

Learner Rights and Responsibilities Policy 2019/2020

Introduction

1.1 The College believes that effective learning and teaching is best achieved in a supportive, ordered and mutually respectful environment where indiscipline is at a minimum. Every learner and every member of staff has the right to such an environment as well as bearing individual responsibility for contributing to its maintenance. Such an environment contributes to a shared sense of security and safety in which each individual is free to strive to do their best and achieve their aims. All staff have a responsibility to promote and maintain this supportive, ordered and respectful culture.

2. Purpose of the Policy

2.1 The aim of this policy is to ensure the provision of such an environment, to support the learning process and to promote acceptable conduct at all times. The policy seeks to ensure that learner discipline is maintained in a manner that promotes fair and equitable treatment of all learners and provides support to all members of staff. It should be read in conjunction with the accompanying set of procedures.

3. General Principles

3.1 Petroc expects learners to adhere to a high standard of behaviour during their time at the College and will provide support to ensure they are fully aware of their responsibilities.

3.2 All learners will be made aware of their responsibilities and the College's expectations of them as part of their induction through discussion of:

- Learner Code of Conduct
- Disciplinary Procedure

3.3 The College seeks to achieve and maintain this supportive, ordered and respectful culture by:

- Providing learners and staff with a safe, secure and respectful environment in which to work
- Promoting positive behaviour as a way of supporting learner progress towards reaching their potential. In cases where support for learners is unsuccessful, this might involve applying appropriate sanctions to protect the interests and learning of all concerned.

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- Creating an environment in which all people and property are respected and everyone is encouraged to take responsibility for their own behaviour.
- Considering the educational value of the individual learner(s) involved in a case or incident, and for other learners at the College, of disciplinary procedures taken.
- Embedding and communicating to staff, college expectations and standards in terms of learners work and behaviour.
- Establishing a consistent approach to managing unacceptable behaviour that is used in a fair and equitable manner by all staff.
- Applying sanctions fairly, consistently, proportionately and reasonably – taking into account learners with learning difficulties and/or disability and the needs of vulnerable and/or learners at risk and offering support as appropriate.

4. Definition of Unacceptable Conduct leading to Disciplinary Action

- 4.1 Any academic or non-academic conduct which adversely interferes with teaching and learning, is disrespectful to other members of Petroc’s College community or property breaches the Code of Conduct - see Code of Conduct.
- 4.2 Where breaches of discipline occur such as failure to comply with the Code of Conduct or any incident of academic misconduct, the Disciplinary procedure will be used - see Disciplinary Procedure

5. Responsibilities for Implementing this Policy

- Vice Principal Quality, Curriculum and Learners, along with the Executive Management Team, has overall responsibility for the implementation of this policy across the College
- Assistant Principals/Heads of Faculty are responsible for overseeing the operation of this policy in the Departments
- Faculty Managers are responsible for ensuring that course teams collaboratively address the requirements of this Policy
- Teaching staff, are responsible for meeting learner entitlements and upholding college expectations and standards

6. Review of this Policy

The periodic review of this policy will take annually via SMT, or earlier if required due to legislative changes.

7. Associated Policies

This policy should be read in conjunction with the following Petroc policies/procedures:

- Attendance Policy
- Disciplinary Procedure
- Code of Conduct

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Learner Code of Conduct

Working and Learning

As a learner at Petroc College of Further and Higher Education, you are expected to demonstrate you are able to work in a professional manner developing employability and social skills for a successful future:



- **Be punctual, attend all sessions.** You are expected to maintain an **attendance level of 100%**. Understand that entry to exams and receiving any funding support requires regular attendance and satisfactory grades for your work. You may jeopardise your place on the course if your attendance falls below 90%.
- **Check your attendance records**, at least once a week, and alert your teacher if it is not accurate.
- **Report your reason for any absences.** Learners will be expected to report absences via Rooming and Registers on their Attendance Hotline on 01271 852441 (for North Devon learners) and 01884 235309 (for Mid Devon learners) to explain the reason for their absence. Understand that the absence will still be recorded as an 'absence', and missed work will need to be done.
- **Accept responsibility for your own learning** and ask for help when you need it.
- **Meet all of your work deadlines** and make sure that the work you submit for assessment is your own.
- Ensure that you **observe classroom management** practice e.g. turn mobile phones off, do not use music players, do not eat in class, only drink water. (Ensure that mobile 'phones are switched off or on silent during teaching-related activities unless you have permission from the class teacher to use it).
- **You should not take holidays in term time.**

Behaviour

As a learner at Petroc College, you are expected to:

- **Be polite, treat everyone with respect, in person and online.** Avoid using inappropriate language which may offend others.
- **Ensure you comply with Petroc's Visible ID Procedure, your ID and lanyard should always be visible whilst on the campus.** Show your ID/lanyard when requested and do not allow anyone else to use

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your ID card. It is important each learner keeps their own lanyard and ID card safe. A new card can be sourced from the Learning Technologies and Library Services if it is lost. Failure, upon request, to provide a member of staff with your name and ID, could result in disciplinary action.

- **Follow the reasonable instructions** of any member of College staff.
- Respect the learning experience of others and **behave in a calm, responsible and orderly manner at all times**. We do not tolerate behaviour which endangers safety or disturbs other learners' learning.
- **Respect the right of all individuals to be free of harassment of any kind, whether sexual, racial or otherwise** - do not engage in any type of bullying or harassment of any kind, including by text or online.
- **Not consume, or bring on to the College site, any alcohol, medication which is not prescribed to you, illegal substances or Psychoactive Substances (legal highs)**, as this will lead to suspension and a disciplinary investigation and possible police involvement.
- Any **learners found to be in possession of an offensive weapon will be removed from the College immediately** and where necessary, the Police will be involved.
- **Dress appropriately for College** by wearing clothing suitable for your course. Wear appropriate uniform and Personal Protective Equipment, where advised.
- Avoid damaging the **reputation of the College** when off campus with inappropriate language, excessive noise and over exuberant behaviour.

Health, Safety and Security

As a learner at Petroc College, you are expected to:

- **Follow instructions from all staff** in regard to Health & Safety procedures.
- **Treat everyone's property with respect**. Respect the property of the College, its staff, other learners and visitors.
- **Do not help or invite non-learners onto the College premises** - inform staff immediately if non-learners are on the premises. Visitors must report to Main Reception. Learners found accompanying non-invited individuals onto College premises including known suspended or excluded learners, will themselves be suspended.
- **Report to reception if you feel unwell** and need to see a First Aider.
- **Let appropriate staff know** if you have to **leave College during your timetabled day** and will miss lessons as a result of illness or other emergency. *(please make sure this is recorded on your personal record)*

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- **Take responsibility for your use of ICT** and make sure that such usage is safe, responsible and legal. No ICT device, whether College provided or personally owned, may be used for the bullying or harassment of others in any form. Any learner who is found to have breached the ICT Acceptable Use Policy will be subject to College Disciplinary Procedures, and may also result in a temporary or permanent ban from ICT use - remember, such use is a privilege not a right.
- **Look after your valuables** (try not to bring anything that is not essential to College as the College cannot be held responsible for loss/damage). Lockers are available for a small deposit if you need to store items safely.
- **Drive safely** with due care, consideration and attention at all times to other drivers and pedestrians and speed limits.

Respect the environment:

- **Help to keep the College clean and tidy**, especially the cafe, by clearing tables and returning your trays, by disposing of any rubbish using the recycling bins provided.
- **Do not smoke** in the building or around the College other than in the designated areas.
- **Respect our neighbours**
- **Do not spit** or drop chewing gum.

We would ask that you abide by the Code of Conduct to ensure that you and your fellow learners have an enjoyable experience at the college.

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Disciplinary Process

The disciplinary process below applies to all learners including distance learning, apprentices and Higher Education learners. Those learners studying through our University Centre may also be subject to the University of Plymouth's disciplinary process, depending upon the disciplinary matter identified.

Level 1: Cause for Concern Intervention

Guidance	Examples of a minor breach	Actions	Responsibilities	Monitoring
<p>If a member of staff considers that a learner has committed a minor breach, the learner's Tutor (if over 19 years) or Academic Progress Tutor should be informed and asked to discuss with the learner their behaviour. This must be logged on the learners PR tab by the member of staff who has spoken to the learner. If the learner is not known to the member of staff raising the warning, they should request the learner's identity and note their name and course or programme. The member of staff can then check the learner's record online to identify the allocated Academic Progress Tutor; if over 19 years the lead course tutor should be notified. The learner should be reminded that refusal to supply this information is a major breach of Code of Conduct and may result in a disciplinary hearing.</p> <p>Note: If the concern is regarding an apprentice or a work-based learner, the Assessor should be contacted in the first instance. The Assessor is responsible for informing the employer and adding a concern</p>	<p>Unacceptable behaviour, for example:</p> <ul style="list-style-type: none"> Smoking or Vaping in non-designated area; Not wearing/Not visible ID badge with a lanyard or badge clip (to be worn at shoulder height) - see Learner ID Badge Guidance. The Tutor will be expected to liaise with any SEND learner, on an individual basis, regarding non-compliance of wearing an ID badge/lanyard to seek an agreeable solution; Challenging behaviour towards others; Disruptive behaviour; Unacceptable language; 	<ol style="list-style-type: none"> Member of staff identifies unacceptable learner behaviour. Requesting the learners name and course if they are unknown to the staff member. Member of staff emails the appropriate Tutor (responsibilities) to advise of the behavioural issue. The Tutor (see responsibilities) will 	<p>Member of staff checks the learner's record to identify: allocated Academic Progress Lecturer</p> <p>Academic Progress Tutor – vocational under 19 learners If over 19 years, Lead course Tutor.</p> <p>Apprenticeship learners – Assessor</p>	<p>By the learner's allocated Academic Progress Tutor.</p> <p>If over 19 years – by the lead course Tutor.</p> <p>If an Apprentice – the Assessor will be expected to address the matter and</p>

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<p>intervention to their review. The Assessor will also be responsible for monitoring progress and identifying if additional action is required.</p> <p>Learner ID Badge Guidance: Staff and Learners should ensure they have read and comply with the Visible ID Procedure. When marking registers lecturing staff will indicate if a learner is 'present and wearing an ID Badge with lanyard/badge clip' or 'present'. Lecturing staff should remind any learner who is NOT wearing (or it is not visible) a learner ID badge with Lanyard/badge clip to ensure they wear this in future. If a learner has lost their lanyard/ID badge they should be advised to obtain a replacement during their next break.</p> <p>The staff member taking the register should explain that learner's NOT wearing (or it is not visible) a Learner ID badge and lanyard/badge clip may be subject to disciplinary action, particularly if this has happened on 3 separate occasions.</p> <p>A weekly Learner ID Badge/Lanyard Report will be sent to the Tutor (see responsibilities for breakdown) and Head of Faculty – this will indicate: learners who have not worn/or had visible a Learner ID Badge/lanyard; If a learner has had 3 separate occasions recorded when they have not worn/had visible their Learner ID Badge/lanyard they will be subject to the disciplinary process. The Tutor will address this and decide appropriate action.</p>	<ul style="list-style-type: none"> • Repeated lateness*; • Unauthorised absence*; <p>Low level or persistent disruption in class, for example:</p> <ul style="list-style-type: none"> • Inappropriate use of a mobile phone; • Non-submission of work, coursework and/or assignment deadline missed; • Not adhering to health and safety / industry practices; • Unacceptable language; • Not paying attention / not participating positively <p>* Please refer to the HE regulations regarding Satisfactory Academic Progress for HE learners.</p>	<p>follow up the issue with the learner. Assessors will be expected to undertake the same process for Apprentices.</p> <p>It may also be the case that the Tutor initiates the disciplinary process due to behaviour which they have witnessed/become aware of (in this case 1 and 2 do not apply).</p> <p>4. Any actions /interventions must be added to the learner's Personal Record tab (PR Tab). If the learner is an Apprentice, details must be recorded on the learners Onefile</p>	<p>They may then issue the learner with one of the following:</p> <ul style="list-style-type: none"> • Action plan with clear targets and timescales • Support package (bursary, welfare, Study Plus) • Transfer to another course / level (only within first 6 weeks of a full-time course) • Mediation / restorative practice 	<p>monitor ongoing progress.</p>
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Any member of staff can escalate a *Cause for Concern Intervention* based on the severity of the concern and / or if there is persistent or escalation in relation to the disciplinary matter.

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Level 2: Escalation to Disciplinary Meeting

Guidance and Reasons for recommending a disciplinary meeting may include:	Actions	Responsibilities	Monitoring
<p>Any member of staff can recommend escalation to an intervention meeting if there is persistent or escalation of Cause for Concern Warning.</p> <p>If there is a serious breach, this may result in a direct referral to the Gross Misconduct process. Similarly if the Level 2 process does not result in an improvement this could result in a referral to the next stage in the process (Gross Misconduct see below):</p> <p>Continuous unacceptable behaviour, for example:</p> <ul style="list-style-type: none"> • Failure to adhere to the agreed Action Plan • Smoking in non-designated area; • Not wearing lanyard with ID or visible ID; • Challenging behaviour towards others; • Disruptive behaviour; • Unacceptable language; • Repeated lateness; • Unauthorised absence; <p>Consistent low level or persistent disruption in class, for example:</p> <ul style="list-style-type: none"> • Inappropriate use of a mobile phone; • Non-submission of work, coursework and/or assignment deadline missed; • Not adhering to health and safety / industry practices; • Unacceptable language; • Not paying attention / not participating positively 	<ol style="list-style-type: none"> 1. The disciplinary meeting is initiated by an email from the member of staff concerned (see above) 2. The Faculty Manager must contact the member of staff who initiated the disciplinary meeting, to investigate the matter by collecting evidence from the staff and/or learner(s) involved and consider any previous disciplinary matters. The outcomes of the investigation need to be recorded on the Personal Record tab. 3. The results of the investigation will normally be presented to the Faculty Manager within 3 working days of the incident. 4. Based upon this information the Faculty Manager will decide if a meeting is required. The Personal Records tab must be updated. <p>The Faculty Manager reserves the right to halt or delay the process if they believe there is incorrect or insufficient information.</p>	<p>Emails initiating the disciplinary process should be sent to the Faculty Manager (in their absence the Head of Faculty)</p> <p>The Faculty Manager (in their absence the Head of Faculty) will undertake the investigation and follow the process.</p>	<p>Faculty Manager (in their absence the Head of Faculty).</p> <p>Faculty Manager's will be expected to ensure Heads of Department are aware of disciplinary</p>

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	<p>5. Meeting should normally be organised within 7 working days from the incident. As investigating officer the Faculty Manager will chair the meeting. The date, centre, time and attendees of the disciplinary hearing should be communicated to the learner (parent/guardian/carer or appropriate adult can accompany the learner if required, particularly if the learner is under 19 years old).</p> <p>6. Outcome letter from the meeting will normally be communicated to the learner within 2 working days of the meeting. Outcome/copy of the letter to be recorded on the PR Tab.</p> <p>The outcome should include details of future expectations, timescales and a review date. If appropriate the learner may be given a contract. If under 19 years old the letter will be copied to the authorised contact (parent/guardian/carer). If appropriate the letter may be copied to the employer.</p> <p>If the learner does not comply with the agreed outcome they may be referred to Level 3.</p>	<p>The Faculty Administration Office will be expected to assist in arranging the disciplinary meeting with the Faculty Manager. To ensure the learner is aware of the details of the meeting – time, date and attendees etc.</p> <p>The Academic Progress Tutor will be responsible for ensuring the learner complies with the agreed expectations /outcome. If the learner is over 19 years, this will be the lead course Tutor or Assessor in the case of an Apprentice.</p>	<p>meetings and discuss the suggested approach and outcome prior to reaching a decision.</p> <p>If the learner does not comply with the agreed outcome this will be referred back to the Faculty Manager for further action or to move to the next level.</p>
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Note: Disciplinary meetings will only be carried out with the appropriate intervention trail recorded on the PR Tab. Copies of all relevant documentation must be recorded on the learner’s PR tab. This includes properly recorded investigations. The Faculty Manager (in their absence Head of Faculty) reserves the right to reject / delay the intervention meeting request based on the lack of evidence / information which would preclude him/her from making successful intervention meeting arrangements.

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Unless the disciplinary action is regarding gross misconduct, learners cannot be suspended/excluded at this disciplinary level – Level 3 Disciplinary procedures must be adhered when considering suspending/excluding a learner.

Possible Outcomes

- o Formal written warning
- o Actions and review dates may be agreed – this will be monitored by the appropriate member of staff
- o The learner may be asked to sign a contract – detailing acceptable behaviour/performance
- o No case to answer
- o If a peer-to-peer incident the Lead Tutor Support Co-ordinator (or in their absence the Tutorial Enrichment Progression Manager) will assist in facilitating mediation / restorative practice

Level 3: Alleged gross misconduct

Immediate 1- 5 day suspension notification

Where there is reason to believe that a learner has committed an act of gross misconduct he/she may be suspended from the College by the Assistant Principal (in their absence the Tutorial Enrichment and Progression Manager) or Safeguarding Team member. Suspension should only be used as a last resort if there is a potential risk to themselves or others. It is considered a neutral act (no blame) to allow time for an investigation to take place. Suspension is not designed to be used as a form of disciplinary sanction and should be maximum of 5 working days. (Please refer to the Safeguarding Policy for on-going suspensions)

Escalation to gross misconduct disciplinary meeting

Guidance and Reasons for recommending a gross misconduct meeting may include:	Actions	Responsibilities	Monitoring
Extreme / gross misconduct examples: <ul style="list-style-type: none"> • Physical violence; • Dangerous / violent behaviour; • Serious threat of violence • Threat towards themselves or other learners; • Not adhering to health and safety / industry practices; • Use of / dealing drugs / illegal substances on college premises; 			

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<ul style="list-style-type: none"> • Forgery / theft • Malpractice • Fitness to Study / Practice; • Deliberate damage to college property; • Bullying / harassment • Sending or accessing and/or downloading of pornographic/offensive material via the internet • Any criminal activities affecting the College or other learners • Unauthorised interference with software or data belonging to or used by the College • Breach of a contract agreed or failure to comply with actions agreed during a disciplinary meeting <p>Suspension</p> <p>Where there is reason to believe that a learner has committed an act of Gross Misconduct he / she may be suspended from the College by the Assistant Principal (in their absence the Tutorial Enrichment and Progression Manager) or Deputy Designated Safeguarding Lead.</p> <p>Consideration as to whether any bursary will continue to be paid will be the responsibility of the suspending member of staff, where personal circumstances will be taken into account and advice sought from interested staff.</p> <p>Suspension of a learner should only be used as a last resort if there is a potential risk to themselves or others. It is considered a neutral act to allow time for an investigation to take place.</p> <p>During the period of suspension, opportunities for the learner to continue their work must be provided through Moodle or other means of distance study by the teacher. The learner may (with written permission) be admitted into the College under supervision for the following reasons:</p>	<p>1. The Suspension section of the PR Tab should be completed to indicate that the learner has normally been suspended for a maximum of 5 working days. If the Deputy Designated Safeguarding Lead has suspended the learner they must advise the relevant Assistant Principal, with the expectation that the Assistant Principal will address the matter.</p> <p>If more time is required the Assistant Principal (in their absence the Tutorial Enrichment and Progression Manager) must write to the learner / apprentice (and employer / parent / guardian where applicable) normally with a further 5 working days (therefore 10 days in total) being the maximum time period. (Please refer to the safeguarding policy for on-going suspensions)</p>	<p>Assistant Principal (in their absence the Tutorial Enrichment and progression Manager)</p>	<p>Assistant Principal</p> <p>The Assistant Principal must ensure the Tutorial Enrichment and Progression Manager is briefed and kept up to date on progress of the suspension and gross misconduct allegation.</p>
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<p>o essential meetings; o submission of coursework to meet deadlines; o examinations.</p> <p>Not every learner whose actions are escalated to the gross misconduct disciplinary stage has to be suspended. Instead, they can be sent home to 'cool off' for the rest of the day. This can be done by the allocated Academic Progress Tutor this must be recorded on the PR tab, with the Assistant Principal and Tutorial Enrichment and Progression Manager being notified. For over 19 year old learners this will be the lead course Tutor. For Apprentices this will be the Assessor.</p> <p>Initiate escalation to a disciplinary meeting for alleged Gross Misconduct</p> <p>The gross misconduct disciplinary meeting / action will be initiated by the Assistant Principal (in their absence the Tutorial Enrichment and Progression Manager) with the support of the Faculty Manager (in their absence Head of Faculty) and Faculty Administration Staff.</p> <p>Details of the investigation, letters to attend the interview and outcomes must ALL be recorded on the PR Tab to ensure continuity.</p> <p>If under 19, the learner must have a parent/guardian/carer in attendance (or appropriate adult) if a parent/guardian/carer is not available due to individual circumstances, then the meeting should be re-arranged. This may entail extending the learners suspension.</p>	<p>2. All relevant information regarding the alleged gross misconduct incident will be presented. This should be uploaded to the PR Tab, normally no later than 1 working day after the incident.</p> <p>Assistant Principal (in their absence Tutorial Enrichment and Progression Manager) reserves the right to delay the disciplinary meeting request based on the lack of information which would preclude him/her from making successful disciplinary meeting arrangements or information.</p> <p>3. A letter inviting the learner (and if under 19 years old the parent /guardian/carer), to a disciplinary meeting must normally be sent no later than 2 working days prior to the meeting.</p> <p>4. The disciplinary meeting will be chaired by the Assistant Principal (in their absence the Tutorial Enrichment and Progression Manager), with the learner and tutor in attendance (along with any other member of staff considered necessary). If the Tutorial Enrichment and Progression Manager is not chairing the meeting they should be invited to attend. If over 19 years, the learner</p>	<p>Learners allocated Academic Progress Lecturer. For over 19 year old learners this will be the lead course Tutor or Assessor for Apprenticeship learners. As well as any other member of staff required to present evidence.</p> <p>Faculty Administration Team to support the Assistant Principal in contacting the learner and arranging the meeting with the Assistant Principal (in their absence Tutorial Enrichment and Progression Manager)</p>	<p>The Assistant Principal must ensure the Tutorial Enrichment and Progression Manager is invited to the gross misconduct disciplinary meeting</p>
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	<p>may be accompanied to a gross misconduct disciplinary meeting, by a friend, fellow learner, representative or relative, but not by a legal or other professional adviser unless the College otherwise agrees having been given notice before the day of the hearing.</p> <p>5. The College reserves the right to hold a disciplinary meeting if the investigation by the Assistant Principal (in their absence Tutorial Enrichment and Progression Manager) provides clear and concise evidence of the learner's gross misconduct. If the learner fails to comply with the disciplinary process. Or if the learner fails to attend the meeting, the Assistant Principal (in their absence Tutorial Enrichment and Progression Manager), reserves the right to decide the outcome of disciplinary action without the learner.</p> <p>5. The outcome from meeting must be communicated in writing to the learner (if under 19 years a copy will be sent to the authorised contact (parent/guardian/carer)) normally within 5 working days of the meeting (particularly if a decision is made in their absence due to a failure to comply). The letter must outline the nature of the incident, summary of evidence, together with the outcome decision.</p>	<p>Assistant Principal (in their absence Tutorial Enrichment and Progression Manager)</p> <p>Assistant Principal to draft and agree the outcome letter with the Tutorial Enrichment and Progression Manager.</p>	<p>The Assistant Principal must discuss the suggested outcome of the meeting with the Tutorial Enrichment and progression Manager, particularly if an exclusion is recommended.</p>
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	https://my.petroc.ac.uk/cms/#/page/485632976 - link to disciplinary letter templates		<p>If the outcome results in an exclusion the Assistant Principal must notify the Vice Principal Quality, Curriculum and Learners.</p> <p>It is essential that the outcome letter is sent to the learner (authorised contact where appropriate) and this is recorded on the PR Tab.</p>
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<h2>Possible Outcomes</h2>	
<ul style="list-style-type: none"> o Exclusion (with conditions on future re-enrolments) – exclusions can range from 1 year to permanent depending on the seriousness of the offence. Exclusions should only be used as a last resort, when all other disciplinary and restorative action has failed to achieve the desired outcome/correction in behaviour or if other disciplinary actions are inappropriate due to the nature of the incident/issue. o Final written warning o Formal written warning o No case to answer o If a peer to peer incident, the Tutor Support Coordinator (or in their absence the Tutorial Enrichment and Progression Manager) will assist in facilitating mediation / restorative practice 	

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- If the learner is allowed to return to College and poor behaviour misconduct was found, the Assistant Principal will communicate this to staff in the area. The Faculty Manager for the area where the learner is returning to should ensure that an action plan is agreed and monitored by the appropriate Tutor.
- If a final written warning is issued, the learner should be informed that a further breach may lead to his / her immediate exclusion from the College.

Appeals

The learner has the right to appeal to the Principal against a decision to exclude. Notice of appeal must be lodged in writing by the learner to the Principal normally within 10 working days of receipt of the outcome letter. The learner must provide the grounds for, and particulars of, the appeal. Learners on a Higher Education course should refer to the University of Plymouths complaints process, see link below:
https://www.petroc.ac.uk/assets/downloads/petroc_college_university-studenthandbook.pdf.

Grounds for appeal will normally be based on one or more of the following:

- o disciplinary procedure was not followed correctly and that this materially affected the decision
- o findings are inconsistent with the evidence considered
- o new evidence could materially alter the findings
- o disciplinary sanction is inconsistent
- o severity of the disciplinary action

If the Principal does not consider that there are valid grounds for appeal, the learner will be informed of the reasons in writing. This will normally be done within 5 days of receiving the appeal.

If the Principal considers that there are valid grounds for appeal against the decision of the Panel, he/she will review the disciplinary case. The appeal does not automatically trigger a review meeting. However if an appeal meeting is warranted, it will normally be convened within 10 days. The learner will normally be given at least 5 days' notice of the time and place of the appeal meeting and will be entitled to be accompanied by a friend, learner representative or relative, but not by a legal or other professional adviser unless the College otherwise agrees, having been given notice before the day of the hearing.

The Principal may convene the panel that may include an Assistant Principal not involved in the specific disciplinary case. The panel may or may not include a relevant manager. In the absence of the Principal, another member of Executive Management Team will carry out Appeals.

Any documents considered at the original disciplinary meeting will be available for the purpose of the appeal, together with the notes of the conclusion.

At the appeal meeting, the learner may be invited to explain the grounds of the appeal and to state their case. The Assistant Principal or Tutorial Enrichment and Progression Manager may be asked to respond to the appeal and explain the reasons for the original recommendation.

Policy Name: Learner Rights and Responsibilities 2019/2020	Policy No: P15006
Approved Date: September 2019	Review Date: September 2020
Approved by: Senior Management Team	EqIA Completed: Yes
Author: Vice Principal Quality, Curriculum and Learners	Monitoring & Evaluation: Senior Management Team

If the appeal is upheld following the review or the appeal meeting, the Principal may decide that a lesser sanction than that originally recommended should be taken, or that no further disciplinary action be taken.

If the appeal is dismissed, the recommendation of the original Disciplinary Panel will stand. The Principal may not impose any greater sanction against the learner than that recommended by the Disciplinary Panel. A learner who has appealed unsuccessfully should be informed of their right to appeal to the Funding Body.

Following the appeal meeting, the learner will be informed of the decision in writing within 5 working days. The PA to the Principal is responsible for all administrative tasks in conjunction with appeals, including recording the outcome of the appeal.

Complaint to the Funding Body:

When the learner has exhausted the appeal procedure there is a right to make a complaint to the appropriate Funding Body. A complaint to the Funding Body is not a further stage of appeal. The Funding Body does not hear evidence or seek to substitute its own decision for that of the College. In considering a complaint, the Funding Body will undertake an enquiry to consider whether or not the College has followed its procedures.

Year 11 Transition Learners

Year 11 Transition Learners will have the same procedure applied with the attached school involved if appropriate, or in the case of home educated learners the parent/guardian/carer and the local authority will be informed and involved at all stages.

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