


# LEARNER DISCIPLINARY POLICY AND PROCEDURE

Policy Review							
Author/Owner	Position	Approved by SMT	Approval date	Review Cycle	Review Date	Publish on Website Y/N	
Donna Short	Vice Principal – Quality & Education	Signed: 	13.07.23	Annually 1 year	June 2024	Y	
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Author/Owner	Summary of Changes	Date	Version	Date last reviewed by SED	Recommend to SED Y/N		
Michelle Dennett	Amended to reflect updated systems and process	31.05.17		-	Yes		
Michelle Dennett	Amended to reflect updated systems and process	31.01.18		14.06.17	No		
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Michelle Dennett	Amended to update for COVID -19 and blended learning	17.08.20		14.06.17	No		
Michelle Joy	Amended and updated systems and process	07.06.22	v1				
Michelle Joy	Amended and added search and confiscation procedure						
Donna Short	Full update to include OU recommendations along with more specification. Added information on search and confiscation	12/7/23					
Donna Short	Increased clarity of distinction between 'serious' and 'gross' misconduct. Clarification of search and confiscation approach in line with Department for Education guidance.	18.08.23					

Initial Equality Impact Screening
<b>Who has been consulted on this policy &amp; procedure?</b> SMT and previously SED
<b>What evidence has been used for this impact screening (e.g. related policies, publications)?</b> Legislation Equality Act 2010 this, confiscation, and screening in schools 2022, Keeping Children Safe in Education 2022, Working together to safeguard Children 2018

**Declaration (please tick one statement and indicate any negative impacts)**

- Y I am satisfied that an initial screening has been carried out on this policy/procedure and a full Equality Impact Assessment is not required. There are no specific negative impacts on any of the Protected Characteristics groups.
- I recommend that an Equality Impact Assessment is required by the Equality and Diversity group, as possible negative impacts have been identified for one or more of the Protected Characteristics groups as follows:
- Age
  - Disability
  - Gender Reassignment
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
  - Marriage & civil partnership
  - Pregnancy & maternity

<b>Completed by Author:</b> Michelle Joy	<b>Position:</b> Head of Student Experience	<b>Date:</b> 07.06.23
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Reviewed by Equality & Diversity Group Date:

I confirm that any recommended amendments have been made

<b>Amended by Author:</b> Donna Short	<b>Position:</b> VP Q of E	<b>Date:</b> 7/7/23
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**Summary of Comments/Recommendations from Equality & Diversity Group Review:**

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### 1. PURPOSE

1.1 This document sets out our expectations for learners and the approach our staff should take when learners are not meeting the expectation of the organisation. This document sets out the action that should be taken for minor breaches in behaviour or discipline as well as such incidents that would be considered as more serious and / or deemed as Gross Misconduct.

### 2. SCOPE

2.1 This policy applies to all learners attending Yeovil College as a learner irrespective of the programme they are studying, including those on Apprenticeships, attending Yeovil College University Centre (YCUC) or those who attend part-time programmes.

2.2 The Learner Disciplinary Policy and Procedure applies to all activities taking place onsite and to any activity taking place related to a learner's programme offsite, such as educational trips and visits when a learner is representing the College.

- 2.3 The Learner Disciplinary Policy also applies to any learner's behaviour which is deemed as damaging to the reputation of Yeovil College and / or Yeovil College University Centre.
- 2.4 This policy takes into account the Equality Act 2010. Where a learner has a disability, including a mental health issue or behavioural difficulties, reasonable adjustments will be made to ensure they are not discriminated against.
- 2.5 Assessment will be made of the extent and reasonableness of the adjustments as part of any relevant disciplinary process. This will be conducted in conjunction with the College Special Educational Needs and/or Disabilities Coordinator (SENDCo) and the Head of Student Services who will assess the learner need and implement suitable intervention.
- 2.6 This document sets out the code of conduct to which learners are expected to adhere in return for being admitted to the College and being provided with educational and other facilities. It also sets out the procedure which should be followed where the code of conduct is breached, taking into account any Special Educational Needs and Disabilities (SEND) needs of the learner.
- 2.7 There is a separate Academic Misconduct Procedure<sup>1</sup> which deals with study and progress matters. If action is taken against a learner under both codes, the two elements will be treated together under the Learner Disciplinary Policy and Procedure.
- 2.8 Learners should be aware that there are additional policies and procedures, including the Acceptable Use of IT Policy and the Sexual Misconduct and Harassment Policy<sup>2</sup>, which outline specific expectations of learner conduct in relation to these areas, and breach of these expectations may result in a learner facing disciplinary action in line with this Learner Disciplinary Policy and Procedure.
- 2.9 If there are concerns about the conduct of learners who are apprentices and / or undertaking work placement or work experience as part of their programme, the College will work with the employer and the learner to find the best resolution. The Learner Disciplinary Policy and Procedure may be enacted in addition to any disciplinary or performance management policy or process that an employer may choose to implement.

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<sup>1</sup> Available at <https://www.yeovil.ac.uk/policies-reports/>

<sup>2</sup> Available at <https://www.yeovil.ac.uk/policies-reports/>

2.10 If there is an emerging concern about a learner's health and wellbeing and the impact of this on progress, then the Health, Wellbeing, and Fitness to Study Policy<sup>3</sup> may be implemented. Such concerns may include significant deterioration in health, appearance, attitude, particularly where there is an impact on attendance, ability to meet deadlines, succeed academically, or participate in normal student life.

### **3. OBLIGATIONS OF LEARNERS AND STAFF**

#### **3.1 Learner behaviour expectations:**

3.1.1 Use the College facilities and behave in a way which is respectful to the needs and aspirations of others, including other learners, staff, visitors, and members of the public.

3.1.2 Behave courteously and respectfully to all, including peers, staff, visitors, and stakeholders.

3.1.3 Behave respectfully to others online including all social media platforms.

3.1.4 Familiarise themselves with the College's Health and Safety Policy and other regulations<sup>4</sup>, always comply with those regulations and act with due regard for their own safety and that of others.

3.1.5 Respect the property of the College, and of its staff, other learners and visitors; Support the maintenance of a clean and tidy college environment.

3.1.6 Respect and protect the College neighbourhood and community. Behaviour which could reasonably be expected to offend others, both inside and outside college premises, will not be tolerated. This includes playing loud music or using offensive language or behaving antisocially.

3.1.7 Attend all planned learning activities punctually, this includes all classroom based, practical, tutorials and enrichment activities.

3.1.8 Complete all homework, coursework, assignments, assessments, and exams on time and in accordance with college policy and awarding organisation rules.

3.1.9 Notify the College of any absence as soon as practicable by contacting the iZone, giving details of predicted return date, in line with the requirements of the Attendance Policy and Procedure<sup>5</sup>.

3.1.10 Attend college ready to learn ensuring you attend with the right equipment to complete your work.

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<sup>3</sup> Available at <https://www.yeovil.ac.uk/policies-reports/>

<sup>4</sup> Available at <https://www.yeovil.ac.uk/policies-reports/>

<sup>5</sup> Available at <https://www.yeovil.ac.uk/policies-reports/>

3.1.11 Abide by this behaviour and disciplinary policy and all other relevant college policies.

### 3.2 Expectations of Staff:

3.2.1 Staff will promote and teach a culture of being ready, respectful, and safe.

During induction, staff should introduce learners to the learner code of conduct, to allow learners the opportunity to demonstrate an understanding of the rules and the part they play in making the College a positive and supportive environment.

3.2.2 Staff will have a consistency in their approach to behaviour management by always being calm in their approach to learners.

3.2.3 Never ignoring or walking past learners who are behaving badly, instead referring concerns to the relevant staff.

3.2.4 Modelling positive behaviours and reinforcing good behaviour by recognising those who do model good behaviour.

### 3.3 Work Experience/Industry Placement or Apprentices

3.3.1 The College has many learners who are apprentices or undertake work experience or industry placements as part of their study programme. If the College has concerns about the conduct of a learner, we will work with the learner and the employer to find the best resolution. This is in addition to any employer performance management or Disciplinary procedure which learners should familiarise themselves with prior to starting any placement.

3.3.2 Any failure to follow the Colleges behaviour expectations could result in a breach of learners training agreement or their employment contract. In such instances the College will work with the learner and the Employer to secure the most appropriate outcome.

### 3.4 Fitness to Study

3.4.1 If there is an emerging concern about a learner's health and wellbeing and the impact of this on progress, then the Health, Wellbeing, and Fitness to Study Policy may be implemented. Such concerns may include significant deterioration in health, appearance, attitude, particularly where there is an impact on attendance, ability to meet deadlines, succeed academically, or participate in normal student life.

3.4.2 Curriculum Area Managers (CAMs) must sensitively contact and discuss with the learner with the support of Head of Student Services or the College SENCo where applicable. For further information refer to the Health, Wellbeing, and Fitness to Study Policy.

#### **4. MINOR MISCONDUCT**

4.1 The intention of the 'Minor Misconduct' stage is to ensure appropriate intervention is implemented in response to low level concerns. The approaches that should be taken should enable learners to:

4.1.1 Take responsibility for their behaviours,

4.1.2 Agree to work toward improving such behaviours,

4.1.3 Give staff the opportunity to restore learner behaviour through a constructive and individualised approach.

4.2 This ensures learners have the best opportunity to receive the assistance they may need in order to be able to continue their studies. The minor misconduct process is for less serious offences with no or minimal harm or disruption caused, or offences which have a limited impact on the proper functioning of activities at the College. Minor misconduct can result in a Cause for Concern being raised on Promonitor.

4.3 Parents or Carers of learners who are under 18 years of age, or under 25 if they have Educational Health Care Plan (EHCP) which stipulates parent / carer involvement in communications (whether due to assessment under the Mental Capacity Act 2005 or any other reason), will be informed if this procedure is implemented.

4.4 Please refer to the Attendance Policy and Procedure if staff are managing intervention related to attendance.

4.5 Examples of minor misconduct include (but are not limited to):

4.5.1 Disruptive behaviour,

4.5.2 Unduly noisy or unruly behaviour,

4.5.3 Not displaying the College ID Badge when on college premises,

4.5.4 Minor non-compliance with instruction by staff,

4.5.5 Offensive language,

4.5.6 Lack of punctuality,

4.5.7 Failure to complete homework or classwork in the designated time frame,

4.5.8 Attending college not prepared to learn on a regular basis,

4.5.9 Declining standards of performance,

4.5.10 Minor cases of academic misconduct as identified under the Academic Misconduct Procedure and/or the relevant Academic Misconduct Procedures of the awarding university.

## **5. SERIOUS MISCONDUCT**

5.1 The serious misconduct process is for more serious offences with moderate harm or disruption caused, or moderate impact (or risk thereof on the proper function of the functioning or activities of the College).

5.2 Examples of Serious misconduct include (but are not limited to):

5.2.1 Any unruly behaviour, which is not resolved as a result of intervention from any staff member.

5.2.2 Disrupting any class or any other college activity, whether involving staff or other learners or not.

5.2.3 Deliberately, or by gross negligence, causing damage to any college buildings, equipment, books or furnishings, or any property of others.

5.2.4 Any transgression of the college Acceptable Use of IT Policy.

5.2.5 Any unauthorised interference with software or data belonging to or used by the college.

5.2.6 Any theft of property or any other dishonest acts.

5.2.7 Bullying, including cyber/online bullying, intimidation, taunting, use of banter, or verbal abuse.

5.2.8 Any behaviour which is offensive in relation to the identified protected characteristics listed in the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

5.2.9 Any behaviour which could bring the College into disrepute, whether on site, in transit or offsite.

5.2.10 Any illegal act which may have an adverse effect on the work of the College.

5.2.11 Moderate cases of academic misconduct as identified under the Academic Misconduct Procedure and/or the relevant Academic Misconduct Procedures of the awarding university.

## **6. GROSS MISCONDUCT**

6.1 Gross misconduct is for the most serious offences with significant harm or disruption caused, or a severe impact (or risk thereof) on the proper functioning or activities of the College, any misconduct directed at an individual or individuals, or sustained or repeated minor and / or serious misconduct.

6.2 Examples of Gross misconduct, include (but are not limited to):



- 6.2.1 Any misconduct involving violence or a serious threat of violence including the threat of use of a weapon or the carrying of weapons.
- 6.2.2 Sustained and / or severe bullying - any act that is intended to intimidate or cause fear to others.
- 6.2.3 Physical attack such as assault or spitting.
- 6.2.4 Humiliation or degradation of others.
- 6.2.5 Harassment - unwanted conduct relating to gender, gender reassignment, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristics which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- 6.2.6 Hate crime which is reasonably perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race, religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any act motivated by hostility or prejudice against a person who is transgender or perceived to be transgender is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 6.2.7 Deliberate and serious damage to college property or property of learners, staff, or visitors to the college.
- 6.2.8 Endangering the health or safety of self or others.
- 6.2.9 Taking pictures or videos of others without express permission and or sharing these on social media platforms without consent, with the intent to cause distress and embarrassment to others.
- 6.2.10 Any criminal activities affecting the College or other learners (or which could bring the College into disrepute).
- 6.2.11 Any drunkenness or the use, possession, supply, or intent to supply any illegal or harmful substances on college premises, on any activity associated with the College.
- 6.2.12 Any intention of being onsite under the influence of alcohol, illegal substances, harmful or legal highs, regardless of whether this was off site when taken.
- 6.2.13 Severe cases of academic misconduct as identified under the Academic Misconduct Procedure and/or the relevant Academic Misconduct Procedures of the awarding university.
- 6.2.14 Any act or omission which puts their own or other people's Health and Wellbeing at risk.

6.2.15 Persistent failure to follow the College rules in relation to any of the behaviours listed under misconduct and / or serious misconduct.

- 6.3 This is not an exhaustive list of the types of case which the College may treat as gross misconduct.
- 6.4 A learner may be suspended from the College immediately by a member of the Senior Management Team (SMT) or the Head of Student Services or a delegated Manager pending a disciplinary interview, where that member of staff has reason to believe that the student has committed an act of gross misconduct. The learner should, where possible, be interviewed prior to the suspension and their version of the events shall be recorded and placed on MyConcern, along with a signed copy of the statement. Parents or Carers of learners who are under 18 years of age, or under 25 if they have Educational Health Care Plan (EHCP) which stipulates parent / carer involvement in communications (whether due to assessment under the Mental Capacity Act 2005 or any other reason), will be contacted immediately. Where required, the appropriate professional(s) will also be informed for a looked after child.
- 6.5 Where a learner under the age of 18 is reasonably suspected to be under the influence of alcohol or substances or believed to be carrying offensive weapons, the Principal can authorise a member of the College Management Team to instigate a search and confiscation procedure in line with the Department for Education Searching, Screening and Confiscation Guidance for Schools<sup>6</sup> and in line with the College's role to work together to safeguard children as part of Keeping Children Safe in Education (KCSIE).
- 6.6 If a learner is over 18 and reasonably believed to be under the influence or carrying an offensive weapon, then the College will contact the Police.
- 6.7 Following an investigation and review of evidence the suspension or disciplinary of a learner may be revoked by a member of SMT if evidence suggests that the learner has not committed an act of Gross misconduct.
- 6.8 Any suspension of a learner with an Educational Health Care Plan (EHCP) must be completed in conjunction with the college SENCo or the Assistant SENCo to enable an emergency EHC meeting to take place and the appropriate services can be notified.
- 6.9 Any suspension will be confirmed in writing within 2 days of its occurrence and that learner will be invited to a Disciplinary Panel Meeting with the relevant manager and/or

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<sup>6</sup> Available at <https://www.gov.uk/government/publications/searching-screening-and-confiscation>

the Head of Student Services. Such a meeting will be convened within 5 working days of the suspension, and in line with the provisions for a Disciplinary Panel Meeting outlined in Section 9. If a learner is suspended, they will have access to work via Moodle/Teams during the suspension period and will be given a point of contact during this time.

- 6.10 During the period of suspension, a full investigation will be carried out with statements taken from all persons who witnessed the alleged gross misconduct.
- 6.11 In the event of the suspension of a learner who is being sponsored by an employer, or an apprentice, the employer will be informed wherever practicable.

## **7. STAGE 1 - FIRST WRITTEN WARNING**

- 7.1 **Note:** if a learner is already on an initial contract from interview or from progression that counts as their first warning then the next stage is a second written warning.
- 7.2 Warnings are intended to help learners understand the consequences of misconduct. They should be viewed as a means of helping a learner concentrate on improving behaviour rather than as a punishment. A first written warning is instigated when a learner has received 3 Cause for Concern notes on Promonitor, or if we have reason to believe the learner has committed an act of serious misconduct. An action plan with SMART targets should be developed to support the learner to improve and change behaviour and outcomes. Where a learner is under 18 years old, or under 25 if they have Educational Health Care Plan (EHCP) which stipulates parent / carer involvement in communications, parents/carers will be made aware of concerns through a phone call or email to ensure good lines of communication and support. Learners who require reasonable adjustments or special arrangements prior to any disciplinary meeting can request this through the College Student services team or the College SENCo team. Any learner involved with any aspect of the disciplinary process can access support throughout from the Student Services team, with a referral from their tutor or IZone team.
- 7.3 Cases of petty misconduct may be treated informally by any member of staff and should not result in a concern note being issued. This should be logged appropriately.
- 7.4 Once learners have received 2 concern notes, the 3rd concern will trigger a Stage 1 written warning, to be issued by the Tutor or Study Programme Manager. An appropriate member of staff will discuss the written warning with the learner to ensure they understand why they are receiving a stage 1 written warning. For learners who

typically receive in-class learning support to aid with communication and / or understanding, it may be appropriate for equivalent support to be available during this conversation to ensure the learner is well-supported to understand why they are receiving the stage 1 written warning. Any learner involved with any aspect of the disciplinary process can access support throughout from the Student Services team and can be referred to this through the Curriculum Team, SENCo or iZone.

7.5 The process for issuing the first warning is as follows:

- 7.5.1 Go to learner's page on ProMonitor.
- 7.5.2 Click on 'Meetings and Comments' on the top ribbon.
- 7.5.3 Select 'Manage Learner Meetings'.
- 7.5.4 Click on 'Add New'.
- 7.5.5 Add meeting date (defaults to the day opened) and time.
- 7.5.6 Select 'Meeting Category' and select 'Disciplinary'.
- 7.5.7 Select meeting type and choose appropriate option, then select save.
- 7.5.8 Select/Add Attendees as appropriate, then click on send email notification.
- 7.5.9 Inform iZone who will send the communication to parents/carers.
- 7.5.10 Add date to be reviewed.
- 7.5.11 Take notes of what is said at the meeting (with admin if needed).
- 7.5.12 Add action plan with SMART targets including review date.
- 7.5.13 Click save.
- 7.5.14 Add review date in your Outlook as a reminder.

7.6 The reason for the warning and the consequences of further misconduct should be clearly explained to the learner.

7.7 For learners under the age of 18, or under 25 if they have Educational Health Care Plan (EHCP) which stipulates parent / carer involvement in communications, the iZone team will send a covering letter to parents/carers and/or employers/sponsors where appropriate.

7.8 Review date:

- 7.8.1 Go to learner's page on ProMonitor
- 7.8.2 Click on 'Meetings and Comments' on the top ribbon
- 7.8.3 Select 'Manage Learner Meetings'
- 7.8.4 Click on the most recent/relevant meeting
- 7.8.5 Add in comments regarding review and set new SMART targets as appropriate
- 7.8.6 Alter the at-risk status if appropriate

- 7.9 Liaise with Lead Tutor/ Curriculum Area Manager (CAM) if learner has not met the target set.
- 7.10 NB. A learner can be issued with a first written warning for an incident of serious misconduct without 3 consecutive concerns. This is at the discretion of member of the College Management Team.

## **8. STAGE 2 - SECOND WRITTEN WARNING**

- 8.1 Where misconduct is further repeated (for example if further concern notes are received regarding either the same type of misconduct or other misconduct) or a learner has been issued an initial contract at interview or as part of progression and there are concerns with conduct, it is then considered to warrant more formal treatment. The relevant Area Lead Tutor/Study Programme Manager or Assessor/Programme Manager for apprentices should become involved. (If the Lead Tutor is also the Personal Tutor, then it is advised that another appropriate staff member carries out the meeting).
- 8.2 A meeting must be arranged between the Area Lead Tutor (or Alternative Lead Tutor as appropriate)/Study Programme Manager or Assessor/Programme Manager for apprentices, and the learner, within 10 working days. Learners will be notified of the meeting date and time and be asked to confirm attendance. Learners are able to be accompanied by a Parent/Carer/Friend or Representative. Other relevant staff will also be invited where appropriate. The purpose of the meeting is to explore the nature and seriousness of the concerns.
- 8.3 The iZone team will send a letter to parent/guardian/employer as appropriate inviting them to attend the meeting. Learners who require reasonable adjustments or special arrangements prior to any disciplinary meeting can request this through the College SENCO or Students Services Team. Any learner involved with any aspect of the disciplinary process can access support throughout from the Student Services team and can be referred to this through the Curriculum Team, SENCo or iZone.
- 8.4 Learners with Special Educational Needs and or Disabilities (SEND) or an Educational Health Care Plan (EHCP) will have the opportunity for the College SENCo or Assistant SENCo to be present.
- 8.5 During the meeting, an agreement between the learner and the Lead Tutor/Study Programme Manager or Assessor/Programme Manager for apprentices will be drawn

up, detailing what each will do to improve the situation as an action plan with SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound) targets within their Individual Learning Plan (ILP).

- 8.6 The process for issuing the second warning is the same as in section 7.5, substituting the words 1st stage with 2nd stage.
- 8.7 Within one month of the second warning a review should take place using the same process as outlined in 7.8. The learner should be a part of this review.
- 8.8 Alternatively, if the Tutor/Study Programme Manager or, Assessor/Programme Manager for apprentices, does not believe that such an informal agreement will result in improvement, a recommendation will be made to the Curriculum Area Manager/Head of Student Services that the learner will be invited to attend a Disciplinary Panel meeting.

## **9. STAGE 3 - DISCIPLINARY PANEL – FINAL STAGE**

- 9.1 In cases of gross misconduct, or if misconduct is further repeated following a Second Written Warning, a Disciplinary Panel Meeting, chaired by an Assistant Principal and supported by a member of the Student Services Team or as appropriate the College SENCo or Assistant SENCo as appropriate, will be arranged, giving at least 5 working days' notice, and stating:
- 9.1.1 The reason for the panel.
  - 9.1.2 The learner's entitlement to accompaniment (detailed below).
  - 9.1.3 Confirmation of the time and place of the interview.
- 9.2 Copies of any documentary evidence, together with copies of any written statements, will be provided to the learner ahead of the panel.
- 9.3 The member of staff chairing the panel will not have had prior involvement in any previous stage of the process.
- 9.4 The learner will be entitled to be accompanied by a friend, student representative or relative at the panel and will be entitled to state their case (including any mitigating factors) before any decision is taken. All disciplinary panels will be adjourned for consideration. If a learner is sponsored by an employer, a representative of the employer may be invited to attend. The panel will use the evidence provided at the

meeting and other evidence to make a balanced and informed judgement and the outcomes will be reflective of this. Learners who require reasonable adjustments or special arrangements prior to any disciplinary meeting can request this through the College SENCO or Students Services Team. Any learner involved with any aspect of the disciplinary process can access support throughout from the Student Services team and can be referred to this through the Curriculum Team, SENCo or IZone.

9.5 After hearing the learner's case, the panel may decide:

9.5.1 To draw up a further Disciplinary Agreement with set targets

9.5.2 To take no further disciplinary action

9.5.3 Adjourn the panel to review further evidence

9.5.4 Temporarily or permanently exclude the learner

9.5.5 Exclude learner from site but enable their education to continue via distance learning and escorted on site to support set exams and/or practical elements.

9.6 If a Disciplinary Agreement is the outcome of the hearing it will be recorded as a 3rd stage warning on ProMonitor on the learners Individualised Learning Plan (ILP) using the same process as in section 8.4.1

9.7 In the event of the learner being permanently excluded, they will be provided with written notification of the main findings on which the recommendation for exclusion has been made and given details in writing of the right of appeal within 10 working days of the date of the disciplinary hearing.

9.8 If the learner disputes material facts relating to the complaints, they have a right of appeal (see section 10).

## **10. APPEAL AGAINST SUSPENSION OR EXCLUSION**

10.1 The learner will have a right of appeal to the Vice Principal Quality of Education against any recommendation for permanent exclusion or formal suspension.

10.2 Appeals must be lodged with the Vice Principal's Personal Assistant within 10 working days of the date of the recommendation for exclusion or suspension and must give the grounds and brief particulars of the appeal.

10.3 If an appeal is lodged within the 10 working days, an appeal interview with the Vice Principal Quality of Education will be arranged to take place within 21 days of the notice of appeal being lodged. The learner will be given at least 5 working days' notice

of the time and place of the appeal interview and will be entitled to be accompanied by a friend, learner representative or relative. The learner and / or family may be accompanied by a legal or other professional by agreement in advance and must request this a least 24 hours prior to the meeting date. Any documents considered at the final disciplinary panel will be available for the purposes of the appeal.

- 10.4 At the appeal interview, the learner will be invited to explain the grounds of the appeal and to state their case.
- 10.5 The Curriculum Area Manager or Head of Student Services who made the recommendation to exclude or suspend will be asked to respond to the appeal and explain the reasons for the recommendation.
- 10.6 The Vice Principal Quality of Education may ask questions of the learner and the College representatives before considering whether or not to uphold the appeal. Witnesses will not normally be asked to attend except in relation to any relevant new evidence which has come to light since the disciplinary panel.
- 10.7 The Vice Principal Quality of Education will adjourn the appeal interview to consider evidence provided.
- 10.8 If the appeal is upheld, the Vice Principal Quality of Education will decide on any further action if appropriate.
- 10.9 If the appeal is not upheld the Vice Principal Quality of Education will normally confirm the original decision of the Disciplinary Hearing.
- 10.10 Within 5 working days of the appeal interview, the final decision of the Vice Principal Quality of Education will be confirmed in writing to the learner.

## **11. CRIMINAL OFFENCES**

- 11.1 Where any member of staff has reason to believe that a learner may have committed a criminal offence, the college will refer the matter to the police and may continue disciplinary proceedings under this procedure or suspend the learner pending the outcome of police enquiries and any charges which may be brought against the learner.
- 11.2 Normally incidents, however serious, will be dealt with by the College. However, where the Senior Manager or Head of Student Services feels the alleged offence or concern warrants the Police being involved, the College will ensure that the learner



understands their options when they report an alleged criminal offence and support the learner. The learner's options might include reporting the matter to the police, asking the College to take disciplinary action, or taking no further action.

- 11.3 When disclosure is necessary to safeguard the individual, or others, in the public interests or where there is a legal duty to do so, the College will need to contact the relevant services to ensure the safety of the learner and others.

## **12. CONDUCT OF INTERVIEWS**

- 12.1 The member of staff conducting interviews will be accompanied by another member of staff who will take notes. All notes will be recorded on the College's ProMonitor system and copies shared with all relevant parties in line with Data Protection Act 2018.
- 12.2 During all disciplinary processes, the College's Designated Safeguarding Lead and Safeguarding Officers will have an overview of the individual case and will review the wellbeing and support of learner and staff involved during the process.
- 12.3 The member of staff chairing the interview will give instructions to the learner in relation to the conduct of the interview. Learners must have the opportunity to question the evidence and state their case. Time will be allowed for breaks as it is recognised this could be stressful for learners. Opportunities for rest breaks will be communicated at the start of the interview.
- 12.4 The member of staff chairing the interview may exclude from the proceedings any person who behaves unreasonably or who disregards the instructions of the member of staff about the interview. If the learner leaves or is excluded from the interview before its conclusion the disciplinary process will proceed.
- 12.5 As outlined in Section 8, stage 2 Disciplinary meetings will usually be conducted by the Area Lead Tutor (or Alternative Lead Tutor as appropriate)/Study Programme Manager or Assessor/Programme Manager for apprentices.
- 12.6 As outlined in Section 9, stage 3 Disciplinary Panel meetings will normally be chaired by an Assistant Principal and supported by a member of the Student Services Team or as appropriate the College SENCo or Assistant SENCo as appropriate.
- 12.7 As outlined in Section 10, appeal meetings will be chaired by The Vice Principal Quality of Education, and the excluding manager will be in attendance.

### **13. TIME PERIODS**

13.1 With the exception of the time allowed for lodging an appeal, time periods stated in this procedure are for guidance and may be varied by the College if it is not practicable to adhere to them (such as end of term holiday periods or parent/guardian not able to attend within the stated timeframe). Written notice of any such variation will be given.

13.2 Periods of days in this procedure are working days.

### **14. RELATED POLICIES, PROCEDURES, DOCUMENTS, DEFINITIONS<sup>7</sup>**

Academic Misconduct Procedure

Drug, Alcohol and Substance Misuse Policy and Procedure

Health, Wellbeing and Fitness to Study Policy

Student Code of Conduct

Learner Reasonable Adjustments and Special Considerations Policy

Safeguarding and Prevent Policy and Procedure

Equality, Diversity and Inclusion Policy and Procedure

Learning from home guidance (as issued to learners as appropriate)

Keeping Children Safe in Education<sup>8</sup>

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<sup>7</sup> College Policies and Procedures are available at <https://www.yeovil.ac.uk/policies-reports/>

<sup>8</sup> Available at <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>