



Suffolk
New
College

Learner Disciplinary Policy

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Related Policies & Procedures:	Positive Behaviour & Attitude to Learning Policy E-Safety Policy Acceptable IT Use Policy

Equality Impact Assessment Tool

Learner Disciplinary Policy

		Yes/No	Comments
1	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	Race or ethnicity	No	
	Disability	No	
	Gender	No	
	Religion or belief	No	
	Sexual orientation	No	
	Age	No	
	Marriage and Civil Partnership	No	
	Maternity and Pregnancy	No	
	Gender Reassignment	No	
2	Is there any evidence that some groups are affected differently?	No	
3	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/A	
4	Is the impact of the policy/guidance likely to be negative?	No	
5	If so, can the impact be avoided?	N/A	
6	What alternatives are there to achieving the policy/guidance without the impact?	N/A	
7	Can we reduce the impact by taking different action?	N/A	



Learner Disciplinary Policy

1. Purpose

The Learner Disciplinary Policy is designed to deal with incidents of serious and gross misconduct.

Full-time learners are advised of what is expected of them through their Steps to Success induction to the College, and through the Steps to Success weekly hour. Apprentices and part-time learners will be advised through introductory sessions. Ready to Learn - Code of Conduct to be agreed with full-time learners and learners to sign as part of Steps to Success - week one.

If learners are unclear of the expected standards of behaviour, they should seek help from their Link Tutor/Progress Tutor/Progress Coach or Student Services. This procedure is designed to ensure that all learners receive every possible assistance and support in order to continue and achieve their course.

Parent(s)/Carer(s)/NoK (if learners are under 19 or has an EHCP), sponsoring employers, will be informed in all cases of serious and gross misconduct and will be invited to accompany the learner to meetings/hearings.

A member of the Student Services team must attend hearings for gross misconduct for any learner that has an EHCP or is a high needs learner.

2. Definition of Terms

Incidents that are deemed to be serious or gross misconduct are set out below. The list is not exhaustive and professional judgement will need to be made concerning the severity of the breach.

Serious misconduct:

– Head to issue Formal Written Warning

- Smoking/vaping on or within college premises/vehicles
- Offensive behaviour
- Acting in an unsafe manner, including under the influence of alcohol, drugs or other substances (see also Gross Misconduct)
- Failure to comply with the College's Health & Safety Policy
- Disruption to the work or recreation of others within the local community
- Committing a criminal offence
- Compromising College security
- Malicious activation of the fire alarm system
- Misuse of College bus passes/College ID (three strikes)
- Fraudulent claim for bursary funding
- Behaviour that causes significant disruption to the learning of others or harms the reputation of the learner body and/or Suffolk New College including behaviour on all online platforms including social media.
- Making false or malicious allegations against another learner or member of staff
- Animal welfare concerns

Gross misconduct

– Director to convene Formal Disciplinary Hearing

- Offensive language directed towards others (learners, staff or visitors) – including racist, sexist, disablist or homophobic language.
- Theft of personal, College property (including employer property if related to their college programme)
- Arson
- Violence or threat of violence
- Incapability through alcohol, drugs or other substances (or suspicion of)
- Deliberate damage to college, public or employer property
- Accessing, downloading, or sending pornographic/offensive materials via internet or mobile technology
- Possession of alcohol
- Possession of a knife or weapon, which is not justified in its use as part of the learner's work.
- Possession of non-prescribed drugs, association with dealing or handling non-prescribed drugs in college or associated premises e.g., work experience and industry placements, field trips, residentials, events etc.
- Bullying, harassment or sexual abuse allegations (including online)
- Actions/behaviour on social media or online activity which impacts negatively on other learners, staff, visitors, partner employers, College reputation or wider community.
- Criminal activities affecting the College, its learners, staff or visitors.
- Interference with hardware, software or data belonging to or used by the College.
- Serious animal welfare concerns
- Re-occurrence of a serious breach previously dealt with by issuing a Notice of a Formal Written Warning

3. The Procedure

Serious misconduct

Head to investigate and issue Formal Written Warning where serious misconduct can be proven.

On receiving a verbal or written report on a learner's alleged serious misconduct the Head shall undertake enquiries/investigations, as they deem necessary, to establish the facts. The Head may decide, whilst the fact gathering is taking place, to put the learner on a "cooling off" period. If this is the case, the Head should communicate this to learner and NoK (as applicable).

If having considered the facts the Head deems that an incidence of serious misconduct has occurred, they will formally meet with the learner to discuss the issue, advise why the behaviour was inappropriate and issue the Formal Written Warning. The reason for the Formal Written Warning will be explained as well as the consequence of the learner failing to improve their 'behaviour' or a re-occurrence of the behaviour within a stated time period.

A Notice of Formal Written Warning signed and dated by both learner and Head will be sent to the learner. A record of the action taken will be recorded on ProMonitor or SMART Assessor.

A copy of the Notice of Formal Written Warning shall be sent to the Parent(s)/Carer(s) (if the learner is under 19 or has an EHCP), the sponsoring employer if appropriate.

The outcome will be recorded as a meeting on ProMonitor or SMART assessor by the Head.

Gross misconduct

Directors to convene Formal Disciplinary Hearing

On receiving a verbal or written report on a learner's alleged gross misconduct breach, the Director will decide if the learner and other person(s) involved should be suspended, with immediate effect, whilst they, or a nominated investigating officer, undertake enquiries/investigation as they deem necessary to establish the facts.

The Director should seek approval from the Deputy Principal or other member of the Executive Team to suspend a learner, providing the reason for suspension. If the Director is not able to request the suspension, the Head may do so.

The Disciplinary Panel comprises of a minimum of three people to include:

1. A Director from another Directorate or Director of Student Services to act as Panel Chair
2. Learner's Director
3. Investigating Officer where this is not the Director
4. A member of the Safeguarding Team where the Director of Student Services is not Panel Chair (to be agreed by the Safeguarding Manager)
5. If the Learner has an EHCP or accesses additional Learning support, then a member of staff from the ALS team who works with the learner can sit on the panel.

The Learner's Director will call the Formal Disciplinary Hearing, writing to the learner (who may be accompanied by Parent(s)/Carer(s)/NoK, sponsoring employer, or legal professional advisor). The Hearing must be held within 10 working days and Parent/Carer/NoK should normally have a minimum of five working days' notice. If a learner is to be accompanied by a legal professional advisor, they MUST give the College two working days' notice of this, the College retains the right to also have a legal professional advisor in these circumstances.

If a physical hearing is not able to be facilitated, the College will communicate to all parties a suggested other medium and agree on a suitable platform. This could include Google Meet, Microsoft Teams or other.

All reports and evidence will be presented at the panel hearing, where the learner will be able to provide a response and their version of events and the NoK will be

given opportunity to provide any mitigating information and/or advocate for the learner.

The Hearing may take place in the learner's absence if they fail or decline to attend without good reason.

If an incident took place whilst completing work experience and/or an industry placement, a key contact from that employer will be invited to attend or provide a statement in their absence.

The Formal Disciplinary Hearing will be conducted in accordance with/can have one of six outcomes.

1. No case to answer
2. Final written warning
3. Suspension for a fixed term (to be determined by the Disciplinary Panel)
4. Exclusion from a specific campus/industry placement for a period of time to be determined by the panel
5. Exclusion for the remainder of the academic year
6. Exclusion for the remainder of the academic year and a further period of time (to be determined by the Disciplinary Panel)

The decision will be agreed by the panel after the Hearing and communicated by letter.

A learner who is suspended or excluded will not be able to attend any of the College campuses unless stated until the period of suspension or exclusion has elapsed.

For outcome 2-6 a Record of Formal Disciplinary Hearing, will be recorded on Pro-Monitor and a copy sent with a covering letter signed and dated by the Panel Chair will be sent to the learner. A record of the hearing will be retained within the Executive team EAs.

A copy of the Record of Formal Disciplinary Hearing letter will be sent to the Parent / Carer/NoK (if the learner is under 19 or has an EHCP), the sponsoring employer if appropriate.

If outcome 3 (suspension for a fixed term) is decided by the panel, then the following must be followed:

- It is the responsibility of the Director responsible for the learner to arrange for work to be set and sent to the learner during a period of suspension. Work and any subsequent deadlines must be clearly communicated to the learner and also recorded on the learner's ProMonitor.
- A reintegration meeting must be arranged prior to the learner returning to college. This meeting is used to ensure the learner is supported to overcome any barriers to returning to college and re-integrating. Work set and completed during the suspension will be submitted at this meeting.

This meeting will comprise of

- Learner
- Parent/carer/Nok - if under 19 or has an EHCP
- Director
- Head
- Link Tutor/Progress Coach
- Member of ALS is learner has an EHCP or access ALS

The outcome and any subsequent actions from this meeting will be notified to the learner and NoK in writing and sent from the Executive Team Assistants, and must be recorded on ProMonitor, by the Director.

For outcomes 4-6:

- Director to record as a meeting on ProMonitor
- Formal notification to be sent to the learner and NoK in writing and sent from the Executive Team Assistants.
- Inform Student Data Team
- The learners ID badge will also be confiscated
- The process to appeal against the outcome of a formal disciplinary hearing can be seen.

Learners subject to Police Investigation

If the learner is suspended subject to investigations by the Police, it is possible that action might be taken by the College whilst this investigation is ongoing. The Police investigation would not in itself prevent the College from reaching its own conclusion, on the balance of probabilities, about what happened and therefore in such situations the College would respond on a case-by-case basis. This may lead to a long suspension, and the learner will be withdrawn if the suspension cannot be resolved in 4 working weeks.

While some active police investigations will not prevent a learner's attendance at the College, others will. Active police investigations that present the highest concern to us are as follows:

- Offences against the person, whether of a violent or sexual nature (including online)
- Offences involving the unlawful supply of controlled drugs or substances
- Possession of an offensive weapon or firearm
- Offences involving acid or other corrosive substances.

Appeals

THE LEARNER must write to the Deputy Principal within 5 days of the date of the College letter confirming the outcome of the Suspension process. The learner's letter must clearly specify the grounds for the appeal. Learners may ask for help in writing the letter, and may ask Student Support for advice.

An appeal will only be considered when one or more of the following is evident: -

- There is evidence that the investigation of the incident has not made reasonable efforts to acquire all relevant information; or
- New evidence has become available that could affect the decision and resulting penalty; and/or
- There is evidence of prejudice or bias.

An appeal against a Suspension process outcome, which is not exclusion, will be considered by the Deputy Principal. If any one of the above 3 grounds are satisfied, then the Deputy Principal will review the evidence presented in the appeal letter in relation to the sanction imposed.

The Deputy Principal will write to the learner (copying in parent/carer if under 19, and where they have an EHCP if over 19) within 5 working days of receipt of the appeal.

If the sanction is exclusion and the appeal satisfies 1 of the 3 grounds for appeal then a Disciplinary Appeals Panel will be convened.

The Executive team will appoint 3 members of senior staff to serve on the Disciplinary Appeals Panel. One will be elected to serve as Chair. The Panel will be made up of the Deputy Principal and Directors of Curriculum Area from parts of the College not associated with the excluded learner, and may include the Director of Student Services where applicable.

Any period of suspension being served by the learner will continue throughout the duration of the appeal. The Disciplinary Appeals process is an internal College process. The Director of Curriculum Area will be present to answer questions only.

Following consideration of the evidence the Disciplinary Appeals Panel may: -

- Reject the appeal and uphold the exclusion with an explanation as to why;
- Accept the appeal and revoke the exclusion, and recommend the learner returns to college (with or without conditions).

The outcome of the Disciplinary Appeals Panel will be sent to the learner in writing within 5 working days of the hearing and concludes the College's internal procedure. The decision of the Panel is final. Any correspondence or contact that is received following an appeal outcome, will be referred back to the appeal outcome. In situations where the outcome continues to be challenged and the college's policy has been followed, then the college reserves the right not to respond and following a review of the nature and level of contact to treat it as malicious or vexatious.

In circumstances where an excluded ex-learner behaves in a way that results in the College converting their exclusion to a permanent one, the right of appeal will not apply.

Appendix 1 – ProMonitor Guidelines

This guide will take you through the processes required to track the different phases from the Disciplinary Policy in ProMonitor.

Creating a Disciplinary Meeting

There are 2 types of disciplinary:

- Gross Misconduct
- Serious Misconduct

Each of these has 2 stages:

- Initial Report
- Meeting Record

ProMonitor contains a different meeting for each of these:

- Gross Misconduct – a – Initial Report
- Gross Misconduct – b – Meeting Record
- Serious Misconduct – a – Initial Report
- Serious Misconduct – b – Meeting Record

To create a disciplinary meeting:

1. Go to ProMonitor and go to the page for the learner you would like to add the disciplinary meeting to.
2. Click **Meetings > Manage Learner Meetings**
3. Click **Add New**
4. In the **Meeting Category** drop down select **Disciplinary**
5. In the **Meeting Type** drop down, select the meeting you require.
6. Press **Save**
7. Open the meeting by clicking the name of the meeting in the list of meetings.

