



Learner Disciplinary Policy and Procedure

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VERSION 2

Table of Contents

1. Purpose	3
2. Scope	3
3. Details of policy.....	3
3.1. Responsibilities.....	3
3.2. ProMonitor	3
3.3. Potential impact on Equality, Diversity and Inclusivity	4
3.4. Definition of Unacceptable Conduct	4
3.5. Stage 1 & 2 – Minor Misconduct	4
3.6. Stage 3 – Serious Misconduct.....	4
3.7. Stage 4 – Gross Misconduct	5
3.8. Reporting	5
3.9. Suspension	5
3.10. Evidence.....	6
3.11. Learner Disciplinary Procedure	7
3.11.1. Stage 1 & 2 – Minor Misconduct	7
3.11.2. Possible Outcomes	7
3.11.3. Stage 3 – Serious Misconduct.....	7
3.11.4. The Hearing	8
3.11.5. Possible Outcomes	9
3.11.6. Documentation.....	9
3.11.7. Stage 4 – Gross Misconduct	9
3.11.8. The Hearing	11
3.11.9. Possible Outcomes	11
3.11.10. Documentation.....	12
3.12. Disciplinary for 14 – 16 year old learners (including Early College Transfers)	13
3.13. Right of Appeal	13
3.13.1. Appeals Panel.....	13
3.13.2. Appeals Hearing	14
3.13.3. Possible Outcomes	14
3.13.4. Documentation.....	14
3.14. Related Forms & Guidance.....	15
4. Policy review.....	15
5. Equality impact assessment.....	15
6. Publication	16
7. Appendix A	17

1. Purpose

The welfare and wellbeing of all learners and staff of the College depends on reasonable and disciplined behaviour of all learners as detailed in the Student Code of Conduct. The Learner Disciplinary Policy will support this requirement and ensure that any allegations of inappropriate behaviour are dealt with in a consistent, fair and supportive manner. The College has a responsibility to guide the emotional and behavioural development of learners to ensure that they are well prepared for the world of work. The disciplinary policy will be used to support this process where unacceptable behaviour is demonstrated

2. Scope

All learners have the right to learn and a responsibility to allow others to learn in a safe, secure and respectful environment. The College, as an employer, also has a responsibility to provide staff with a safe, secure and respectful environment to work in.

Wherever possible, the College will strive to work constructively with learners to resolve disciplinary issues but implicit in this policy is the recognition of the need to disapprove of, formally record and in certain circumstances reprimand unacceptable conduct and behaviour that disrupts learning.

Calderdale College will ensure that all processes and procedures associated with learner discipline are fair, open and transparent and that all disciplinary proceedings are conducted in accordance with the Learner Disciplinary Policy & Procedure.

This policy applies equally to all learners enrolled at the College. Explicitly, this policy applies to:

- Higher Education students
- 16-19 study programme learners
- Apprentices
- 14-16 Early College Transfer learners (please see additional information throughout policy)
- Adult learners

3. Details of policy

3.1. Responsibilities

- During teaching and learning sessions, the tutor/instructor/designated person in charge has immediate authority for learner discipline.
- All staff have immediate authority to take action to maintain discipline in the common areas of the College including corridors, open access areas and areas serving food.
- Any member of staff observing a learner behaving in a manner which could breach the Code of Conduct has the authority and responsibility to challenge the learner and may warn them that his/her behaviour is inappropriate.
- All members of staff should ensure that learners are made aware and know where to find the Student Code of Conduct and relevant policies, procedures and regulations during the induction period.
- It is the responsibility of every individual learner to familiarise themselves with the Student Code of Conduct and relevant policies, procedures and regulations and comply with them. Copies are available on the Student Intranet.
- It is the responsibility of each member of staff to familiarise themselves with the Student Code of Conduct and relevant policies, procedures and regulations and enforce them. Copies are available on the Staff Intranet.

3.2. ProMonitor

To monitor learner behaviour, some of the disciplinary activities are recorded in the ILP section in ProMonitor. For further guidance see QAF 1.04P– Guidance on the use of ProMonitor.

3.3. Potential impact on Equality, Diversity and Inclusivity

This policy document has been reviewed by the Equality, Diversity and Inclusivity Coordinator to ensure that it does not negatively impact upon any individual. All College policies seek to actively promote inclusion of all learners. This policy includes rigorous measures to ensure fairness for all and that any incidents of misconduct are addressed without bias. It ensures both the learner's right to learn and staff's right to work in a safe, secure and respectful environment are met regardless of any protected characteristic.

3.4. Definition of Unacceptable Conduct

Unacceptable conduct is any academic or non-academic conduct which adversely interferes with teaching and learning, is disrespectful to other members of the College community or College property or breaches the College Code of Conduct. This policy covers all learner activities such as work placements, trips and visits and other enrichment activities.

This policy details the disciplinary procedure to deal with learners whose behaviour falls outside acceptable standards. If the cause for concern relates to a learner's health and general wellbeing, the Fitness to Study Policy may be more appropriate. As a general rule, if the behaviour or conduct is 'deliberate', it is probably more appropriate to enforce the Disciplinary Policy. If the learner displays signs of 'an inability to' or is 'unable to' change their behaviour or conduct, the most appropriate course of action is likely to be the Fitness to Study Policy.

If a criminal offence has been committed the College may choose to involve the police. They should contact the Safeguarding Team who will do this on their behalf. In certain circumstances, Advice & Guidance may advise the victim to contact the police directly. Advice & Guidance are available to advise in all cases involving the police.

The following list shows examples of unacceptable conduct and the most appropriate stage of the disciplinary process. The list is neither exhaustive nor exclusive and in some cases it may be appropriate to enforce a different stage of the disciplinary process from the examples listed.

3.5. Stage 1 & 2 – Minor Misconduct

- Poor attendance where absence is not notified or reasonably explained
- Poor punctuality
- Late or non-submission of course related work/assignments
- Disrupting the learning of others either in class or around the College
- Minor cases of academic misconduct (refer to Learner Academic Misconduct Policy)
- Disrespectful behaviour to other learners, staff or visitors
- Minor misuse of the internet/IT equipment
- Minor misuse of facilities
- Persistent forgetting of ID Card
- Persistent occurrence of a number of the above

3.6. Stage 3 – Serious Misconduct

- Repeated or persistent violation of a verbal warning (Stage 1 or 2) disciplinary incident
- Moderate cases of academic misconduct (refer to Learner Academic Misconduct Policy)
- Demonstration of aggressive behaviour/discrimination/ harassment/bullying
- Disrespectful behaviour including swearing at other learners, staff or visitors

- Misuse of College resources
- Interference with College property including software or data belonging to or used by the College
- Minor breach of Health and Safety regulations
- Allowing other learners to gain access to the premises using their own ID Card

3.7. Stage 4 – Gross Misconduct

- Violation of a written disciplinary warning
- Serious cases of academic misconduct (refer to Learner Academic Misconduct Policy)
- Under the influence of alcohol or illegal drugs on College premises or whilst engaged in any College related activities
- Serious breach of Health and Safety regulations including smoking in buildings
- Serious inappropriate internet use, e.g. accessing pornography
- Bullying, intimidation, harassment, abuse, the use of violence or threats of violence in any form e.g. verbal, physical, via e-mail etc.
- Serious breach of the Equal Opportunities Policy
- Bringing non-learners onto the premises including learners who are excluded
- Allowing non or excluded learners to gain access to the premises using their own ID Card
- Any criminal offence including :-
 - Reasonable suspicion or actually being in possession of alcohol or illegal substances or associated drug paraphernalia
 - Endangering or causing injury to others
 - Possession of an offensive weapon
 - Theft
 - Wilful damage to College property, equipment and accommodation

3.8. Reporting

Any member of staff who witnesses an incident requiring immediate intervention should contact a Facilities Assistant on ext. 9000 or a member of the Advice & Guidance Team.

Any member of staff who witnesses an incident that they believe is unacceptable behaviour that requires disciplinary action should inform Learner Services. This information will be forwarded to the learner's Course Leader who will decide what action is required.

If a visitor to the College witnesses an incident, they should report it to any member of staff, who will take the appropriate action.

3.9. Suspension

The College has a responsibility to provide a duty of care for both learners and members of staff. Situations may arise where it is necessary to suspend an individual(s) following an incident but prior to commencement of the disciplinary procedure to safeguard all individuals.

Suspension of a learner can be authorised by the Head of Learner Services, Safeguarding Co-ordinator, Curriculum Manager or any of the College Senior Leadership Team. The rationale for all suspensions should be documented on the learners ProMonitor record by the authorising manager.

The following provides some examples where suspension is warranted but this list is neither exclusive nor exhaustive:-

- Where there is a significant risk of harm or damage to the individual, others or property
- Where it is felt that the inappropriate behaviour would continue
- Where it is felt that the presence of the individual will inhibit the investigation

- Pending a criminal investigation

The learner will be accompanied to collect any belongings and consideration will be given for the health, safety and wellbeing of the learner.

- 14 -16 Learners

The 14-16 & Foundation Learning Partnerships Manager must be informed and they will contact the school and the parents. The learner will be returned into the care of the school or parents as appropriate.

- 16 - 18 Learners

Parents or guardians must be informed and arrangements be made to return the learner into their care.

- Adult learners at risk
- Where appropriate in the case of adult learners a responsible adult or agency will be contacted and arrangements will be made to return the learner into their care.

In all cases, the learner will then be escorted from the premises and the process recorded on their ProMonitor record. Their learner ID card will be retained by the College at this time. Consideration will be given to any forthcoming event requiring attendance by the suspended learner e.g. examinations, interviews, stage performance etc.

The authorising manager is responsible for advising the Facilities Team and Reception of the details of any learner that is suspended. This should be carried out as soon as is possible after they have been escorted from the premises. They also need to inform the Learner Services Team, Safeguarding Co-Ordinator and the Course Leader. This will also be recorded on ProMonitor.

Tutors should be advised to support home study arrangements as appropriate during the period of suspension.

The member of staff who has authorised the suspension will issue a Letter of Suspension QAF 1.04E to the Learner within 2 working days stating the reason and duration of the suspension. If the learner is receiving guaranteed bursary the payment of this will be continued during the period of suspension. This should be confirmed in the letter. A copy of the letter will be retained in the learner's file.

A copy of the letter will be sent separately to the parents/guardians (the named 'next of kin' as shown on EBS) of learners who are under the age of 18 or perceived as an adult at risk.

A copy of the letter will be sent separately to employers, Training Officers, Youth Justice Service, Probation and/or Job Centre if the learner is on release and employer sponsored or part of a mandatory work/study programme.

3.10. Evidence

Where there is physical evidence gathered as part of an incident, this should be retained and where possible the owner given a receipt. The evidence will then be made safe, labelled and stored in a secure environment within Learner Services. The evidence will be produced during the disciplinary procedure and returned to the secure environment for safe keeping.

Certain types of evidence may need to be passed over to the police immediately to aid them in their investigation.

On completion of the disciplinary procedure items will be

- Returned to the rightful owner, receipted on hand over
- Retained for 3 months then securely destroyed

- Passed to the police for further intervention

Where evidence is in the form of an eye witness, Learner Services will facilitate the taking of a statement from the learner or member of staff who witnessed an incident. They will subsequently forward the statement(s) to the investigating officer to present at the disciplinary hearing.

3.11. Learner Disciplinary Procedure

The first occurrence of any minor misconduct should be used as an opportunity to counsel the learner and make it clear that their behaviour is unacceptable. Where this does not have the desired effect, this disciplinary procedure should be adopted.

3.11.1. Stage 1 & 2 – Minor Misconduct

Issued by: Tutor, Course team leader
Appeal to: Curriculum Manager
Copies to: Learner, Tutor, Course Team Leader, Completed electronically in ProMonitor.
 Parent/Guardian (via letter).

The College prefers to adopt a supportive approach to disciplinary proceedings when appropriate and possible. In incidents of minor misconduct, it is generally most effective to act quickly and at an informal level.

The Tutor should establish the facts relating to the incident and take action to bring the inappropriate behaviour to the attention of the learner. A clear indication of future expectations should be explained to the learner and the most appropriate course of action taken by the Tutor.

3.11.2. Possible Outcomes

1. **No further action to be taken**
 No record of the discussion will be made or retained.
2. **Record of Concern is documented**
 A Record of Concern is placed upon the learners electronic file on ProMonitor (via comments), which highlights the issue and details the agreed action(s). The Tutor will confirm to the learner that any re-occurrence will result in further disciplinary action.
3. **Verbal Warning**
 The Tutor will issue a verbal warning to the learner and confirm that any repeated or persistent violation will result in further disciplinary action at stage 3. The Record of Concern form QAF 1.04A should show that a verbal warning has been issued and detail agreed action(s) completed electronically in ProMonitor.
4. **Progression to a different stage of the disciplinary procedure**
 The Tutor may decide that the incidence is more serious than Minor Misconduct and that it would be more appropriate to follow the disciplinary procedure at a higher level. Follow the process for the stage that is most appropriate to the incident.

The learner should be advised of the appeals process where appropriate.

3.11.3. Stage 3 – Serious Misconduct

Issued by: Curriculum Manager or delegated ACM
Appeal to: Vice Principal

Copies to: Learner, Course Team Leader, Safeguarding Co-Ordinator, Advice & Guidance, Completed electronically in ProMonitor. Parent/Guardian, Employer (via letter).

When there is an alleged instance of Serious Misconduct, the Curriculum Manager needs to be informed immediately. A clear, written statement providing full details of the incident should be completed by the relevant member of staff on the online form. The Curriculum Manager or delegated ACM will immediately nominate an independent Investigating Officer who will be responsible for conducting a full and comprehensive investigation of the alleged incident. The Investigating Officer should collect all relevant evidence such as witness testimonies, evidence and record including a detailed statement from perpetrator. Detailed notes must be kept.

The learner should be issued with a letter inviting them to the disciplinary hearing, providing them with at least 5 days' notice. For convenience to them, this should be arranged for when they would normally be scheduled to attend College. The letter should show full details of the alleged incident and a copy of the disciplinary policy should be attached. A copy of the letter should be sent to Learner Services who will create a disciplinary support file and contact the learner to offer their services and arrange appropriate support throughout the disciplinary procedure.

At least 48 hours prior to the hearing, the learner must be provided with copies of any documentation that will be used as evidence. Only if a witness believes that harm may come to them if their evidence is shown to the learner may this be anonymised or withheld until the hearing. If evidence is contained within CCTV footage, the learner will be advised that he/she has the right to view the footage under supervision at a pre-arranged time and have a parent/guardian, member of Learner Services or any other representative present. This is subject to maintaining conditions that ensure compliance to the Data Protection Act 2018.

NB. It should not take more than 10 working days from incident being reported to the disciplinary hearing – see Appendix A.

The learner may be accompanied at this hearing by a friend, family member, support worker or other representative acting in a supportive capacity.

If the learner fails to attend the hearing without good cause, it may be decided to reschedule or continue with the hearing in his/her absence.

Parents/guardians (the named 'next of kin' as shown on EBS) should be informed and invited to attend the hearing where learners are under 18 years of age or perceived as a vulnerable adult in most situations.

Employers, Training Officers, Youth Offending Team, Probation and/or Job Centre may be informed and invited to attend the hearing if the learner is on release and employer sponsored or part of a mandatory work/study programme.

The Curriculum Manager or delegated ACM may instigate a home visit if the learner is under the age of 18 years or a vulnerable adult when there was no parent/guardian representation at the hearing. Contact Learner Services for further advice.

3.11.4. The Hearing

The Curriculum Manager or delegated ACM, Investigating Officer and an independent note taker will be present at the hearing. If the note taker intends to use a Livescribe Pen, the attendees need to be advised at the start of the hearing that the discussion will be recorded.

The Investigation Officer will present details of the alleged incident together with any supporting evidence. The learner will then present their side of the case. The advocates of the learner may

also take the opportunity to speak at the hearing particularly if they are aware of any mitigating circumstances surrounding the alleged incident.

The hearing should be adjourned for up to 30 minutes to allow the Curriculum Manager or delegated ACM some time to consider the findings. They should use the evidence gathered during the investigation and the presentations during the hearing to determine the most appropriate outcome. In exceptional circumstances the Curriculum Manager or delegated ACM may require additional time to reflect on the evidence prior to making their decision. In these cases the outcome may be deferred for up to 2 working days. The learner must be kept informed of the timescales for the communication of the outcome.

Once a decision has been reached, the hearing should be reconvened and the learner advised of the outcome. The learner should also be made aware of the appeals process at this time.

3.11.5. Possible Outcomes

1. **No further action to be taken**

All records relating to the investigation and interview will be disposed of as confidential waste.

2. **Written Warning in the form of Notice for Improved Behaviour**

The Curriculum Manager or delegated ACM should issue the learner with a Notice for Improved Behaviour, in the form of a written letter which is signed by both the Curriculum Manager or delegated ACM and learner. This shows the agreed action(s) by the learner and the College with specified timescales for improvement.

The Curriculum Manager or delegated ACM will make it clear to the learner that any repeated or persistent violation of the Notice for Improved Behaviour within the prescribed timescales will result in further disciplinary action.

3. **Go to a more appropriate stage of the Disciplinary Procedure**

The Curriculum Manager or delegated ACM may decide that the incidence does not constitute Serious Misconduct and that it would be more appropriate to follow the disciplinary procedure at a different level. Follow the process for the most appropriate stage as detailed in this document.

3.11.6. Documentation

A record of the hearing including any agreed actions must be made on QAF 1.04C – Record of learner Interview completed electronically in ProMonitor. For outcome 3 or 4, a copy of form QAF 1.04D or a letter detailing further action will be issued to the learner within 5 days of the hearing. Where appropriate, copies will be sent separately to Employers, Training Officers, Youth Offending Team, Probation and/or Job Centre.

A copy should also be sent separately to the parents/guardians of learners who are under the age of 18 or perceived as a vulnerable adult.

All original documentation relating to the Stage 3 investigation and hearing must be retained on the learner's file held in the Curriculum Office throughout the duration of the course programme. This includes all evidence and the original QAF 1.04D completed electronically in ProMonitor.

3.11.7. Stage 4 – Gross Misconduct

<p>Issued by: College Management Team Appeal to: Vice Principal</p>

Copies to: Learner, Course Team Leader, Safeguarding officer Advice & Guidance, Parent/Guardian, Employer, Completed electronically in ProMonitor.

When there is an alleged instance of Gross Misconduct, the Manager of Learner Services needs to be informed immediately. A clear, written statement providing full details of the incident should be completed by the relevant member of staff. The Manager of Learner Services will immediately nominate an independent Investigating Officer who will be responsible for conducting a full and comprehensive investigation of the alleged instance. The Investigating Officer should collect all relevant evidence such as witness testimonies, evidence and records. Detailed notes must be kept.

Where a learner has escalated through to stage 4 of the disciplinary process due to a lack of sustained and significant improvement, the same Investigating Officer should be used to carry on the investigation. They should continue from the Stage 3 investigation, review progress made against the agreed actions documented in the Notice for Improved Behaviour and collect any new evidence relevant to the Stage 4 investigation.

The Manager of Learner Services should review the details of the investigation and, in conjunction with the Safeguarding officer, agree the stage of the disciplinary. This consultation will ensure that there is cross College consistency on the stage of the disciplinary policy adopted.

The learner should be issued with form QAF 1.04B providing them with at least 5 days' notice of the disciplinary hearing. For convenience to them, this should be arranged for when they would normally be scheduled to attend College. The form should show full details of the alleged incident and a copy of the disciplinary policy should be attached. A copy of QAF 1.04B should be sent to Learner Services who will create a disciplinary support file. They will contact the learner to offer their services and arrange appropriate support throughout the disciplinary procedure and advise them that they will be in attendance at the hearing.

At least 48 hours prior to the hearing, the learner and the panel members must be provided with copies of any documentation that will be used as evidence. Only if a witness believes that harm may come to them if their evidence is shown to the learner may this be anonymised or withheld until the hearing. If evidence is contained within CCTV footage, the learner will be advised that he/she has the right to view the footage under supervision at a pre-arranged time and have a parent/guardian, member of Learner Services or any other representative present. This is subject to maintaining conditions that ensure compliance to the Data Protection Act 1998.

NB. It should not take more than 10 working days from incident being reported to the disciplinary hearing – see Appendix A.

The learner may be accompanied at this hearing by a friend, family member or other representative acting in a supportive capacity. Disabled learners can also be accompanied by a support worker as appropriate to their needs.

If the learner fails to attend the case conference it will be rescheduled. A second invite will be issued with explicit instructions that further failure to attend without good reason will result in the case conference taking place in his/her absence.

Parents/guardians (the named 'next of kin' as shown on EBS) may be informed and invited to attend the hearing, where learners are under 18 years of age or perceived as an adult at risk. Employers, Training Officers, Youth Offending Team, Probation and/or Job Centre may be informed and invited to attend the hearing if the learner is on release and employer sponsored or part of a mandatory work/study programme.

If appropriate, the Manager of Learner Services may instigate a home visit if the learner is under the age of 18 years or an adult at risk when there was no parent/guardian representation at the hearing.

This will only be exercised if it is believed that parent/guardian support is needed. Contact Learner Services for further advice.

3.11.8. The Hearing

The hearing panel will be chaired by a member of the College's Management Team and another independent member of staff. The College reserves the right to use nominated representatives.

Also present at the hearing, but not on the panel is the Investigating Officer and an independent note taker to record the details of the proceedings. If the note taker intends to use a Livescribe Pen, the attendees need to be advised at the start of the hearing that the discussion will be recorded.

The Investigating Officer will present details of the alleged incident together with any supporting evidence. The learner will then be given the opportunity to present their side of the case. The advocates of the learner may also take the opportunity to speak at the hearing particularly if they are aware of any mitigating circumstances surrounding the alleged incident. All accounts should be limited to the allegation of gross misconduct.

Further evidence cannot be considered by the Panel after the hearing without the learner having the opportunity to comment.

When deciding on the outcome, the panel should consider:-

- the seriousness of the case;
- the impact on learners and staff;
- the standing of the College as a centre for excellence in learning; and
- the circumstances of the individual e.g. adherence to previous contracts, other misdemeanours etc.

The hearing should be adjourned for up to 30 minutes to allow the panel time to consider the evidence. If the panel requires additional time to reflect on the evidence prior to making their decision, the outcome may be deferred for up to 2 working days. The learner must be kept informed of the timescales for the communication of the outcome.

Once a decision has been reached, the Hearing Panel should reconvene and the learner advised of the outcome. The learner should also be made aware of the appeals process at this stage.

3.11.9. Possible Outcomes

- 1. No further action to be taken/The case is dismissed**
All records relating to the investigation and interview will be disposed of as confidential waste.
- 2. Go to a more appropriate stage of the Disciplinary Procedure**
The Disciplinary Panel may decide that the incidence does not constitute Gross Misconduct and that it would be more appropriate to follow the Disciplinary Procedure at a lower level. Follow the process for the relevant stage of the Disciplinary Procedure as detailed above.
- 3. Contract for Improved Behaviour**
The Chair of the panel will issue a Contract for Improved Behaviour QAF 1.04D form which should also be signed by the Learner. Completed electronically in ProMonitor.

The Contract will clearly state the actions required by the learner and the College, timescales for improvement and regular monitoring. It will detail the support which will be in place to assist them in achieving their targets and state any relevant sanctions or conditions that have to be met.

The learner must show sustained improvement within 4 weeks and attend 2 monitoring reviews with an appropriate member of staff (reviewing officer) nominated by the Panel. If the learner does not meet the full contract requirements but it is inappropriate to exclude the learner at that stage, the Assistant Principal will issue a Final Contract for Improved Behaviour QAF 1.04D. It will be made clear to the learner that failure to meet the full conditions of the Final Contract for Improved Behaviour will most likely result in exclusion from the College.

Where monitoring reviews confirm that the Learner is unable or unwilling to meet the full conditions of the Final Contract for Improved Behaviour, the reviewing officer will request that the Disciplinary Panel reconvene to authorise the exclusion of the learner.

4. Exclusion

If the Disciplinary Panel decides to exclude the learner from the College, form QAF 1.04F should be completed and signed by all members of the panel. A Letter of Exclusion QAF 1.04G must be sent to the learner within 2 working days of the decision setting out the conditions of the exclusion e.g. permanent or for a fixed period. The letter will also include information regarding the learner's right of appeal and suggest that the learner contact a member of the Advice & Guidance Team to arrange an appointment with a Personal Advisor at C & K Careers in Halifax, Huddersfield or Dewsbury.

The representative from Advice & Guidance is responsible for advising the Security Team and Reception of the details of any learner that is excluded from the College. This should be carried out as soon as is possible after the disciplinary hearing. They also need to inform the ACM, Curriculum Manager and central data. The learner details on EBS will be updated immediately to show the learner's status as excluded and the learner ID card will be deactivated. This will also be recorded on Pro-Monitor.

There is a duty on the College to inform local authority support services if a young person has had their opportunity to study in the College removed. A young person is currently defined as age 16 or 17 but from summer 2015 this will also include 18 year olds and early College transfers. The Advice & Guidance Team will take responsibility for this action in order to conform with section 13 of the Education and Skills Act 2008.

3.11.10. Documentation

A record of the hearing including any agreed actions must be made. For outcomes 2, 3 or 4, a copy of form QAF 1.04D or a letter detailing further action will be issued to the learner within 5 days of the hearing. Where appropriate, copies will be sent separately to Employers, Training Officers, Youth Offending Team, Probation and/or Job Centre. This will also be recorded on Pro-Monitor.

A copy should also be sent separately to the parents/guardians of learners who are under the age of 18 or perceived as a vulnerable adult.

All original documentation relating to the Stage 4 investigation and hearing must be retained on the learner's file held in the Curriculum Office throughout the duration of the course programme. This includes all evidence and original QAF documentation.

Advice & Guidance will hold duplicate copy documentation in the learner disciplinary support file held in their office.

3.12. Disciplinary for 14 – 16 year old learners (including Early College Transfers)

The main body of the College's disciplinary policy and procedure focuses on the behaviour of post 16 learners. The majority of this policy and procedure can be applied to 14 –16 learners who study at the College but additional elements need to be considered particularly at stage 4 - gross misconduct.

The following actions need to be followed when a disciplinary incident involves a 14-16 learner:

- The tutor must inform the School Liaison Officer of any disciplinary incident involving a 14-16 learner, who will inform the partner school as agreed in the service level agreement.
- Any learner involved in a disciplinary hearing at stages 3 and 4 will be informed of their right to be supported by a member of school staff Parent or Guardian. Please note that 14-16 learners involved in a stage 4 disciplinary cannot be excluded, however they can have their opportunity to study in the College removed.
- If the conduct of the learner warrants the learner to be suspended pending further investigation then the School Liaison Officer must contact and agree with the school and parent/guardian to arrange the most suitable and safe way for the learner to either return to school or to go home.
- All correspondence with the learner and their parent/guardian must be copied to the identified member of school staff and School Liaison Officer. This will also be recorded on Pro-Monitor.

3.13. Right of Appeal

The learner has the right of appeal at all Stages of the disciplinary process. Appeals should be submitted within 5 working days from the date on the Letter or Contract being issued. The learner has the right to contact Advice & Guidance for help in preparing and submitting an appeal.

The following maybe considered as grounds for appeal but the list is not exhaustive or exclusive:-

- The evidence failed to support the outcome of the hearing;
- The outcome was disproportionate to the misconduct;
- Relevant new evidence has come to light;
- The procedure was operated unfairly to the learner's disadvantage;

The hearing must take place within 5 working days of the appeal letter being received in the College. The person responsible for conducting the appeal will send the learner a Notice of Disciplinary Appeal Hearing Form QAF 1.04H. This will inform the learner of their rights to be accompanied by their parent/guardian, member of Advice & Guidance or any other representative and the date when the hearing will take place.

If any party requires additional time to prepare for the appeal, this must be agreed in advance by both parties.

The Principal reserves the right to decline an appeal in writing in exceptional circumstances.

3.13.1. Appeals Panel

Stage 1 & 2

The ACM will hear the appeal supported by the Student Safeguarding Officer. There will also be an independent note taker present.

Stage 3

A Vice Principal will hear the appeal supported by a Curriculum Manager. The Chair or a representative from the original Hearing Panel will also be present with an independent note taker.

Stage 4 Contract

A Vice Principal will hear the appeal supported by an independent Curriculum Manager/Quality Manager who has not previously been involved in the case. There will also be the Chair or a representative from the original Hearing Panel present and an independent note taker.

3.13.2. Appeals Hearing

If the note taker intends to use a Livescribe Pen during the Hearing, all attendees need to be advised at the start of the discussion that it will be recorded.

The Chair or a representative from the original Hearing Panel will present a summary of the details of the alleged incident together with any additional supporting evidence. The learner is then given the opportunity to present the details of their appeal together with any evidence. The advocates of the learner may also take the opportunity to speak. All accounts should be limited to the disciplinary allegation.

When deciding on the outcome, the panel should consider:-

- Did the evidence fail to support the outcome of the hearing?
- Was the outcome disproportionate to the misconduct?
- Has relevant new evidence come to light?
- Was the procedure operated unfairly to the learner's disadvantage?

The hearing should be adjourned for up to 30 minutes to allow the panel time to consider the findings. If the panel requires additional time to reflect on the evidence prior to making their decision, the outcome may be deferred for up to 5 working days. The learner must be kept informed of the timescales for the communication of the outcome.

Once a decision has been reached, the Appeals Panel should reconvene and the learner advised of the outcome.

3.13.3. Possible Outcomes

1. The original disciplinary outcome is unchanged

2. The original disciplinary outcome is changed

The Appeal Panel may decide that the original outcome was incorrect and one of the following is more appropriate:-

- a. The disciplinary action is withdrawn completely
- b. The original disciplinary outcome should be at a lower level
- c. The original disciplinary outcome should be at a higher level

If a learner's appeal against exclusion has been changed, EBS should be updated to allow access back into College. The representative from Advice & Guidance will advise the Security Team and Reception. This will also be recorded on Pro-Monitor.

3.13.4. Documentation

A letter confirming the outcome from the Appeal Hearing is issued to the learner confirming the decision within 2 working days. Where appropriate, a copy of the letter will be sent separately to Employers, Training Officers, Youth Offending Team, Probation and/or Job Centre. A copy of the letter will be sent separately to the parents/guardians of learners who are under the age of 18 or perceived as a vulnerable adult.

All original documentation relating to the Appeal Hearing including a record of the hearing must be retained on the learner's file held in the Curriculum Office. Copy documentation will be held in the learner disciplinary support file in Advice & Guidance. This will also be recorded on Pro-Monitor.

3.14. Related Forms & Guidance (can be retrieved on Staff Moodle College Policies & Procedures)

- QAF 1.04A** – Record of Concern FORM Completed electronically in ProMonitor.
- QAF 1.04B** – Notice of Request for Attendance at Disciplinary Interview LETTER
- QAF 1.04C** – Record of learner Interview Completed electronically in ProMonitor
- QAF 1.04D** – Improved Behaviour FORM Completed electronically in ProMonitor
- QAF 1.04E** – Suspension LETTER
- QAF 1.04F** – Decision to Exclude learner FORM
- QAF 1.04G** – Exclusion LETTER
- QAF 1.04H** – Notice of Appeal Hearing
- QAF 1.04J** – Incident Report Form
- QAF 1.04K** – Code of Conduct
- QAF 1.04L**– Role of an Investigating Officer (Guidance)
- QAF 1.04M**– Learner Guide to Disciplinary Procedure (Guidance)
- QAF 1.04N**– Chair Guideline for Disciplinary Policy (Guidance)
- QAF 1.04P**– Guidance on the use of ProMonitor (Guidance)

4. Policy review

Change(s) Made		Reason for Change			
Review Date	Reviewed by:	Initial Approval by:	Final Approval by:	Next Review Date:	Review Period
Sep 2019	Assistant Principal – Quality and Learner Services	Policies and Procedures Committee	Policies and Procedures Committee	Sep 2020	1 Year

5. Equality impact assessment

First Assessment Conducted by:	Date:	Final/Approved Assessment Conducted by:	Date:
Angela Harrison – Quality Administrator	01.07.2019	Angela Harrison – Quality Administrator	01.07.2019

6. Publication

Audience:	Published:
Staff	Staff Intranet
Learners	Moodle

7. Appendix A

Working Days	Events	College Responsibilities	Learner Responsibilities
1	Incident/Suspension	Complete record of concern	
2		Issue suspension letter & notice of Hearing Appoint the Investigating Officer	
3		Investigation	
4	Max 10 working days	Investigation	
5		Investigation	
6		Investigation	
7		All evidence sent to learner	
8			Review evidence & prepare for the hearing
9			
10	Disciplinary Hearing		Attend the hearing
11			
12	Max 5 working days	Decision Meeting (if decision deferred)	
13			
14			
15		Outcome Documents sent to learner	
16			Review the documents and if required, prepare appeal letter
17			
18	Max 10 working days		Max 5 working days
19			
20			Last day to send appeal letter
21		Issue Notice of Appeal Hearing to learner	
22		Investigation	
23		Investigation	
24		Investigation	
25		Investigation	
26	Appeal Hearing		
27			
28			
29			
30			
31	Decision		
32			
33		Outcome Documents sent to learner	