

Richmond and Hillcroft Adult and Community College Learner Disciplinary Procedure 2018-2019

Introduction

There are 3 stages identified in the Disciplinary Procedure, each reflecting the seriousness of the situation. The starting point for disciplinary action will depend on the seriousness of the incident. Most issues relating to learner misconduct should be resolved at Stages 1 or 2 of the procedure. Stage 3 will be used in cases of extreme misconduct or when stage 2 has been unsuccessful.

Note: In cases of poor attendance or punctuality the procedure outlined in the **Learner Attendance and Punctuality Procedure** should be followed.

Allegations of misconduct

All allegations will be reported to a Head of School who will nominate a member of staff to carry out a 'fact find' to determine if there is substance to the allegation.

The 'fact find' will result in the case being:

- Dismissed as a disciplinary case
- Referred for Additional Learning Support
- Dealt with under Fitness to Study procedures, as an alternative to disciplinary procedures where it is thought that health or mental health difficulties are causing the misconduct
- Referred to disciplinary proceedings, in which case the HoS will determine the stage and member of staff to carry out the investigation

Note: In some cases, for health and safety or other wellbeing reasons, the Head of School may feel that a temporary exclusion is warranted while the misconduct is being investigated. In this case, the Head of School will present the reasons to the Vice Principal Teaching and Learning for approval, and the case should be treated as a Stage 2 or Stage 3 Disciplinary, depending on severity. The Vice Principal has the authority to permanently exclude a learner, after a Stage 3 Disciplinary process.

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Stage 1

STAGE 1

Stage 1 is for petty or minor misconduct or for the first stage of an academic performance warning (see Appendix 2 for examples)

Reporting allegations of misconduct:

- Any member of College staff can report incidents of misconduct to the relevant Programme Manager or Head of School.
- Allegations of misconduct may also be received in the form of a complaint from a learner or visitor to the College.

Investigation:

- The Programme Manager (or member of staff nominated by the Head of School) will collect information and statements from those involved in the case and report findings on the Learner Report form (Appendix 3).
- The Programme Manager will establish whether you are receiving support and will take advice/representation from appropriate support staff.
- As a result of the investigation the Programme Manager will either dismiss the case or invite you to an interview to discuss the case. If you are asked to attend a disciplinary interview, you will be sent a copy of the Learner Report Form, with the details of the alleged misconduct and summary of evidence.
- In cases involving adults with learning difficulties and/ or disabilities (LDDs), your parent/ carer will also be informed and asked to attend the interview with you.

Interview:

- The Programme Manager will conduct the interview with you which may result in either
 - no disciplinary action being taken, or
 - a verbal warning being issued, with an agreed improvement/ support action plan. The Programme Manager will alert you to the consequences of repeated or similar misconduct.
- The Programme Manager will record the action plan, with an agreed review date (usually 2-4 weeks) on the Learner Report form.
- The Programme Manager will give you a copy of the form (and your parent/ carer if you are under 18 years of age or are an adult with LDDs) along with any additional information related to the interview not previously provided.
- The Programme Manager will arrange for support, where appropriate, to help you achieve the necessary improvement.

Follow-up review:

- The Programme Manager will meet with you to check progress at the end of the agreed period and:
 - if satisfied decide that no further disciplinary action should be taken;
 - if you have not made sufficient progress, will inform the Head of School who will proceed to Stage 2 of the Disciplinary Procedure.
- The Programme Manager will record the outcome on the Learner Report form and copy it to you (and your parent/carers if you are under 18 years of age or are an adult with LDDs) and the Head of School.
- The Programme Manager will maintain records of the case, and copy to the School Administrator and Quality Officer for logging.

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Stage 2

STAGE 2

Stage 2 is for failure to meet appropriate standards when warnings have been given at Stage 1. A learner can also be referred directly to Stage 2 of the disciplinary proceedings for any breach of the Learner Code of Conduct without having to go through Stage 1 where considered more serious. (See Appendix 2 for examples)

Reporting allegations of misconduct:

- A Programme Manager may refer a case of misconduct that has failed to improve at Stage 1 to the Head of School.
- Any member of College staff can report Stage 2 incidents of misconduct directly to the Head of School.
- Allegations of misconduct may also be received in the form of a complaint from a learner or visitor to the College.

Investigation:

- The Programme Manager (or member of staff nominated by the Head of School) will collect information and statements from those involved in the case and report findings on the Learner Report form (Appendix 3).
- The Programme Manager will establish whether you are receiving support and will take advice/ representation from appropriate support staff.
- As a result of the investigation the Head of School will either dismiss the case or invite you to an interview to discuss the case. If you are asked to attend a disciplinary interview, you will be sent a copy of the Learner Report Form, with the details of the alleged misconduct and summary of evidence.
- In cases involving adults with learning difficulties and/ or disabilities (LDDs), and learners aged 16-18, your parent/ carer will also be informed and will be asked to attend the interview with you.
- The Head of School will send out a letter requiring you (and your parent/ carer if you are under 18 or are an adult with LDDs) to attend a disciplinary hearing (with minimum of 5 working days' notice). The letter will contain the exact nature of the alleged misconduct.
- The Head of School will inform you in the letter that you will be given the opportunity to present their case at the hearing and that you may be accompanied by another college learner (but not a legal representative) who can offer support but not take an active part in the proceedings.

Hearing:

- The Head of School will chair the hearing, and will invite another Head of School or Programme Manager previously unconnected with the case to make up the panel.
- You will be given an opportunity to present your case.
- The School Administrator will attend to take notes of the meeting and the recommended outcomes.
- The Programme Manager who conducted the investigation will present the evidence to the panel.
- The hearing may result in:
 - no further disciplinary action being taken, or
 - the Head of School will issue a written warning, with an improvement/ support action plan, within 5 working days of the hearing. The written warning will contain reasons for

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the decision and alert you to the consequences of repeated or similar misconduct which may include suspension or exclusion.

- The action plan and agreed working period (usually 4 - 6 weeks) will be recorded on the Learner Report form, signed by you and the Head of School. A copy of the form will be given to you (and your parent/ carer if you are under 18 or are an adult with LDDs).
- Support will be offered, where appropriate, to help you achieve the necessary improvement.

Follow-up review:

- The Head of School will meet with you to check progress at the end of the review period and:
 - If the Head of School is satisfied that sufficient progress has been made to address the concerns, you will be notified and no further disciplinary action will take place
 - If you have not made sufficient progress the Head of School will inform the Vice Principal Teaching and Learning, who will proceed to Stage 3 of the Disciplinary Procedure.
- The outcome will be recorded on the Learner Report form and copied to you (and your parent/ carer if you are under 18 or if you are an adult with LDDs) and the Vice Principal Teaching and Learning.
- The School Administrator will maintain records of the case and copy to the Quality Officer for logging.

Stage 3

STAGE 3

Stage 3 is for further misconduct or failure to meet standards when a 2nd stage written warning has been given. Stage 3 is also used for cases of extreme misconduct (without having to go through Stages 1 and 2). (See Appendix 3 for examples)

Reporting:

- A Head of School may refer a case of misconduct that has failed to improve at Stage 2, or a case of serious misconduct suspected to be a Stage 3 issue, to the Vice Principal
- Allegations of extreme misconduct may also be received in the form of a complaint from a learner or visitor to the College.
- The Vice Principal will appoint an investigating officer, normally the Head of School, to investigate the case and write up a report.

Investigation:

- The Head of School will collect information and statements from those involved in the case and report findings on the Learner Report form.
- As a result of the investigation the Vice Principal will either dismiss the case or ask you to attend a disciplinary hearing.
- The Vice Principal will send out a letter requiring you (and your parent/ carer if you are under 18 or if you are an adult with LDDs) to attend a disciplinary hearing (with minimum of 5 working days' notice). The letter will contain the exact nature of the alleged misconduct.
- The Vice Principal will inform you in the letter that you will be given the opportunity to present your case at the hearing and that you can be accompanied by another college

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learner (but not a legal representative) who can offer support but not take an active part in the proceedings.

Hearing:

- The Vice Principal will chair the hearing, and will invite a Head of School or Senior Manager not previously involved in the case to make up the panel.
- You will be given an opportunity to present their case.
- The Head of School who conducted the investigation will present the evidence to the panel.
- The School Administrator will attend to take notes of the meeting and the recommended outcomes.
- The hearing may result in:
 - no further disciplinary action being taken, or
 - a final written warning with a requirement for an appropriate course of action to be taken; the written warning will contain reasons for the decision and alert you to the consequences of failure to improve which may include suspension or exclusion, or
 - suspension for a fixed period of time or permanent exclusion.
- The Vice Principal will make the decision to suspend or exclude.
- Notification of the outcome of the hearing will be issued to you (and your parent/ carer if you are under 18 or if you are an adult with LDDs) within five working days of the hearing, by the Vice Principal.
- In cases of suspension or exclusion you will be notified of the right of appeal. If you choose to exercise this right you will remain excluded or suspended until the appeal is heard.

Follow-up review:

- If you have been issued with a course of action, the Vice Principal will review your progress after the allocated time period and:
 - if satisfied that sufficient progress has been made to address the initial concerns you will be notified and no further disciplinary action will take place.
- If you have not made sufficient progress the Vice Principal may suspend or exclude you.
- In cases of suspension or exclusion you will be notified of the right of appeal. If you choose to exercise this right you will remain excluded or suspended until the appeal is heard.
- If you do not exercise the right of appeal, the decision to suspend or exclude will be implemented immediately.
- Notification of the outcome of the review will be issued to you (and your parent/ carer if you are under 18 or if you are an adult with LDDs) within five working days of the review, by the Vice Principal

Appeals

You have the right to appeal against any disciplinary penalty imposed.

An appeal will normally only be heard if:

- Relevant new evidence has come to light.
- The procedure was operated unfairly.

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Appeals Procedure

- You must write to the Principal within 10 working days of receiving the letter outlining the outcome of the disciplinary hearing, giving reason for the appeal.
- The Principal will decide if an appeal is justified.
- The Principal will arrange an appeal hearing within 21 working days of the notice of appeal being lodged. You will be given at least 5 working days' notice of the time and place of the panel and will be entitled to be accompanied by another College learner or by a parent/ carer if you are under 18 or if you are an adult with LDDs (but not by a legal representative in either case; an accompanying person cannot take active part in the proceedings but can offer support).
- The Executive PA should attend to take notes of the meeting and the recommended outcomes.
- A Senior Manager who has had no prior involvement in the case may be appointed by the Principal to hear the appeal.
- The final decision of the Principal or appointed Senior Manager hearing the appeal will be confirmed in writing within 5 working days of the appeal panel. This decision is final.

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Additional Procedural Information

16 – 18 year olds (and younger): Parents/ carers will be informed of Stage 2 and Stage 3 hearings where you are under 18 years of age. They may be asked to attend any disciplinary or appeal hearings, and will be informed of the outcome in writing.

Employer-sponsored learners: If you are being sponsored by an employer and are given a second stage written warning, excluded or suspended the employer will be informed wherever practicable.

Warnings: verbal and written warnings will remain on your file for the duration of your programme at the College.

Suspension: The Vice Principal of the College has the authority to suspend you whilst staff investigate an allegation of misconduct.

You may be suspended for the following reasons:

- If the alleged misconduct is serious and it is considered that you may pose a risk to the health and safety of yourself or others.
- If it is thought that your presence in the class / college may disrupt or prevent the learning of others.
- In the interest of neutrality to support a quick and objective investigation, pending a criminal investigation.
- Non-payment of fees. Following the college credit controlled procedure, on receipt of a third reminder, you may be suspended until payment is received or an arrangement for payment is agreed.

To minimise the disruption of your programme of study, you may be allowed to complete assignments or sit examinations.

Exclusion: The Vice Principal of the College has the authority to exclude you from the College following a disciplinary hearing. They may delegate this authority to a member of the Senior Management Team.

Exclusion may be for a fixed period or permanently.

Re-admission to College courses after exclusion: Any learner who has been excluded from the College following a disciplinary hearing and who wishes to re-apply, must disclose that information when applying. The Vice Principal reserves the right to decide whether or not to re-admit you. This decision will be based on a risk assessment of the situation and may depend on evidence of an improvement in your behaviour.

Criminal Offences: Where a member of staff has reason to believe that you may have committed a criminal offence, the College may refer the matter to the police. The College may start disciplinary proceedings or may delay (and in severe cases suspend you) until the outcome of the criminal proceedings are known.

Related documents:

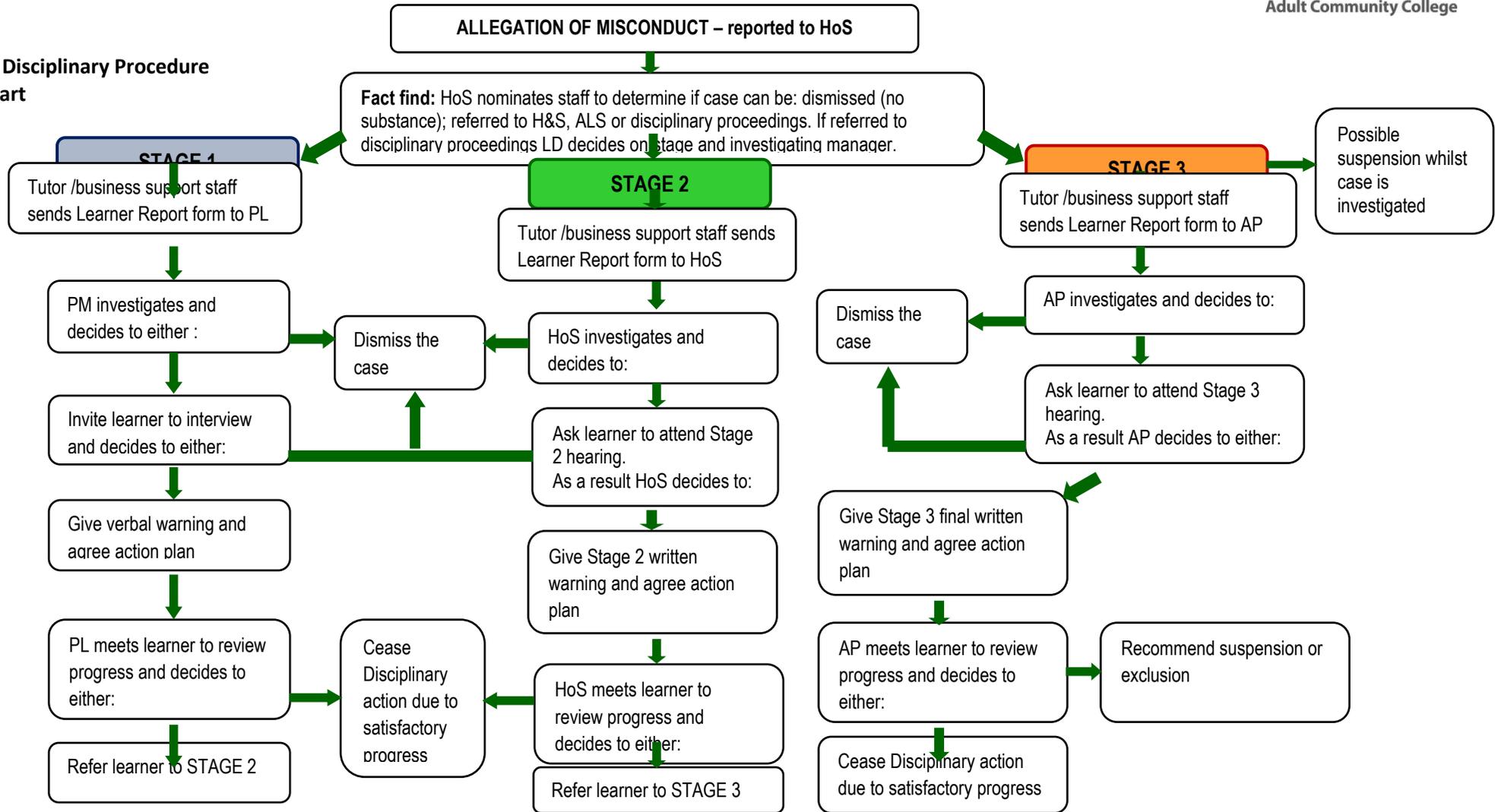
Learner Attendance and Punctuality Procedure
Learner Disciplinary Policy
Anti-Harassment and Bullying Policy and Procedure
Health and Safety Policy
Equality & Diversity Policy
Assessment Policy & Procedures
Acceptable Use of IT Policy

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Richmond & Hillcroft Adult & Community College
Learner Disciplinary Procedure, 2018-2019.

Learner Disciplinary Procedure
Flow Chart



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Appendix 1

Learner Code of Conduct

The Learner Code of Conduct is designed to ensure that learners contribute to a safe and successful learning environment by defining the behaviour and conduct expected from learners.

Behaviour: all learners must:

01. Treat everyone with respect, regardless of culture, race, nationality, religion, gender, age, marital status, sexual orientation, disability or social class. The College will not tolerate any discrimination, harassment or bullying, including cyber bullying, and expects learners to report any such incidences to their tutor as soon as possible.
02. Comply with and promote the British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs. Take care not to behave in a way which glamorizes or normalizes violence or extremist beliefs, and challenge any behaviour in others which appears to do this.
03. Respect contributions made in class by other learners and not undermine them by inappropriate comments or behaviour such as sighing, tutting, side comments to other learners etc.
04. Adopt behaviour and use language that is appropriate and does not upset others. Swearing, excessive shouting and using inappropriate gestures will be challenged.
05. Follow tutors' instructions and established class etiquette regarding answering questions in class, for example, raising the hand to answer a question, allowing others to answer questions, not interrupting other learners when they are contributing to the class.
06. Switch off mobile phones, personal communication devices and personal stereos in classrooms and in all working areas except if they are being used to assist learning.
07. Contribute to the College's continuous improvement systems by providing constructive feedback about the courses and services, and by using the College's Complaints Procedures if you wish to make a complaint.
08. Be responsible for the behaviour of their children whilst on the premises, in the College crèche or in the care of childminders arranged by the children.
09. Meet financial commitments relating to your course (if applicable) promptly and in full.
10. Act at all times in a manner that does not cause offence nor bring the College into disrepute.

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Academic: all learners must:

01. Attend classes regularly and punctually and inform the College by email, text or phone of any absences, where possible in advance of the class. Where missing a class is unavoidable, take responsibility for contacting the tutor and arranging to catch up on the work which has been missed.
02. Complete all work set by tutors to agreed deadlines. Late work will be marked and submitted to the awarding organisation at the tutor’s discretion, or according to the awarding organisation guidelines, if applicable.
03. Successfully complete all internal and external examinations and assessment, where appropriate, in order to progress on the course.
04. Ensure all work produced for assignments and exams is your own work. Where information is used from another source this must be referenced appropriately. Plagiarism and/or cheating may lead to disciplinary action by the College and/or awarding organisation/examinations board.
05. Comply with the ‘Acceptable use of IT’ policy (to be found in the Learning Resource Centres), and use IT facilities to support your learning and not to access any website that is against College policy.

Health & Safety: all learners must:

01. Show regard for the well-being and safety of other learners, staff, community groups and visitors at all times. Reports of alleged incidences of violence towards fellow learners, staff or visitors will be investigated under the Learner Disciplinary procedures and may result in immediate temporary suspension or permanent exclusion from classes.
02. Become acquainted with the College Health & Safety regulations and follow the proper college evacuation procedure in an emergency.
03. Inform the College of any disability that might result in help being required in the case of an emergency evacuation.
04. Not smoke, bring illegal drugs, alcohol or offensive weapons onto the premise or be under the influence of drugs or alcohol whilst on college premises.
05. Notify a member of staff if you have an accident at College.
06. Keep the College clean, free from litter and graffiti and not eat or drink in the classrooms or learning resource centre.

Personal and College property: all learners must:

01. Show respect for the premises and property of the College and the possessions of other learners
02. Return all borrowed books and items of equipment by the due date. You will be responsible for the cost of any damage or loss of College property.
03. Be responsible for the loss or damage to your own property. All articles of value left on the college premises, including cars, bikes and motorbikes are left at the owner’s risk.

On signing the enrolment form / learning agreement, each learner agrees to the College’s terms and conditions and to follow the Learner Code of Conduct. Failure to comply with the code may lead to disciplinary action being implemented in accordance with the Learner Disciplinary procedures.

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Appendix 2

Examples of Disciplinary Behaviour

The examples below cover the main areas for concern that may lead to application of the Learner Disciplinary Policy and Procedure. This is not an exhaustive list of examples and each incident will be reviewed individually.

Examples of Stage 1 disciplinary behaviour

- Poor attendance or punctuality
- Late or non-submission of course related work/assignments
- Disrupting the learning of others
- Minor cases of academic misconduct (refer to Assessment Policy for examples of learner malpractice)
- Failure to follow instructions of a member of staff
- Disrespectful behaviour to other learners, staff or visitors
- Minor breaches of Health and Safety rules
- Minor damage to college property
- Misuse of the internet/IT equipment
- Unauthorised use of mobile phones, personal communication devices and personal stereos
- Smoking on College premises

Examples of Stage 2 disciplinary behaviour

- Failure to comply with a Stage 1 action plan
- Repeating a Stage 1 disciplinary incident
- Moderate cases of academic misconduct e.g. cheating or plagiarism (refer to Assessment Policy for examples of learner malpractice)
- Threatening behaviour or verbal threats to another learner or member of staff
- Acts of discrimination, bullying, harassment or victimisation towards other learners or staff or visitors to the college (including by text or email/ cyber-bullying)
- Actions or communications that bring the College into disrepute
- Threats to Health & Safety (eg misuse of fire alarms and fire extinguishers)
- Damage to college resources and property

Examples of Stage 3 disciplinary behaviour

- Failure to comply with a Stage 2 action plan
- Repeating a Stage 2 disciplinary incident
- Serious cases of academic misconduct (refer to Assessment Policy for examples of learner malpractice)
- Actual violence to another learner or member of staff
- Endangering the health and safety of others
- Significant damage to college resources and property
- Being in possession or under the influence of alcohol or illegal substances
- Any potentially criminal activities affecting the College or other learners
- Racial or sexual abuse
- Non payment of fees

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Appendix 3. Learner Report Form

DISCIPLINARY STAGE:

Learner Report Form

SECTION 1:

Learner name:	Age if under 19:
Course code and title:	Course tutor:
Reported by: Job title:	Date: DD/MM/YYYY

Allegation / Problems encountered (absence, lack of work, plagiarism, attitude/ behaviour, other):

Forwarded for investigation to (Pm, HoS or VPTL as appropriate):

Outcome of investigation:

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No further action:	Invited for interview/hearing: date:	Disciplinary Stage (1,2,or 3):
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Interview/hearing	Date:	Attendees:
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Outcome:

No further action:	Warning: (Verbal, written, Stage)	Action (action plan, suspension, expulsion):
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SECTION 3:

Review meeting:	Date: DD/MM/YYYY	Present:
Outcome:		
Satisfactory, no further action:	Unsatisfactory:	Referred to next Stage:
Signed: _____ Date: _____ <p style="text-align: center;">Learner</p> Signed: _____ Date: _____ <p style="text-align: center;">Staff</p>		

Record to be kept by HoS, PM

Copies to: learner, parent/guardian (if under 18 years) course tutor, PM, HoS or VPTL as appropriate

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