



# Learner Disciplinary & Grievance Policy

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# **Learner Disciplinary & Grievance Policy**

## **Purpose**

Aim2Learn Ltd (A2L) aims to provide an environment where there are no barriers to learner success and progression. If a learner's behaviour prevents others from feeling safe, secure, respected and able to learn effectively then this may result in disciplinary action. The purpose of this policy is to ensure that all instances of learner misconduct are dealt with fairly and consistently and provide a clear procedure to guide both staff and learners.

## **Scope of Policy**

This policy applies to all enrolled learners and covers misconduct alleged to have occurred on A2L premises or other activity carried out as part of the learner's course. This includes work related activities and the use of ICT including e-safety behaviour which may occur on or off A2L premises.

## **Levels of outcome in the disciplinary procedure**

A2L seeks to teach and instill appropriate behaviours in learners to support them in their future lives and careers. The different levels of disciplinary outcome enable many issues to be dealt with at an early stage, providing support, setting targets and implementing strategies to overcome any difficulties.

Level 1 – Informal (verbal) warning

Level 2 – Written warning

Level 3 – Final written warning

Level 4 – Removal from course

Most misconduct behaviours will be dealt with under level 1 and level 2; however serious acts of misconduct and or major misconduct may go directly to Level 3 or Level 4.

## **Examples of behaviour likely to cause disciplinary action**

These lists is not exhaustive.

### **Minor misconduct**

- Cheating and plagiarism – copying from other students, from the internet or other sources and presenting as own work
- Poor attendance and/or punctuality without an acceptable explanation
- Behaviour which is disruptive to staff and/or learners
- Rudeness, inconsiderate behaviour
- Failure to follow a staff members' reasonable instruction, including for example identifying themselves when asked
- Misuse of A2L IT equipment and inappropriate use of IT and social media
- Smoking outside of designated smoking areas, including the use of e-cigarettes

### **Gross Misconduct**

- Abuse or harassment as defined in A2L's equality and diversity and safeguarding policies - including online abuse or harassment to other learners or staff
- Serious disruptive or offensive behaviour
- Behaviour likely to cause accident or injury to themselves or others
- Inappropriate use of the internet and online or phone communications including accessing or transmitting material which is considered by A2L to be obscene, abusive, sexist, racist, defamatory or in any other way likely to cause offence
- Inappropriate behaviour resulting from the use of recreational drugs or alcohol or the possession of them
- Promotion or selling of drugs
- Carrying an offensive weapon
- Theft or fraud
- Criminal activity
- Bringing the College into disrepute

### **Repeated low level misdemeanours**

Managers should seek advice for patterns of repeated low level misdemeanours and whether this now constitutes a higher level process.

## **Criminal Activity**

A2L reserves the right to report potentially criminal activity to the Police and/or to advise potential victims of such activity of their right to do so. If the incident is of a potentially serious nature A2L may choose to suspend the learner and may defer carrying out disciplinary action until any criminal proceedings are concluded. In these circumstances a risk assessment will be undertaken to ensure that any risk to other learners or A2L are minimised.

## **Support for learners during the disciplinary process**

Staff are required to act impartially and ensure that learners fully understand why they have been subject to the disciplinary process. Learners must be given a chance to put their case and be told what will happen next.

Disciplinary action at levels 1 -3 will require an action plan for improvement to be drawn up which sets out clear targets and this will be recorded on A2L systems. The learner can expect to be supported by their tutors and by their manager to address any underlying problems and be referred for additional/external support as appropriate.

Where the learner is issued with a final written warning the learner must sign and agree a future good conduct record. This will be closely monitored by their tutor to ensure any conditions of the warning are met. Failure to comply with this will escalate the procedure and may result in the learner's removal from the course (Level 4).

Staff from the safeguarding team are available to support learners through the disciplinary process and can refer learners to other agencies for support.

Where a learner has a learning difficulty or disability and has a formally agreed support plan then A2L will ensure that the learner's needs are taken into consideration. This may result in reasonable adjustments to the disciplinary process but will not automatically remove the need for disciplinary action.

## **Suspension**

Suspension is considered a neutral act and may be made to protect the interests of the learner, of other learners or of staff. Suspensions can only be made by a Director. Learners will be informed of their suspension by letter or email. Learners who are suspended are expected to continue their studies by accessing their work online and continuing to submit work and respond to teacher feedback. Suspended learners are not allowed onto A2L premises except by appointment with a staff member. This could be for meetings, to sit an exam or to receive one to one support.

Suspensions are reviewed every two weeks to ensure that they do not last longer than necessary. Where the police are involved A2L will be proactive in seeking information from them as to the progress and outcome of any investigation. The police may advise the college on the risk posed by a learner returning to A2L but any final decisions remain with A2L. It should be noted that whilst a criminal allegation may be dropped, A2L may still take disciplinary action based on the level of misconduct.

## **Disciplinary procedures**

The way a disciplinary matter is managed will depend on the severity of the issue e.g. minor or gross misconduct incident and the potential disciplinary outcome e.g. Level 1-2 or Level 3-4. Managers should seek advice from the Directors if they are unsure of the appropriate action to take. They should also seek advice for patterns of repeated low level misdemeanours and whether this now constitutes a higher level process.

## **Appeals**

A learner may Appeal the outcome of a Disciplinary Hearing, in writing and addressed to the Directors within 10 working days of the date of notification of the Hearing decision. The letter of Appeal must state the grounds for appeal.

An appeal may be made on one or more of the following grounds:

- there is new additional evidence which was not reasonably available at the time of the original Stage 3 Hearing
- there is mitigation for the sanction imposed that was not reasonably available at the time of the original Stage 3 Hearing
- proper procedures were not followed
- the decision is unreasonable and/or the sanction disproportionate.

Upon receipt of a request for an appeal the Directors will consider the request and determine whether grounds for appeal are stated. If the Directors determines that grounds are not stated, the Directors will write to inform the learner of this within 10 working days of the date of receipt by A2L of the request for appeal. If the Directors determine that grounds for appeal are stated, the Directors will refer the matter to another senior staff member to deal with the appeal and will invite the learner to submit written representations in support of their appeal.

In all cases, a senior staff member will act as the Disciplinary Appeal Hearer. S/he will determine the format of the appeal, which could be a Disciplinary Appeal Hearing, a meeting with the appellant or a review of the case. Another member of staff will also be present to take notes of the Appeal Hearing, meeting or review.

Where a Disciplinary Appeal Hearing is called, the learner will be normally be invited to attend the Hearing within 10 working days of the date of receipt of their appeal request by A2L and will normally be given 5 working days' notice of the date, time and place of the Disciplinary Appeal Hearing. At the Disciplinary Appeal Hearing, the learner will be entitled to be accompanied, their representative will be entitled to make oral representations to the Disciplinary Appeal Hearer.

If either the learner and/or any person accompanying and/or representing them is unable to attend, the learner must inform the Disciplinary Appeal Hearer of this immediately so that A2L may consider whether an alternative date and time should be arranged for the Hearing. Where the learner and/or their representative does not, without good reason, attend the Disciplinary Appeal Hearing (or fails to attend on two or more occasions), the Disciplinary Appeal Hearer may at their discretion determine that the Disciplinary Appeal Hearing may nonetheless proceed and a decision may be made in the absence of the learner and/or their representative.

Any party calling witnesses at the Disciplinary Appeal Hearing must give written notice of so doing to the other party (including the name of each witness and the capacity in which they will be called) at least 5 working days in advance of the date of the Disciplinary Appeal Hearing.

Following the Disciplinary Appeal Hearing, the Disciplinary Appeal Hearer will determine the appeal and may make one or more of the following decisions:

- to uphold the original decision/sanctions
- that the appeal be dismissed in whole or in part
- impose a lesser or alternative disciplinary sanction as is available
- refer the matter back to the original Disciplinary Panel to determine the matter again
- refer the matter to a new Disciplinary Panel to determine the matter afresh
- convene a rehearing at the appeal stage before a new senior member of staff

The decision of the Disciplinary Appeal Hearer (together with reasons) will be communicated in writing to the learner normally within 10 working days of the date of the Disciplinary Appeal Hearing and recorded on the learner's file.

The decision of the Disciplinary Appeal Hearer is final and there is no further right of appeal.

## **Grievance Procedure**

It is the policy of A2L to establish and maintain a positive and harmonious working environment, ensuring at all times that staff work within the ethos and principles of the Safeguarding and Equality & Diversity policies. A2L encourage and expect staff to resolve any grievance on a day-to-day basis and through their immediate line manager in an informal manner.

### **1<sup>st</sup> Stage – Informal interview with Manager**

The employee shall initially discuss any grievance with their Supervisor/Manager. The Manager shall respond with a decision on the grievance within three working days. Should the alleged harasser /bully or intended grievance be against the member of staff's immediate line manager, the member of staff has the right to appeal directly to the Managing Director for adjudication and resolution.

### **2<sup>nd</sup> Stage – Formal interview with Manager**

If the employee is not satisfied with the outcome of the 1<sup>st</sup> stage, they will request an interview with their Manager. The interview will be held within three working days of the request being made. The Manager will give their decisions within three working days.

### **3<sup>rd</sup> Stage – In writing to Managing Director**

If the employee is not satisfied with the outcome of 2<sup>nd</sup> stage the parties may take the matter further by stating their case in writing to the Managing Director. Any decision will be confirmed to all involved in writing within three working days. This decision will be final.