 days of receipt | Letter confirming decision within 5 working days sent by Head of Department (or nominated representative) and copied to parent/care of learners aged under 18 |
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**OVERVIEW OF STAGE 2 DISCIPLINARY HEARING**

**MAJOR BREACH**

Including but not limited to: repeating a minor breach; failure to comply with a Stage 1 Action Plan; offensive language or behaviour; refusal to show identification or display ID badge; acting in an unsafe manner, including a failure to comply with health and safety regulations (including accommodation – specific rules); smoking in an unauthorised area, disrupting the work or recreation of others; plagiarism or copying the work of other learners; repeated non-completion or submission of work.

| <b>Process</b>  | <b>Evidence Record</b>  |
|---|---|
| <ul style="list-style-type: none"> <li>The member of staff who identifies the issue adds a comment under 'Feedback for Learners' on ProMonitor</li> </ul>   | <ul style="list-style-type: none"> <li>Cause for concern (may lead to disciplinary)' comment on ProMonitor</li> <li>ProMonitor evidence of non-completion of a Stage 1 Action Plan</li> </ul>   |
| <ul style="list-style-type: none"> <li>The member of staff alleging the Major Breach gains approval from line manager to have the matter investigated with a view to it being taken to a Stage 2</li> <li>The investigating officer appointed by the manager collates evidence for the learner and the panel</li> <li>The investigating officer liaises with the area administrator to have the letter and evidence sent out</li> </ul> | <ul style="list-style-type: none"> <li>All evidence is given to the administrator to scan and upload to the learner's meeting record</li> <li>Administrator sends out 'Invitation to Stage 2 Disciplinary Hearing' letter' (and email) to the learner (and parent/carer as appropriate) giving a minimum of 5 days' notice of the Hearing</li> <li>All evidence is included with the letter</li> <li>The letter includes a link to the policy and procedure on the college website, a paper version of the 'Learner Discipline Quick Guide,' the learner's disciplinary record on their ILP (see 'Custom reports – Individual Discipline Record for Disciplinary letters') and copies of the evidence to be presented at the hearing</li> </ul> |
| <ul style="list-style-type: none"> <li>The learner meets with the Chair (Curriculum Manager or nominated representative) and staff colleague and other support staff involved, such as Learner Services at a Stage 2 Disciplinary Hearing (see Appendix 2)</li> <li>The investigating officer presents evidence</li> </ul>  | <ul style="list-style-type: none"> <li>All entries on ProMonitor for the learner are reviewed</li> <li>Stage 2 meeting notes (and outcomes) are recorded on ProMonitor</li> </ul>   |
| <ul style="list-style-type: none"> <li>The Chair decides on the appropriate outcome and sanction</li> </ul>   | <p>If the Stage 2 breach is proven:</p> <ul style="list-style-type: none"> <li>Stage 2 Written Warning is issued</li> <li>Stage 2 Action Plan is produced</li> </ul>  |
| <ul style="list-style-type: none"> <li>The Stage 2 Action Plan is monitored/reviewed by the Study Programme Lead/Subject Lead or nominated representative</li> </ul>  | <ul style="list-style-type: none"> <li>Entry made on ProMonitor to confirm outcome of the action plan review at the end of the agreed timescale</li> </ul>  |
| <ul style="list-style-type: none"> <li>If requirements of the Stage 2 Action Plan are not met, Stage 3 can be implemented</li> </ul>  | <ul style="list-style-type: none"> <li>Entry on ProMonitor</li> </ul>   |

**Sanctions and Outcomes**

No case to answer (no action required)

Lesser sanction if a stage 1 is found

Stage 2 Written warning and action plan

**Appeals Process (to be lodged within 5 working days from receipt of Disciplinary Outcome letter)**

Head of Department (or nominated representative) and WMT member hears appeal within 10 days of receipt

Letter confirming decision within 5 working days sent by Head of Department (or nominated representative) and copied to parent/care of learners aged under 18

**OVERVIEW OF STAGE 3 DISCIPLINARY HEARING**

**GROSS BREACH**

Including but not limited to: failure to comply with a Stage 2 Action Plan; theft; violence or threat of violence, including verbal threats and threats made by e-mail, mobile phone, social networking sites and text message; filming/photography of other persons without their knowledge or consent; being under the influence of drugs or alcohol; use or possession of drugs or alcohol; supplying illegal or prescription drugs; wilful damage to college or other people's property; gambling; sending, accessing and/or downloading pornographic/offensive material via the internet/social media; other breaches of the college computer, internet, social media and e-mail facilities or regulations; insubordination or refusal to carry out reasonable requests from staff; bullying or harassment; carrying/use of an offensive weapon; repeated misuse of college ID to include allowing entry/exit to a college site for another learner/individual without their own ID (including learners in college accommodation allowing entry to unauthorised guests); making an unfounded allegation against a member of staff; any activity affecting the college or other learners or which could bring the college into disrepute; exam malpractice.

| Process  | Evidence Record   |
|--|---|
| <ul style="list-style-type: none"> <li>The member of staff who identifies the issue adds a comment under 'Feedback for Learners' on ProMonitor</li> </ul>  | <ul style="list-style-type: none"> <li>Cause for concern (may lead to disciplinary) comment on ProMonitor</li> <li>ProMonitor evidence of non-completion of Stage 2 Action Plan</li> </ul>  |
| <ul style="list-style-type: none"> <li>The member of staff alleging the gross breach gains approval from line manager to have the matter investigated with a view to it being taken to a Stage 3</li> <li>The investigating officer collates evidence for the learner and the panel</li> <li>The investigating officer liaises with the area administrator to have the letter and evidence sent out</li> </ul>                                     | <ul style="list-style-type: none"> <li>All evidence is given to the administrator to scan and upload to the learner's meeting record</li> <li>Administrator sends out 'Invitation to Stage 3 Disciplinary Hearing' letter' (and email) to the learner (and parent/carer as appropriate) giving a minimum of 5 days' notice of the Hearing</li> <li>The letter includes a link to the policy and procedure on the college website, a paper version of the 'Learner Discipline Quick Guide,' the learner's disciplinary record on their ILP (see 'Custom reports – Individual Discipline Record for Disciplinary letters') and copies of the evidence to be presented at the hearing</li> </ul> |
| <ul style="list-style-type: none"> <li>The learner meets with the Chair (Head of Department or nominated representative) and staff colleague and other support staff involved, such as Learner Services at a Stage 3 Disciplinary Hearing (see Appendix 3)</li> <li>The investigating officer presents evidence</li> <li>The Chair reviews the evidence on ProMonitor and consider any evidence presented concerning the alleged breach</li> </ul> | <ul style="list-style-type: none"> <li>All entries on ProMonitor for the learner are reviewed</li> <li>Stage 3 Meeting notes are completed on ProMonitor template</li> </ul>  |
| <ul style="list-style-type: none"> <li>The Chair decides on the appropriate outcome and sanction</li> </ul>  | <ul style="list-style-type: none"> <li>If the Stage 3 breach is proven:</li> <li>Stage 3 Written Warning is issued</li> <li>Stage 3 Action Plan is produced</li> </ul>  |
| <ul style="list-style-type: none"> <li>The Stage 3 Action Plan is monitored/reviewed by the Curriculum Manager (or nominated representative)</li> </ul>  | <ul style="list-style-type: none"> <li>Entry made on ProMonitor to confirm outcome of the action plan review at the end of the agreed timescale</li> </ul>  |
| <ul style="list-style-type: none"> <li>If there is any breach of the conditions outlined in the Stage 3 Written Warning letter, the learner will attend a re-convened Stage 3 Disciplinary Hearing and will be at risk of withdrawal from college</li> </ul>   | <ul style="list-style-type: none"> <li>Re-convened Stage 3 Disciplinary Hearing Record on ProMonitor</li> <li>If an allegation of a breach is proven then a 'Stage 3 Final Written Warning' is issued or a request for withdrawal is made to the Vice Principal Curriculum, Quality and Learner Experience</li> </ul>   |

**Sanctions and Outcomes**

No case to answer (no action required)

Lesser sanction if a Stage 1 or 2 breach is found

Stage 3 written warning and action plan

Withdrawal for a specified period (pending approval by Vice Principal Curriculum, Quality & Learner Experience)

**Appeals Process (to be lodged within 10 working days from receipt of Disciplinary Outcome letter)**

Appeal heard by appeal panel consisting of the Vice Principal (or nominated representative) and a member of the SMT. Appeal heard within 15 working days of receipt.

Letter to notify of appeal hearing and letter to notify outcome – issued by Vice Principal (or nominated representative)

## Learner Disciplinary Procedure

### Protocol for a Stage 1 Disciplinary Meeting:

A Stage 1 Disciplinary Meeting is held where a learner is alleged to have committed a Minor Breach of the college Disciplinary Code and has not responded to informal support provided by teachers, tutors and/or support staff.

### Pre-meeting preparation:

The staff member alleging the Stage 1 offence will identify the evidence for the Stage 1 Disciplinary Meeting and collate it to provide to the learner and the chair.

The learner will be informed of the meeting as appropriate, which may be held on the same day.

### Meeting Attendees:

Staff: The Disciplinary Meeting will be chaired by the Study Programme Lead/Subject Lead (or nominated representative).

Other staff will present evidence as appropriate to the case.

Learner: The learner should attend as required and there is no expectation that they should be accompanied at the meeting.

### Conduct of the Meeting:

- The meeting lead will introduce him/herself, any other staff presenting evidence, any invited support and the learner and his/her representative
- The lead will ask whether the learner requires any reasonable adjustments and will confirm that the learner is able to continue
- Attendees will be advised that any recording of the meeting is strictly forbidden and all in attendance should be asked to switch mobile phones off and place them in view
- The lead will present their evidence to the meeting
- The lead will invite any other witnesses (such as Learner Support staff, Progress Tutor, other learners, for example) to present their evidence and answer questions
- The lead will invite the learner to make their statement in mitigation
- The outcome of a Stage 1 Meeting can often be given immediately. In any case, the learner is informed that they will receive written confirmation of the outcome on their ILP and by letter (cc'd to parents/carers if under 18) within 5 working days of the meeting. The learner is informed that any appeal against the outcome must be made to the Curriculum manager within 5 working days of the date of the outcome letter, giving grounds for the appeal
- The lead thanks attendees and closes the meeting
- The lead withdraws to consider their decision
- The lead will produce an outcome decision, which will be either:

- No case to answer – no action
  - Minor Breach confirmed – Stage 1 Action Plan to be set
  - Minor Breach confirmed – Stage 1 Written Warning to be issued
- The necessary letter will be issued by the administrator from ProMonitor
  - A record of the meeting is logged onto ProMonitor within 5 working days, along with a copy of the Stage 1 Action Plan / Stage 1 Written Warning (as appropriate)
  - Any agreed Stage 1 Action Plan will be closely monitored by their Study Programme Lead / Subject Lead (or nominated representative) and reviewed within an agreed timescale (usually 7 days)



## Learner Disciplinary Procedure

### Protocol for a Stage 2 Disciplinary Hearing:

A Stage 2 Disciplinary Hearing is held where a learner is alleged to have committed a Major Breach of the college Disciplinary Code.

#### Pre-meeting preparation:

The staff member investigating the disciplinary offence will be responsible for preparing and presenting all documentation and evidence for the panel at the Stage 2 Disciplinary Hearing.

An invitation to the Stage 2 Disciplinary Hearing will be sent by letter (see ProMonitor template) and emailed to the learner (cc'd to parent/carer if under 18).

The letter will include the time, date and location of the meeting and details of the alleged disciplinary offence. All evidence to be presented at the Hearing will be included with the letter.

The learner will be asked to inform college in advance of the Hearing of whether they wish to be accompanied at the Hearing.

A period of 5 working days from the date of the letter will be given for the date of the Stage 2 Disciplinary Hearing.

A link to the college website location of the 'Learner Disciplinary Policy and Procedure' and a paper version of the 'Learner Discipline Quick Guide' will be included in the written communication from the college.

#### Meeting Attendees:

**Staff:** The Disciplinary Meeting will be chaired by the Curriculum Manager (or nominated representative) assisted by a staff colleague

Other staff will present evidence as appropriate to the case

**Learner:** The learner should attend and may choose to be accompanied by a friend, family member or carer for support. However, the accompanying person is not permitted to speak at the meeting. Legal representation is not permitted

#### Conduct of the Hearing:

- The Chair will introduce members of the panel, any other staff presenting evidence, any invited support and the learner and his/her representative
- The Chair will ask whether the learner requires any reasonable adjustments and will confirm that the learner is able to continue
- Attendees will be advised that any recording of the meeting is strictly forbidden and all in attendance should be asked to switch mobile phones off and place them in view
- The member of staff investigating the Stage 2 breach of the disciplinary policy (the 'investigating officer') will present their evidence to the meeting. They will then answer questions from the panel and from the learner

- The Chair will invite any other witnesses (such as Learner Support staff, Progress Tutor, other learners, for example) to present their evidence and answer questions
- The Chair will invite the learner to make their statement in mitigation
- The Chair and the panel can ask questions of the investigating officer, witnesses and the learner
- The Chair checks that all questions and queries have been addressed
- The learner (and their representative) is informed that they will receive written confirmation of the outcome by email and letter within 5 working days of the meeting. The learner is informed that any appeal against the outcome must be made to the Curriculum manager within 5 working days of the date of the outcome letter, giving grounds for the appeal
- The Chair thanks attendees and closes the Hearing
- The panel withdraw to consult and make their decision
- The Chair will produce an outcome decision, which will be either:
  - No case to answer – no action
  - Minor breach found – Stage 1 Written Warning and Action Plan
  - Major Breach confirmed – Stage 2 Action Plan to be set
  - Major Breach confirmed – Stage 2 Written Warning to be issued
- The necessary letter will be issued by the administrator from ProMonitor
- A record of the meeting is logged onto ProMonitor within 5 working days, along with a copy of the Stage 2 Action Plan / Stage 2 Written Warning (as appropriate)
- Any agreed Stage 2 Action Plan will be closely monitored by their Study Programme Lead / Subject Lead (or nominated representative) and reviewed within an agreed timescale

## Learner Disciplinary Policy and Procedure

### Protocol for Stage 3 Disciplinary Hearing

A Stage 3 Disciplinary Hearing is held where a learner is alleged to have committed a Gross Breach of the college Disciplinary Code.

#### Pre-meeting preparation:

The staff member investigating the disciplinary offence will be responsible for preparing and presenting all documentation and evidence for the panel at the Stage 3 Disciplinary Hearing.

An invitation to the Stage 3 Disciplinary Hearing will be sent by letter (see ProMonitor template) and emailed to the learner (cc'd to parent/carer if under 18).

The letter will include the time, date and location of the meeting and details of the alleged disciplinary offence. All evidence to be presented at the Hearing will be included with the letter.

The learner will be asked to inform college in advance of the Hearing of whether they wish to be accompanied at the Hearing.

A period of 5 working days from the date of the letter will be given for the date of the Stage 3 Disciplinary Hearing.

A link to the college website location of the 'Learner Disciplinary Policy and Procedure' and copies of any evidence to be presented will be included in the written communication from the college.

#### Meeting Attendees:

**Staff:** The Stage 3 Disciplinary Hearing will be chaired by the Head of Department (or nominated representative) together with a member of the Wider Management Team having had no involvement in the alleged breach. Other staff will present evidence as appropriate to the case.

**Learner:** The learner should attend and may choose to be accompanied by a friend, family member or carer for support. However, the accompanying person is not allowed to speak at the meeting. Legal representation is not permitted.

#### Conduct of the Hearing:

- The Chair will introduce members of the panel, the investigation officer, any other staff presenting evidence, any invited support and the learner and his/her representative
- The Chair will ask whether the learner requires any reasonable adjustments and will confirm that the learner is able to continue
- Attendees will be advised that any recording of the meeting is strictly forbidden and all in attendance should be asked to switch mobile phones off and place them in view
- The member of staff investigating the Stage 3 breach of the disciplinary policy (the 'investigating officer') will present their evidence to the meeting. They will then answer questions from the panel and from the learner
- The Chair invites any other witnesses (such as Learner Support staff, Progress Tutor, other learners, for example) to present their evidence and answer questions

- The Chair invites the learner to make their statement in mitigation
- The Chair and the panel ask questions of the investigating officer, witnesses and the learner
- The Chair checks that all questions and queries have been addressed
- The learner (and their representative) is informed that they will receive written confirmation of the outcome by email and letter within 5 working days of the meeting. The learner is informed that any appeal against the outcome must be made to the PA to the Principal within 10 working days of the date of the outcome letter, giving grounds for the appeal
- The Chair thanks attendees and closes the Hearing
- The panel withdraw to consult on their decision
- The Chair will produce an outcome decision, which will be either:
  - No case to answer – no action
  - Minor or Major breach found – Stage 1 or 2 Written Warning and Action Plan
  - Gross Breach confirmed – Stage 3 Action Plan to be set
  - Gross Breach confirmed – Stage 3 Written Warning to be issued
  - Gross Breach confirmed – Stage 3 Final Written Warning to be issued
  - Gross Breach confirmed - Withdrawal from college for a specified period (pending approval from The Vice Principal Curriculum, Quality and Learner Experience)
- The necessary letter will be issued by the administrator from ProMonitor
- A record of the meeting is logged onto ProMonitor within 5 working days, along with the Stage 3 Action Plan / Stage 3 Written Warning (as appropriate)

Any agreed Stage 3 Action Plan will be closely monitored by the Curriculum Manager (or nominated representative) and reviewed in an agreed timescale.

## Learner Disciplinary Policy and Procedure

### Protocol for Appeal Hearings

Most appeals will be made after Stage 3 of the LDPP. The guidance below relates to a Stage 3 appeal. For appeals at Stages 1 and 2, please refer to section 8 on pages 9 and 10 of this document for guidance.

An Appeal Hearing is held where the Vice-Principal Curriculum, Quality and Learner Experience initially finds, on receiving a formal appeal, that there are sufficient grounds for the appeal to be heard.

Alternatively, the Vice-Principal Curriculum, Quality and Learner Experience may decide, upon reading an appeal and undertaking further investigation, that the appeal can be either dismissed or approved without holding a formal appeal hearing.

### Pre-hearing processes:

Appeal letters will be received initially by the PA to the CEO. The appeal will be acknowledged and passed to the CEO for the attention of the appropriate member of the Executive Team for consideration.

The Executive member will undertake any necessary investigation and research and will decide whether the appeal is approved, dismissed or passed to an appeal hearing. The learner will be notified within the stipulated timescales.

Where an appeal is taken to a hearing, the learner will be sent an invitation letter, giving 5 working days' notice, including the time, date and location of the hearing.

The learner will be asked to inform college, in advance of the hearing, of whether they wish to be accompanied.

### Meeting Attendees:

**Staff:** The Appeal Hearing will be chaired by the Vice-Principal Curriculum, Quality and Learner Experience or Head of Department (or nominated representative) together with a member of the SLT/WMT.

**Learner:** The learner should attend and may choose to be accompanied by a friend, family member, carer or LSU representative for support. However, the accompanying person is not allowed to speak on behalf of the learner at the meeting. Legal representation is not permitted.

Where a learner fails to attend an appeal hearing without notification, a decision will be made in their absence based on the evidence available to the panel.

### Conduct of the Appeal Hearing:

- The Chair will introduce members of the panel and the learner and his/her representative
- The Chair will ask whether the learner requires any reasonable adjustments and will confirm that the learner is able to continue
- Attendees will be advised that any recording of the meeting is strictly forbidden and all in attendance should be asked to switch mobile phones off and place them in view
- The Chair outlines the disciplinary action taken to date and the current level of sanction applied
- The Chair invites the learner to make their appeal formally to the panel
- The Chair and the panel ask questions of the learner in relation to their appeal

- The Chair invites any further contribution from the appealing learner
- The Chair checks that all questions and queries have been addressed
- The learner (and their representative as appropriate) is informed that they will receive written confirmation of the outcome by email and letter within 5 working days of the meeting
- The Chair informs the Hearing that the decision of the panel is final
- The Chair thanks attendees and closes the Hearing
- The panel withdraw to consult on their decision
- The Chair will produce an outcome decision, which will be either:
  - Appeal accepted – sanction adjusted
  - Appeal refused – original sanction upheld
- The necessary letter is issued by a panel member and logged on ProMonitor within 5 working days
- A record of the meeting is logged onto ProMonitor within 5 working days