

Grŵp Llandrillo Menai

Learner Disciplinary Procedures

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Guidance for implementing Disciplinary Procedures

1. Introduction

- 1.1 All members of staff have a duty to challenge unacceptable learner behaviour and apply the Disciplinary Procedures as appropriate unless doing so would compromise their personal safety. Consistency of approach and the use of informal intervention to challenge less serious breaches of acceptable behaviour are essential to promote a safe and respectful environment. Where learners are consistently and effectively challenged the need to use formal intervention is minimised.
- 1.2 Staff are responsible for referring all concerns relating to misconduct to their Programme Area Manager and all gross misconduct to the line managing Assistant Principal or Director. The Personal Tutor or Assessor is responsible for ensuring that verbal warnings are recorded on eDrac.
- 1.3 All concerns regarding the conduct of pupils on college-school 14-19 partnership provision should be reported to the Principal immediately. If the Principal is not available the matter must be reported to the appropriate college Assistant Principal with responsibility for 14-19 or in their absence the Director, Learner Services.
- 1.4 The following outlines the disciplinary procedures that staff should apply when a learner has breached the Learner Conduct Policy.

2. Disciplinary interventions

A) Informal Intervention

- A1 Informal approaches include discussion and informal interview with the learner to discuss the concern relating to their behaviour or conduct. Examples where informal intervention may be applied include smoking and use of e-cigarettes in non-designated areas, use of mobile phone in class, loud or unruly behaviour in class or communal areas.
- A2 Staff may invite their Programme Area Manager to meet with the learner in question.
- A3 It is important at this stage to try and establish any underlying cause of the behaviour or lack of academic progress which may influence action taken now or in the future. These may include:
 - Difficulty with understanding work set
 - Lack of access to learning resources outside of college
 - Issues with peers e.g. bullying
 - Problems at home or outside of college
 - Other external pressures
 - Hidden disabilities
 - Substance misuse

- A4 All safeguarding concerns should be referred immediately to a Safeguarding Officer.
- A5 Staff should ensure that they inform the Personal Tutor or Assessor of all discussions regarding learner conduct.
- A6 The Personal Tutor must inform the Learner Services Manager immediately of any disciplinary action against a learner with Looked after Children or Care Leaver status. The Learner Service's Manager will ensure that the appropriate agency are informed of all disciplinary action.
- A7 A record of all discussions and agreed actions regarding conduct should be recorded by the Personal Tutor or WBL Programme Manager on the eDrac and reviewed where required.
- A8 Where the use of informal intervention to deal with repeated breach of the Learning Agreement has not produced an acceptable response from the learner, the Personal Tutor should escalate procedures to Formal Intervention.

B) Formal Intervention

B1 Misconduct

- B1.1 Formal intervention must be initiated after repeated or a serious incident of misconduct has occurred. The issue of warnings can be progressive, that is, Verbal Warning, Written Warning and Final Written Warning, but not necessarily so, depending on the seriousness of the offence.

The following procedure will apply:

- B1.2 The Programme Area Manager and/or the Personal Tutor or Assessor will meet with relevant staff to discuss the matter within 5 working days of the incident.

- B1.3 Prior to the meeting the Personal Tutor should establish:

- All warnings issued to the learner within the academic year
- Any previous disciplinary actions taken against the learner
- Any extenuating circumstances established
- Any evidence/witness statements etc.
- Any guidance needs

- B1.4 The Personal Tutor or Manager issues the warning to the learner. The verbal or written warning will be recorded on eDrac.

- B1.5 The Personal Tutor or Manager should write to parents/guardians of learners aged under 18 and to the employers paying the course fees of a learner regardless of their age to confirm the issue of a disciplinary warning to a learner.

- B1.6 Where a learner has Looked after Child or Care Leaver status or is supported by the Youth Justice Service or Probationary Service the Programme Area Manager will contact the Learner Services Manager to inform them of the formal disciplinary action.
- B1.7 The Learner Services Manager will write to inform the relevant agency of formal disciplinary action where the learner has Looked after Child or Care Leaver status or is supported by the Youth Justice Service or Probationary Service.
- B1.8 A review date should be recorded on eDRAC and the Personal Tutor or Assessor should review progress with the learner on that date, usually within two weeks of the incident. A record of the review meeting and any agreed actions must be recorded on eDRAC.
- B1.9 If a learner has not addressed the actions identified by the review date, a second warning should be issued.
- B1.10 Where a learner is issued with a final written warning it must be made clear to that learner that any further breach of the Learning Agreement will result in them being suspended from the college (the procedure will follow that for dealing with incidents of Gross Misconduct).
- B1.11 A record of any disciplinary action taken must remain on the learner's eDRAC profile whilst they are still on their programme.
- B1.12 All records must be stored securely and in accordance with GDPR protocols.

B2 Gross Misconduct

- B2.1 Without exception, formal intervention must be applied after an incident of gross misconduct, as defined in the Learner Code of Conduct Policy, has occurred. The Assistant Principal must be informed of all occurrences of gross misconduct.

The following procedure will apply:

- B2.2 The member of staff dealing with the incident will refer it immediately to the line managing Assistant Principal, or in their absence to another Assistant Principal or Director, Learner Services.
- B2.3 The Assistant Principal/Director to whom the matter has been referred will meet with the learner to gain their view of the incident and decide on the immediate course of action. This will normally be suspension pending an interview by a Disciplinary Panel and the learner must be removed immediately from the premises. Consideration must be given to existing learning needs and/or welfare support in place for the learner. The Learner Services Manager must also be informed.
- B2.4 The Learner Services Manager will send a letter by recorded delivery to the learner within 3 working days (with a copy for parents/guardians/employers) to inform them of the terms and conditions of their suspension.

B2.5 The line managing Assistant Principal will arrange for the matter to be fully investigated: this may include interviewing witnesses, gathering witness statements and collecting documentary evidence. All records of the investigation must be shared with the Learner Service Manager in order to prepare for a Disciplinary Panel.

C) Disciplinary Panel Procedures

- C1 Within 7 working days of a learner's suspension, the Learner Services Manager will send a letter by recorded delivery to the learner (with a copy for parents /guardians /employers /agencies). The letter will give the date, time and venue of the Disciplinary Panel and detail the allegations of misconduct together (where appropriate) with accompanying evidence, for example, report of the investigation, written statements, learner records.
- C2 The Disciplinary Panel will be made up of the relevant Programme Area Manager and one Assistant Principal/Director and the Learner Services Manager. At least one member of the panel should be the same gender as the learner. The Panel will be chaired by the Assistant Principal/Director.
- C3 The learner has the right to make representation to the Disciplinary Panel and may be accompanied by a maximum of two people including a representative from the Student Union, parents, guardians, friends or employers (but not a legal representative). The learner must notify the Learner Services Manager beforehand of the names and status of those who will be accompanying them.
- C4 The Chair of the Disciplinary Panel will introduce all in attendance and summarise the disciplinary procedures and possible outcomes and refer to any previous disciplinary warnings including verbal that the learner may have.
- C5 The manager investigating the concern will present the reason for the disciplinary action and the details of the breach of the Learning Agreement.
- C6 The learner will be invited to provide their view and to respond to the allegations.
- C7 The learner's Personal Tutor will provide the Panel with a character reference and a summary of academic progress to date.
- C8 In all cases, the learner (and parents/guardians/ employers) will be informed of the decision in writing (see section D).

C9 The Disciplinary Panel will normally be held in the learner's absence if they do not respond to the invitation or fail to attend. However, if the Panel decide to reconvene, then the learner will be informed of the new date.

C10 All documentation relevant to the work of the Panel will be held centrally in compliance with GDPR by the Learner Services Manager.

D) Outcomes of a Disciplinary Panel

D1 If a Disciplinary Panel concludes that there is sufficient evidence of misconduct, then, the outcomes can range from a First Written Warning, a Final Written Warning to the Exclusion of the learner.

D2 The learner (and parents/guardians/employer/agencies) must be informed of the decision of the Panel in writing and by recorded delivery within 5 working days of the date of the Panel. The letter must clarify the terms and conditions of Exclusion or re-admission. The letter should also inform the learner of their right to appeal against the Panel's decision.

D3 If a decision is made to re-admit the learner from an agreed date, the Learner Services Manager must inform all the relevant managers. In such circumstances the learner will be required to abide by any specified conditions on their return.

D4 The Personal Tutor or equivalent will update the learner's records on eDrac and will monitor adherence to the specified conditions.

D5 If, as a result of the Panel, a decision is made to exclude the learner, then, the Learner Services Manager must inform all the relevant managers (including the MIS/Registry manager) and the Personal Tutor must ensure that the learner is withdrawn from all programmes of study in accordance with college procedures.

D6 All learners excluded from college who in the following academic year make an application to study at any Grŵp Llandrillo Menai campus must attend an Admissions Panel meeting convened by the Learner Services Manager, chaired by the Assistant Principal and attended by the Director, Learner Services or other Assistant Principal.

E) Appeals Procedure

E1 Learners have the right to appeal against exclusion if the panel have not followed the correct procedures. Examples of this include:

- The panel did not allow the student sufficient time to explain mitigating circumstances
- Procedural errors

- The availability of new evidence

- E2 An appeal should be made in writing by the learner to the college Principal within 7 working days of receipt of written confirmation of the exclusion.
- E3 If the Principal considers that there are sufficient grounds, the appeal will be heard by the Principal and one other member of Tîm Strategol not involved in the original disciplinary meeting within 20 working days of receipt of the written appeal. The Director, Learner Services will act as clerk to the Panel.
- E4 The Learner Services Manager will provide the Panel with the written record of the Disciplinary Panel meeting. The Appeals Panel may consider any evidence available at the time but not considered by the original disciplinary hearing as long as it is presented to the Principal 7 working days before the date of the Appeal meeting.
- E5 As previously, the learner has the right to be accompanied by a friend, parent, guardian, employer or member of the Student Union (but no legal representation).
- E6 The decision of the Appeals panel is final and will be communicated and confirmed in writing within 5 working days.

**Appendix A - Disciplinary Action Flow Chart
Learner Disciplinary Procedure**

The diagram below shows the stages of the disciplinary process to be used when a learner's behaviour is in breach of the Learner Code of Conduct.



Under 16s
All conduct concerns regarding pupils on college-school 14-19 partnership provision must be reported *immediately* to the Principal. If the Principal is not available the matter should be reported to the Assistant Principal or Director, Learner Services.