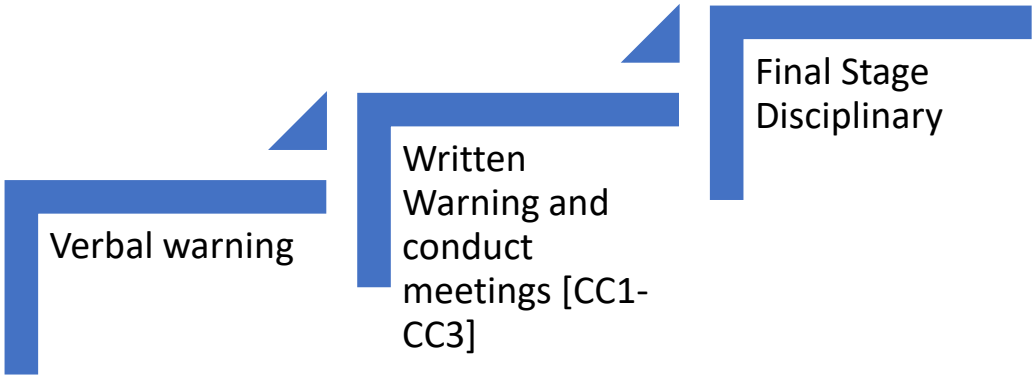
Learner Disciplinary Policy

1	**INTRODUCTION**
	The College is committed to supporting learners to be workplace ready, acknowledging learner achievement and fostering excellent behaviour. Positive and productive relationships with learners are central to excellent behaviour management. The College is committed to providing an environment in which all learners feel comfortable, and everyone is treated with respect and dignity. We will not tolerate any forms of bullying or harassment, including off-site and online. The College expects learners to be committed to their studies and behave in line with the code of conduct at all times. Where learners fail to do this, they will be subject to the College's disciplinary policy. **The College reserves the right to withdraw learners from their programme at our discretion.** **In particular, the College will not tolerate any behaviours from learners or connected parties that it deems as being abusive towards staff at the College.**
2	**APPLICATION OF POLICY**
	The policy is applicable to ALL learners enrolled at Gloucestershire College. This includes learners who are flagged as having specific needs or living in specific circumstances (such as learners with an EHCP, My Plan or My Plan +).
3	**CODE OF CONDUCT**
	All learners who enrol at the College are bound by its Code of Conduct. Any breach of this Code of Conduct, including any breach of Health and Safety or other College regulations, is deemed misconduct. Learners who in **the opinion of the College** fail to meet its code of conduct will be subject to this disciplinary policy. This applies irrespective of whether incidents are within or outside of the College, and includes failure to follow college procedures and policies, non-payment of fees due, and any activity that the College deems adversely affects its reputation or the well-being of other people. **Please note that any physical or verbal abuse towards staff will not be tolerated and will be deemed as gross misconduct.** In particular, learners should familiarise themselves with the College's assessment and attendance policies.

	Assessment A learner must follow the assessment policy and request any deadline extensions as per this policy. If a learner fails to submit qualification work by deadlines (or agreed extension deadlines) then the Cause for Concern process (see 4.3) may be initiated. *Where learners fall behind, the College will explore ways of supporting learners to achieve their qualifications subject to the rules of the relevant examining bodies. This may include offering alternative self-taught unit(s) or nested qualifications where available and rules of combinations allow.* However, the College reserves the right to withdraw learners from their programme due to failure to submit qualification work at our discretion (even as the result of illness including mental ill health). **Attendance** In line with the Attendance Policy, the College may withdraw any learner whose attendance falls below the levels set out in our attendance policy and in particular: • where a learner has not attended for four consecutive weeks • where attendance is low (even as the result of illness or mental ill health) **Probationary period:** All learners on full time courses are on a probationary period for the first six weeks. If they fail to meet expectations (attendance, engagement, completion of work and behaviour expectations) they risk losing their place on the course. In the first six weeks learners may be withdrawn from their programme after not improving behaviour or attendance after an initial warning. In this time frame the staged disciplinary process is not a requirement.
4	**THE DISCIPLINARY PROCESS**
4.1	**Overview** The College operates a stepped disciplinary process as set out below:

	 Learners may be escalated through the process in stages or may enter at or be taken directly to any subsequent stage depending upon the nature of the misconduct. Actions in the opinion of the College deemed to be Gross Misconduct will always be taken to a Final Stage Disciplinary. The stages are set out below:
4.2	**Verbal Warning** Academic tutors, Student Mentors, Training Co-ordinators and Heads of School/Apprenticeship Managers may issue a learner with a verbal warning for breaches of the code of conduct, including concerns about academic progression and achievement. Failure to make appropriate changes to conduct will result in progression to further stages in the disciplinary process. Verbal warnings will be recorded by the College and may be taken into consideration in future disciplinary actions.
4.3	**Cause for Concern (CC) Meetings and Written Warnings** A Cause for Concern meeting may be called in circumstances where a learner has failed to follow the code of conduct. This would include concerns around academic progress and attendance as well as behaviour. **Note that allegations of gross misconduct would always be heard at a Final Stage Disciplinary without recourse to previous Cause for Concern meetings.** Potential outcomes of a Cause for Concern meeting include: • No Further action • A written warning including an action plan to be followed • Escalation to final stage disciplinary

	Where a written warning is confirmed, the record will contain an Action Plan for improvement within an agreed timescale and outline the consequences of further misconduct or poor academic performance. The learner will be expected to meet the actions outlined by the agreed deadline. Failure to do so and/or further breaches of conduct could result in a further cause for concern meeting or a final stage disciplinary. In determining the outcome, the Cause for Concern meetings will take into account previous breaches of the code of conduct by a learner, and also their attendance, attitude, behaviour and commitment that has been demonstrated in their studies to date. If a learner has already had three Cause for Concern meetings within an academic year, further breaches of the code of conduct (including failure to meet any action plans) would result in a final stage disciplinary.
4.4	**Final Stage Disciplinary** A final stage disciplinary will be held in all instances of gross misconduct or where a significant disruptive event has occurred. This includes any actions which in the opinion of the College endanger or potentially endanger the safety of any other person. In some instances of gross misconduct or where a significant disruptive event has occurred, learners involved may be subject to a 'time out' from college whilst the event/behaviour is investigated. Any member of staff on the college's duty manager can 'time out' a learner. A 'time out' does not pre-determine the outcome of the disciplinary process or imply guilt. A final stage disciplinary may also be held where: • there has been a failure to address conduct following a cause for concern meeting • there is persistent and on-going poor behaviour A final stage disciplinary would consider all breaches of the code of conduct, including those previously considered during other stages of the disciplinary process, as well as their attendance, attitude, behaviour and commitment that has been demonstrated in their studies to date. In addition, conduct at the meeting may be taken into consideration.

	Learners will have the right to bring representation to this meeting. They are entitled to be accompanied by a friend, learner representative or relative, but not by a legal adviser. Written notice of this meeting will be given to the learner and (if appropriate) sent home to parents, carers, employers. The written notice will state: • The nature of the breach of the code of conduct • The learner's entitlement to accompaniment • Confirmation of the time and place of the meeting In the event that a learner fails to attend a final stage hearing it will be held in their absence. Because of the nature of the misconduct alleged, it may be recommended that the learner be excluded or formally suspended from the College by the Principal. In the event of exclusion, the letter will also set out any conditions to be met on order to re-enrol at the College in subsequent years. In the event that a learner enrols without meeting these conditions, the College reserves the right to automatically exclude them without recourse to appeal. **Time out:** a temporary removal from college campuses for a specified period whilst investigations are completed **Suspension**: a formal disciplinary outcome where a learner is unable to attend college for a specified period, which is recorded on their disciplinary record **Exclusion**: a formal disciplinary outcome where a learner is permanently removed from the college
4.5	**Appeals** The learner can request an appeal hearing from the Principal against any recommendation for permanent exclusion or formal suspension. A learner must send an appeal in writing to the Personal Assistant to the Principal within 10 working days of the date of the recommendation for exclusion or suspension. If an appeal request is not received within the 10 working days, then no appeal will be granted. The request must give the reasons for the appeal against the outcome of the final stage meeting. This must be either new evidence and/or mitigating factors that were not considered at the final stage meeting. **It is at the absolute discretion of the Principal whether to grant an appeal.**

	Any new supporting evidence could include, but would not be limited to, a new witness or CCTV footage that was not referenced at the final stage meeting. If the appeal relates to the severity of the outcome (exclusion) due to mitigating circumstances these must be mitigating factors that were not considered at the final stage meeting. If **the appeal hearing is allowed,** a meeting with a member of the College's Executive Team will normally be arranged to take place within 10 working days of the receipt of the written appeal. The college reserves the right to permanently or temporarily exclude any learner who is perceived to be a danger to anyone else in the college. In these circumstances any appeal, if granted, will be progressed via an on-line meeting or written documents. At the Appeal Meeting, the learner will be invited to explain the reasons for the appeal and to state their case. The meeting will not review why the original decision was made but will only consider the **new evidence** or **mitigating factors set out in the appeal request that were not considered at the final stage meeting.** Any documents considered at the Final Stage Meeting will be available at the Appeal Meeting. The Chair of the Final Stage Disciplinary who made the recommendation to exclude or suspend will be asked to respond to the appeal and explain the reasons for the recommendation. The Executive Team member may question the learner and any witnesses who are called. Witnesses will not normally be asked to attend except in relation to any relevant new evidence which has come to light since the final stage meeting. Following the conclusion of the meeting, The Executive Management Team member chairing the appeal will then consider whether to uphold the decision of the Final Stage Disciplinary. The Executive Management Team member may decide to uphold the decision or that disciplinary action less than that recommended should be taken, including a shorter period of suspension. The Executive Management Team member may also decide that no further disciplinary action should be taken. Within 5 working days of the appeal meeting, the decision of the appeal hearing will be confirmed in writing to the learner. There will be no further appeals granted. Except for the time allowed for requesting an appeal, time periods stated above are for guidance and may be varied by the College if it is not practicable to adhere to them. Documents sent by recorded delivery will be deemed to be received within 48 hours of posting.
4.6	**Learners under 18 /Sponsored Learners/those with a current EHCP, My Plan or My Plan+**

	Except for a verbal warning or a first Cause for Concern meeting, where a learner, subject to the College's disciplinary process, is under 18 years of age or a has a current EHCP, My Plan, My Plan+ a parent or guardian will be invited to attend any disciplinary or appeal meetings. If a learner under the age of 18 is given a formal written warning or permanently excluded, or suspended from the College, a parent or guardian or carer will be informed in writing of the outcome (this correspondence may be through email or letter). If a learner is being sponsored at the College by an employer and is subject to any disciplinary meetings, the employer will be informed within 5 working days.
4.7	**Criminal Offences** Where any member of staff suspects that a learner may have committed a criminal offence, the College may refer the matter to the Police and may continue proceedings under this disciplinary policy or suspend the learner pending the outcome of Police enquiries and any charges which may be brought against the learner. The College reserves the right to recommence proceedings when the results of any Police enquiries are known.
4.8	**Safeguarding and Prevent** Where any member of staff believes that a learner may be involved in activities which present concerns around safeguarding and/or 'Prevent', the College may refer the matter to the relevant agencies and may continue proceedings under this this disciplinary policy or suspend the learner pending the outcome of any enquiries. The College reserves the right to recommence proceedings when the results of any enquiries are known.
4.9	**Recording of information** All disciplinary actions will be recorded on ProMonitor and will be held on the learner's digital file for inspection at any time. All formal disciplinary records will be logged on a central disciplinary database.
5	**REVIEW OF POLICY**
	This policy will be reviewed every three years.

Related Policies and Procedures
Student Entitlement Policy
Equality, Diversity and Inclusion Policy
Student Acceptable Use Policy
Talkback
Data Protection and Information Systems Policy
Safeguarding and Child Protection Policy
Student Assessment Policy
Student Agreement and Code of Conduct

Approved by: Karen Morris
Date for Review: September 2029

Appendix A

What constitutes Gross Misconduct?

Gross misconduct is dealt with through the formal disciplinary process. These behaviours are anything which in the opinion of the College constitute gross misconduct which include **but are not limited** to:

- Violent, dangerous or threatening conduct.
- Possession of dangerous materials or weapons.
- Theft or unauthorised possession of any property or facilities belonging to the College, or to any employee or learner.
- Serious damage deliberately sustained to College property.
- Bribery or corruption.
- Serious negligence/incompetence which causes unacceptable loss, damage or injury.
- Substance misuse or supply of illegal substances to others.
- Serious incapability and/or misconduct as a result of being intoxicated by reason of alcohol or illegal drugs.
- Violation of the College's rules and procedures concerning health and safety.
- Unlawful discrimination, intimidation, bullying or harassment including sexual harassment and hate crimes
- A criminal offence (whether it is committed during or outside college) which may adversely affect the College's reputation, other students or staff.
- Deliberately accessing internet sites containing pornographic, offensive, racist, extremist or obscene material.
- Any action which puts the health and safety of others at risk.
- Physical or verbal abuse of college staff