

LEARNER DISCIPLINARY POLICY & PROCEDURE

Responsible for Implementation: Head of Quality and Compliance

Latest Review Date: September 2023

Next Review Date: September 2024

Authorised By: Chief Operating Officer

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About Us

Access Further Education Limited ('The College') has subsidiary companies, trading names and trading partnerships through which it operates. The trading names and partnerships might have their own names or brands, but the legal entity for the purpose of this policy is Access Further Education Limited. Trading subsidiaries, trading names and trading partnerships include Access Creative College ('ACC'), National College for Creative Industries ('NCCI'), and Access Sport.

ACC Learner Disciplinary Policy & Procedure 23/24

Context

All students have a responsibility to maintain good discipline throughout Access Creative College (ACC). This policy and supporting procedures have been developed to support staff in the maintenance of discipline and to provide a consistent, fair and transparent system for dealing with situations that may arise in the college.

The purpose of this procedure is to address the following:

- **Misconduct** - Actions that do not follow the learner commitments to:
 - Feel safe;
 - Learn;
 - To be treated with respect;
- Unacceptable **attendance**;
- Unacceptable **performance**.

There are a number of key points that you need to consider when deciding to issue a disciplinary to a learner. One main thing to consider is the threshold for triggering a disciplinary and what triggers it in the first place. Mostly this will be clear cut. Here are some examples:



1.1. **Misconduct**

Misconduct can be described as any unacceptable or improper behaviour.

Many cases of misconduct may be dealt with informally by a member of staff. However, if the member of staff believes an incident to be sufficiently serious to require the involvement of more senior staff and/or disciplinary procedures, the formal procedures detailed below will be followed.

The following are examples of acts of misconduct, some of which, depending upon the circumstances, may be classed as serious or gross misconduct (please note the list is **not** exhaustive):

- Physical assault;
- Theft, bribery or corruption;
- Damage to College property;
- Bullying including online bullying, peer on peer abuse and harassment;
- Violent, dangerous or intimidating conduct;
- Discriminatory behaviour which is contrary to ACC's equal opportunities policies;
- Consuming or possessing alcohol or illegal substances;
- Serious acts of insubordination;
- Dangerous driving of motor vehicles on any ACC campus;

- Violation of ACC's rules and procedures (e.g. use of IT, Health & Safety);
- [Plagiarism](#).

1.2. **Unacceptable attendance**

Access Creative College has a zero tolerance policy on learner absence, and every single occasion of absence will be challenged. There may be many reasons why a learner is unable to achieve this level of attendance, for example health or domestic circumstances, and these mitigations will be taken into account when deciding whether to pursue formal disciplinary action on the basis of poor attendance. However, in the absence of satisfactory mitigation, if a learner's attendance falls below 90% may result in these formal procedures being invoked. Likewise, learners who exhibit selective attendance of their timetabled sessions and/or deliberate truancy may be subject to formal disciplinary action even if their average attendance exceeds 90%.

1.3. **Poor performance**

Every effort will be made to support the learner to achieve their goals and/or exceed their target grades. All learners are provided with personal, SMART targets to support them in meeting and exceeding our expectations of them, but there may be occasions when it is felt that a learner's performance is unsatisfactory.

There may be mitigating reasons that explain why a learner is not making satisfactory progress. However, when it is felt the reasons for this are unacceptable (e.g. lack of effort, poor attitude, persistent failure to comply with course requirements without good reason), these formal procedures will be invoked.

When a Course Leader or Centre Manager considers that a learner's level of performance is unacceptable, the learner will be offered additional support where necessary, and warned informally of the consequences of continuing underperformance. Further actions will be identified and specific targets will be set and regularly reviewed to support learners in making progress. However, if there is no satisfactory improvement in effort and/or achievement, these formal procedures will be invoked in order to address the situation. Please also refer to the Learner Progression Procedure for related consequences of underperformance.

Formal Disciplinary Procedure

The disciplinary procedure must be fair and transparent to all parties and this must be obvious throughout the progression of all disciplinary action. ACC's policy involves a clear sequential process, consisting of three formal warning stages, which should normally be followed progressively. The warnings must be issued in the context of a formal meeting between the learner, the member of staff and (where appropriate) the learner's parents. The meeting must be arranged as soon as possible, and scheduled to take place within 5 working days.

The meeting should address the causes of the disciplinary action, giving the learner the opportunity to explain their failure to meet the organisation's expectations, and making clear the

consequences of further incidents of misconduct or failure otherwise to improve. The member of staff conducting the meeting should identify specific remedial actions and targets for improvement for the learner, which must all be recorded in detail in the Tutorial & Targets manager on Guru. Finally, a review meeting must be arranged with the learner which should be scheduled for 2 to 3 weeks after the issuing of the formal warning.

If, during the review period, the learner’s performance has improved, and they have met all of the requirements of the actions/targets issued during the formal warning, then the appropriate member of staff will briefly meet with the learner to formally review the terms of the warning and confirm their compliance with them. In such cases, the disciplinary action will not progress further at this time.

If the learner has failed to meet the requirements, or other significant issues subject to this procedure have arisen in the meantime, then the appropriate member of staff will schedule a meeting with the learner (and their parents, where necessary) and they will progress to the next stage of the formal disciplinary process.

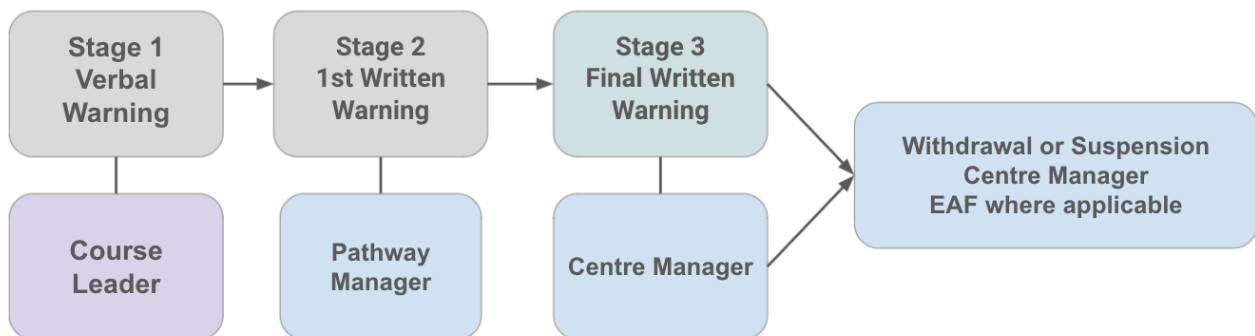
In exceptional cases, managers may exercise discretion where a learner has demonstrated improvement but has not fully met the requirements of the previous disciplinary warning. Instead of progressing to the next stage of the process, the learner may instead be subject to an extended review period with revised actions/targets. This should only happen once.

Actions Required	Timescale	Person Responsible / Outcomes
Stage 1: Verbal Warning		
Schedule and/or conduct meeting with learner;	Immediately / within 1 week	Email to learner confirming meeting, if not immediate
Record issues and notes from meeting on Guru, including SMART remedial actions/targets; Schedule follow-up review.	During meeting	Letter to learner and parent confirming the action plan and reiterating the policy.
Conduct follow-up review	2 to 3 weeks	If actions/targets not met, or other issues have arisen, progress to the next stage;
Stage 2: Written Warning		Pathway Manager
Schedule meeting with learner, inviting parent if appropriate, and giving at least 24 hours notice;	Immediately	Letter/email to learner and parent confirming meeting
Conduct meeting with learner (and parents, if appropriate);	Within 1 week	Letter to learner and parents confirming the action plan and reiterating the policy.
Record issues and notes from meeting on Guru, including SMART remedial actions/targets; Schedule follow-up review.	During meeting	
Schedule and conduct follow-up review	2 to 3 weeks	If actions/targets not met, or other issues have arisen, progress to the next stage;
Stage 3: Final Written Warning		Centre Manager

Schedule meeting with learner, inviting parent if appropriate, and giving at least 24 hours notice;	Immediately	Letter/email to learner and parent confirming meeting
Conduct meeting with learner (and parents if appropriate);	Within 1 week	Letter to learner and parents confirming the action plan and reiterating the policy.
Record issues and notes from meeting on Guru, including SMART remedial actions/targets; Schedule follow-up review.	During meeting	
Schedule and conduct follow-up review	2 to 3 weeks	If actions/targets not met, or other issues have arisen, progress to the next stage;
Stage 4: Withdrawal (or Suspension)		Centre Manager
Notify learner of withdrawal or suspension; Escort learner from centre, if necessary, withdrawing their ID card and any college assets	Immediately	Letter to learner and parents confirming the action, explaining the outcome and notify of appeal process; Action EAF via MIS;

Review of Disciplinary Progress

The learner's disciplinary status needs to be reviewed on a **twice termly basis**. At this point the disciplinary can be reviewed to see if it is still appropriate. See flow chart below:



Note - A disciplinary stage can be maintained over the course of progression e.g. L2 to L3

Suspension

Under some circumstances, learners may need to be suspended from their programmes of study. In specific sets of circumstances deemed as being serious or gross misconduct, a centre manager can reserve the right to immediately suspend a learner if their attendance at an ACC centre presents a risk to other learners, staff, company property and the learners themselves.

Suspension can take three forms:

- 1.4. Learners may be suspended as a necessary practical measure to temporarily remove them from the centre - e.g. while an investigation of an incident takes place,

or for the protection of themselves, other learners or company property.

- 1.5. Learners may be 'internally' suspended, whereby they are compelled to attend the centre on their regular days but do not participate in their normal sessions and instead work intensively under the supervision of a staff member.

This is particularly appropriate where an individual is subject to disciplinary action as a result of a failure to complete assessed work in a timely way, and may be employed most effectively at Stages 2 and 3 of the process.

- 1.6. Learners may be suspended, and excluded from attending for a maximum of one week, as a punitive alternative to withdrawal, when reaching Stage 4 as a result of conduct issues or non-submission of assessed work.

In this context, suspension is a 'one more chance' measure for learners whose withdrawal from the programme can be avoided. It is recommended, where possible, to apply specific conditions for the learner's return, e.g. completion of outstanding work or formal apology.

This is not an appropriate course of action where learners are subject to disciplinary action due to poor and/or selective attendance.

In all cases, learners (and parents, where appropriate) must be notified of the reason(s) for the suspension. They must also receive clear guidance on the duration that the suspension will be in effect for, or at least the timeframe within which they can expect an update pending an investigation, and very clear actions required of the learner where this is a condition of return.

Appeal against withdrawal

An appeal against exclusion must be lodged in writing with the centre manager within five working days of the issue of the withdrawal. This appeal must be referred directly to the Head of Quality and Compliance for review, along with any evidence supporting the original decision to withdraw the learner. A formal appeal may likely form part of larger complaint which should be directed through the Complaints, Comments and Compliments Policy and Procedure which can be logged via email to ccc.admin@accesstomusic.ac.uk.

Following appropriate consideration, the appeal will be reviewed and the decision on whether to reinstate the learner will be taken within 10 working days. The decision of the Head of Quality and Compliance will be final.

