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LEARNER DISCIPLINARY POLICY AND PROCEDURE

Yeovil College
University
Centre



Policy Review					
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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		v1	
Tina Callow, Donna Short	Updated including changes to serious and Gross misconduct and including sexual activity. Clarity given around Mobile phone usage. Key change to the process of stage 3 disciplinary as chair of panel changed from AP to CAM, leading to subsequent changes in appeals process	28.08.24		v1.1	
Donna Short/Tina Callow	Minor changes, vaping, alcohol, & using digital tools Update on written warnings.	19.06.25		V1.2	
Tina Callow	Updated, including clarification changes to various misconduct types and how to approach disciplinary for learners with additional needs or an EHCP. Changes regarding ensuring parents or carers are included in the process wherever possible, for all learners on a full-time programme, including those over the age of 18.	19/05/26		V2	

Initial Equality Impact Screening					
Has anyone else been consulted on this policy and/or procedure?					
What evidence has been used for this impact screening (e.g. related policies, publications)?					
Declaration (please tick one statement and indicate any negative impacts)					
☒ I am satisfied that an initial screening has been carried out on this Policy and/or 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					
Completed by:	Donna Short	Position:	Vice Principal Quality of Education	Date:	18.06.25
Reviewed by Equality & Diversity Group: YES/NO If Yes: Date: I confirm that any recommended amendments have been made					
Summary of Comments including Recommendations from Equality & Diversity Group Review:					
Amended by Author:		Position:		Date:	

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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 expectations 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 Procedure¹ 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 Policy², 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.
- 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 Policy³ 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 Behave in an appropriate and respectful way, including following the reasonable instructions of teachers and other staff, and expectations outlined in the learner code of conduct
- 3.2 Follow the reasonable instructions of teachers and other staff, including guidelines around the appropriate use of mobile phones in class.
- 3.2.1 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

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

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

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

members of the public.

- 3.2.2 Behave courteously and respectfully to all, including peers, staff, visitors, and stakeholders.
- 3.2.3 Behave respectfully to others online including all social media platforms.
- 3.2.4 Familiarise themselves with the College's Health and Safety Policy and other regulations⁴, always comply with those regulations and act with due regard for their own safety and that of others.
- 3.2.5 Respect the property of the College, and of its staff, other learners and visitors; Support the maintenance of a clean and tidy college environment.
- 3.2.6 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.
- 3.2.7 Attend all planned learning activities punctually, this includes all classroom based, practical, tutorials and enrichment activities.
- 3.2.8 Complete all homework, coursework, assignments, assessments, and exams on time and in accordance with college policy and awarding organisation rules.
- 3.2.9 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 Procedure⁵.
- 3.2.10 Attend college ready to learn, ensuring you attend with the right equipment to complete your work.

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

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

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

3.3 Expectations of Staff:

- 3.3.1 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.
- 3.3.2 Staff will have a consistency in their approach to behaviour management by always being calm in their approach to learners.
- 3.3.3 Never ignoring or walking past learners who are behaving badly, instead referring concerns to the relevant staff.
- 3.3.4 Modelling positive behaviours and reinforcing good behaviour by recognising those who do model good behaviour.

3.4 Work Experience/Industry Placement or Apprentices

- 3.4.1 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.
- 3.4.2 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.

3.5 Fitness to Study

- 3.5.1 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.
- 3.5.2 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 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 must be raised as a Cause for Concern on Promonitor. 3 Causes for concern will trigger a Stage One (First Stage) Disciplinary meeting with the learner followed up with a written warning that is sent to the learner and their next of kin (NOK)

- 4.3 All learners on full-time programmes, and their next of kin (NOK), including those aged 18 and over, will be notified when this procedure is implemented.
- 4.4 For learners under 25 with an Education, Health and Care Plan (EHCP) that requires parental or carer involvement in communications (including where determined under the Mental Capacity Act 2005), the College will also inform their parents or carers when this procedure is implemented.
- 4.5 NOK should always be given the opportunity to support the learner by being informed of any disciplinary meetings. Learners aged 18 or over who do not have an EHCP may choose not to involve their parents or carers in this process. To exercise this option, learners must submit a formal written request to iZone, who will record this preference on the learner's Individual Learning Plan (ILP).
- 4.6 If it is felt there is a risk to the learner by not sharing the information with their NOK, safeguarding may decide to do so anyway.
- 4.7 .
- 4.8 For learners with identified additional needs, or those with an EHC Plan, consideration should be given to raising a comment as "additional learner support" rather than a Cause for Concern. If there are multiple low-level behaviours observed during a lesson, a single Cause for Concern should be raised at the end, detailing all incidents from that lesson.
- 4.9 Please refer to the Attendance Policy and Procedure if staff are managing intervention related to attendance.
- 4.10 Examples of minor misconduct include (but are not limited to):
 - 4.10.1 Disruptive or unruly behaviour anywhere on campus, not solely within the classroom
 - 4.10.2 Not displaying the College ID Badge when on college premises (lanyards should be worn around the neck at all times or ID badges worn on a clip).
 - 4.10.3 Minor non-compliance with instruction by staff.
 - 4.10.4 Minor transgression of the Acceptable Use of IT Policy

- 4.10.5 Offensive language whether this is aimed at another person or not.
- 4.10.6 Poor punctuality.
- 4.10.7 Failure to complete homework or classwork in the designated time frame.
- 4.10.8 Attending college not prepared to learn on a regular basis.
- 4.10.9 Declining standards of performance.
- 4.10.10 Minor cases of academic misconduct as identified under the Academic Misconduct Procedure and/or the relevant Academic Misconduct Procedures of the awarding university.
- 4.10.11 Littering.
- 4.10.12 Vaping/smoking outside of designated area.

5. SERIOUS MISCONDUCT

- 5.1 Any serious misconduct listed below may be escalated to gross misconduct and managed under the gross misconduct procedure if the College has reasonable grounds to believe that the learner's actions either did or could have caused significant disruption, harm or distress towards any member of the College community.
- 5.2.1 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 College and related activities).
- 5.3 Examples of serious misconduct include (but are not limited to):
 - 5.3.1 Any unruly behaviour which is not resolved after intervention from any staff member.
 - 5.3.2 Disrupting any class or any other college activity, including the use of offensive language aimed towards any other learner, staff member or visitor

to site

- 5.3.3 Deliberately, or by gross negligence, causing damage to any college property, or any property of others.
- 5.3.4 Any repeated or serious transgression of the college Acceptable Use of IT Policy.
- 5.3.5 Any unauthorised interference with software or data belonging to or used by the college.
- 5.3.6 Any theft of property or any other dishonest acts.
- 5.3.7 Harassment (including sexual harassment) or bullying, including cyber/online bullying, intimidation, taunting, use of banter, or verbal abuse.
- 5.3.8 Taking pictures or videos of others without express permission and or sharing these without consent, including sharing via messages and or social media platforms. in a way that could cause distress and/or embarrassment to others.
- 5.3.9 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).
- 5.3.10 Any illegal act.

(This is now addressed in the Academic Misconduct Policy which has been amended)

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 whether in college or in the community
- 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 Any criminal activities affecting the College or other learners (or which could bring the College into disrepute).
- 6.2.10 Any drunkenness or the use, possession, supply, or intent to supply any illegal or harmful substances including alcohol on college premises, or on any activity associated with the College. Including trips, work experience and industry placements.
- 6.2.11 Any intention of being onsite under the influence of alcohol, illegal substances, harmful or legal highs, regardless of whether this was taken, used or consumed off site.
- 6.2.12 Any sexual activity that could be considered lewd or obscene including indecent exposure.

(This is now covered in Academic Misconduct Policy amendments – references to this policy in AMC have been removed)

- 6.1.14 Any act or omission which puts their own or other people's Health and Wellbeing at risk.
 - 6.2.15 Using digital tools, including but not limited to Artificial Intelligence (AI) to counterfeit human likeness.
 - 6.2.16 Persistent failure to follow the College rules in relation to any of the behaviours listed under misconduct and / or serious misconduct.
 - 6.2.17 Any behaviour which could bring the College into serious disrepute, whether on site, in transit or offsite.
 - 6.2.18 This is not an exhaustive list of the types of cases which the College may treat as gross misconduct.
- 6.2 A learner may be suspended from the College immediately by a member of the College Leadership Team (CLT) in conjunction with the Head of Student Support 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 Pro Monitor or MyConcern as appropriate, along with a signed copy of their statement. If it is not possible or appropriate to obtain this on the day of suspension, learners will be given the option to send it to the Head of Student Support ahead of their Disciplinary Panel Meeting. Parents or Carers of learners who are under 18 years of age, or under 25 if they have an 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.

- 6.3 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 or Vice Principal can authorise a member of the College Leadership Team to instigate a search and confiscation procedure in line with the Department for Education Searching, Screening and Confiscation Guidance for Schools⁶ and in line with the College's role to work together to safeguard children as part of Keeping Children Safe in Education (KCSIE). If the learner is found to be in possession of any illegal substance or weapon, the Police will be informed and a referral to Children's Services may be made.
- 6.4 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.
- 6.5 Following an investigation and review of evidence, the suspension or disciplinary of a learner may be revoked by a member of SLT if evidence suggests that the learner has not committed an act of gross misconduct.
- 6.6 Any suspension of a learner with an Educational Health Care Plan (EHCP) must be completed in conjunction with the college SENDCo or the Assistant SENDCo to enable an emergency EHCP meeting to take place at the earliest opportunity and the appropriate services can be notified implemented, the same day as the suspension being implemented.

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

- 6.7 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 the Head of Student Services and or SENDCo or Assistant SENDCo as appropriate. 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. Where a learner is under the age of 18, or under the age of 25 if they have an EHCP, attempts will be made to notify the NOK prior to the learner being asked to leave site where possible.
- 6.8 During the period of suspension, a full investigation will be carried out with statements taken from persons who witnessed the alleged gross misconduct.
- 6.9 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 under an initial contract due to an interview or previous behaviour concerns but has progressed to another programme within the College, this will be considered their first warning. Consequently, any further issues will automatically proceed to Stage 2. Serious misconduct will be addressed at either Stage 1 or Stage 2 of the disciplinary process, depending on its nature.
- 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 Support 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 area lead 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 area 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 area 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 area 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 by iZone. Learners are permitted 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 Support 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 area 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 targets, recorded within the learner's 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 area lead 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 a CAM and supported by The Head of Student Support or the Coordinator and as appropriate the College SENCo or Assistant SENCo, 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. However, if any statements are submitted by learners that, even once redacted, could reasonably lead to the identification of the individual, these may not be shared in order to safeguard the individual concerned.

- 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 parent/guardian 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. A decision on the final outcome will not be made during the final panel meeting. The outcome will be communicated to the Learner and parent or guardian within 5 working days of the date of the meeting.
- 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 exclude the learner, including for the remainder of the academic year. Must be agreed with the Assistant Principal.
 - 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.
 - 9.5.6 Permanently exclude the learner from the College. If the Curriculum Area Manager makes the decision to permanently exclude the learner following

the panel meeting this must be agreed with the Assistant Principal or other member of the Senior Leadership Team.

- 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 If a learner has a 3rd stage warning and commits any further acts of misconduct under serious misconduct or gross misconduct, they could be instantly excluded by any of the Senior Leadership Team (SLT) without a further panel meeting.
- 9.8 Learners who have been excluded but wish to return to college or learners subject to a Stage 3 contract who progress to the following academic year, whether within the same curriculum area or a different one, will be placed on a contract at the start of the next academic year that constitutes a Stage 1 written warning.
- 9.9 In the event of the learner being temporarily or 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. This should be communicated by the chair of the panel within 5 working days of the hearing.
- 9.10 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 Assistant Principal for Curriculum against any recommendation for temporary or 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 Assistant Principal for Curriculum 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 parent/guardian as appropriate. Any legal or other professionals that the learner wishes to attend must be requested and agreed by the College at 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 Assistant Principal for Curriculum 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 Assistant Principal for Curriculum will adjourn the appeal interview to consider evidence provided.
- 10.8 If the appeal is upheld, the Assistant Principal for Curriculum will decide on any further action if appropriate.
- 10.9 If the appeal is not upheld the Assistant Principal for Curriculum 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 Assistant Principal for Curriculum will be confirmed in writing to the learner and Next of Kin (NOK)

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 Support 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 interest 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 or My Concern dependant on the nature of the information 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 Head of Student Support or 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 fails to attend without prior notice leaves or is excluded from the interview before its conclusion the disciplinary process will proceed in their absence and outcome shared with them in writing within 5 working days
- 12.5 As outlined in Section 8, stage 2 Disciplinary meetings will usually be conducted by the area lead tutor (or alternative area 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 a Curriculum Managers and supported by Head of Student Support or a Co-ordinator and as appropriate the College SENCo or Assistant SENCo as appropriate.
- 12.7 As outlined in Section 10, appeal meetings will be chaired by Assistant Principal for Curriculum, 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, DEFINITIONS⁷

- 14.1 Academic Misconduct Procedure
- 14.2 Drug, Alcohol and Substance Misuse Policy and Procedure
- 14.3 Health, Wellbeing and Fitness to Study Policy
- 14.4 Student Code of Conduct

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

- 14.5 Learner Reasonable Adjustments and Special Considerations Policy
- 14.6 Safeguarding and Prevent Policy and Procedure
- 14.7 Equality, Diversity and Inclusion Policy and Procedure
- 14.8 Sexual Misconduct and Harassment Policy
- 14.9 Learning from home guidance (as issued to learners as appropriate)
- 14.10 Keeping Children Safe in Education⁸

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

Template letter when ‘Appeal’ stage has been concluded internally for students studying on Open University validated courses.

Dear **[Name of complainant]**,

This letter confirms that the internal procedures of Yeovil College in relation to your **complaint / appeal etc*** regarding **[please describe]** have been completed.

The issues that you raised in your **complaint / appeal etc*** were **[details]**. The issue(s) that were considered in relation to your **complaint / appeal etc was / were***: **[brief summary of the complaint etc]**.

Our final decision is* **[detail]** because **[reasons]**.

In conclusion the College will be taking the following actions in relation to the issues you have raised. **[Here you must add – actions to be taken, timescales and who is responsible.]**

Once again please accept my sincere apologies for any upset or distress that was caused to you or upset or distress you felt. **[Use the former phrase if the complaint was justified]**. I can assure you that every effort will be made to ensure that all future dealings that you may have with the College will prove to be satisfactory.

I hope you will view this response as helpful in addressing your concerns. However, if you have any further concerns, require any information, or would like to attend a meeting to discuss your **complaint / appeal** further, please contact me to resolve any outstanding issues you may have.

I should also like to take this opportunity to thank you for contacting us about your concerns. The opinions of those who use our services give us valuable insight into the service that we provide and areas where improvements might be made.

Because you are studying on a programme validated by the Open University (OU) you can request that the OU reviews this outcome if certain conditions are met. Please read “Appendix 1: Student Complaints and Appeals Procedure” of the Open University’s

Handbook for Validated Awards² to understand if you would be eligible to request the Open University review this outcome, and if so, the timeline and process you will need to follow. Do read the Open University's documentation for full details, however, you should be aware that it is important that the OU receives any complaints or appeals as soon as possible, and within three months of the date of this letter. A delay may mean that the OU are unable to investigate the matter fully.

Please note, that procedures will not be deemed officially 'completed', and therefore you would not be able to ask the Office of the Independent Adjudicator for Higher Education (OIA) to review this outcome until you had also exhausted the Open University's processes. If you were to follow and complete the Open University's processes, you would then be issued a 'Completion of Procedures' letter and at that point would be entitled to request that the OIA review the complaint. Please be aware that there are time limits within which you would have to request the OIA review a complaint – typically students have 12 months to bring an appeal to the OIA, although please visit their website for the most up-to-date information.

Yours sincerely,

[Authorised signatory]

Template letter when 'Appeal' stage has been concluded internally for students studying on University of Gloucestershire validated courses, relating to matters that have the right of appeal to UoG.

Dear **[Name of complainant]**,

This letter confirms that the internal procedures of Yeovil College in relation to your **complaint / appeal etc*** regarding **[please describe]** have been completed.

The issues that you raised in your **complaint / appeal etc*** were **[details]**. The issue(s) that were considered in relation to your **complaint / appeal etc was / were***: **[brief summary of the complaint etc]**.

Our final decision is* **[detail]** because **[reasons]**.

In conclusion the College will be taking the following actions in relation to the issues you have raised. **[Here you must add – actions to be taken, timescales and who is responsible.]**

Once again please accept my sincere apologies for any upset or distress that was caused to you or upset or distress you felt. **[Use the former phrase if the complaint was justified]**. I can assure you that every effort will be made to ensure that all future dealings that you may have with the College will prove to be satisfactory.

I hope you will view this response as helpful in addressing your concerns. However, if you have any further concerns, require any information, or would like to attend a meeting to discuss your complaint further, please contact me to resolve any outstanding issues you may have.

I should also like to take this opportunity to thank you for contacting us about your concerns. The opinions of those who use our services give us valuable insight into the service that we provide and areas where improvements might be made.

Because you are studying on a programme validated by the University of Gloucestershire (UoG), you can request that UoG review this outcome if you are dissatisfied with the

outcome reached, if certain conditions are met. Please visit the 'Academic Appeals and Student Complaints'³ section of the UoG website to review UoG's procedures and understand if you would be eligible to request UoG review this outcome, and if so, the timeline and process you will need to follow. Do read the UoG documentation for full details, however, you should be aware that it is important that the UoG receives any complaints or appeals as soon as possible, and within their published timescales. A delay may mean that UoG are unable to investigate the matter fully.

Please note, that procedures will not be deemed officially 'completed', and therefore you would not be able to ask the Office of the Independent Adjudicator for Higher Education (OIA) to review this outcome until you had also exhausted the University of Gloucestershire's processes. If you were to follow and complete UoG's processes, you would then be issued a 'Completion of Procedures' letter and at that point would be entitled to request that the OIA review the complaint. Please be aware that there are time limits within which you would have to request the OIA review a complaint – typically students have 12 months to bring an appeal to the OIA, although please visit their website for the most up-to-date information.

Yours sincerely,

[Authorised signatory]

Template letter when ‘Appeal’ stage has been concluded internally for students studying on a higher education programme which does not have the right of appeal to a partner university.

Dear [Name of complainant],

Completion of Procedures Letter

This letter confirms that the internal procedures of Yeovil College in relation to your **complaint / appeal etc*** regarding **[please describe]** have been completed. The issues that you raised in your **complaint / appeal etc*** were **[details]**. The issue(s) that were considered in relation to your **complaint / appeal etc was / were***: **[brief summary of the complaint etc]**.

Our final decision is **[detail]** because **[reasons]**. The **procedures / regulations** applied were: **[details and date as supplied to the OIA’s electronic Regulations Bank]**.

In conclusion the College will be taking the following actions in relation to the issues you have raised. **[Here you must add – actions to be taken, timescales and who is responsible.]**

Once again please accept my sincere apologies for any upset or distress that was caused to you or upset or distress you felt. **[Use the former phrase if the complaint was justified]**. I can assure you that every effort will be made to ensure that all future dealings that you may have with the College will prove to be satisfactory.

I hope you will view this response as helpful in addressing your concerns. However, if you have any further concerns, require any information, or would like to attend a meeting to discuss your **complaint / appeal** further, please contact me to resolve any outstanding issues you may have.

I should also like to take this opportunity to thank you for contacting us about your concerns. The opinions of those who use our services give us valuable insight into the service that we provide and areas where improvements might be made.

Yeovil College subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome you may be able to apply for a review of your **complaint / appeal etc*** to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form must be received by the OIA within 12 months of the date of this letter, that is, it must be received by the OIA on or before **[insert date - e.g. if the Completion of Procedures Letter is dated 9 July 2015, this date should be 9 July 2016]**.

[Include here any factors of which the provider is aware which mean that it is particularly important for the student to bring the complaint promptly.]

You can fill in the OIA's complaint form online or download a copy from the OIA website⁴. The OIA also publishes An Introduction to the OIA Scheme for Students, which can be downloaded from the OIA website⁵. Alternatively, you can telephone or write to the OIA for a form. You should send a copy of this letter to the OIA with your OIA Complaint Form. Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website. You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

Please note that the OIA will normally only review issues that have been dealt with through the provider's internal procedures.

Yours sincerely,

[Authorised signatory]