

P219 CAFRE Learner Disciplinary Policy

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This document can also be produced in alternative formats upon request

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Version History

Version	Description of Changes	Date
2	Uploaded to CAFRE Policy template Updated to integrate the role of the Learner Service Branch in the process. Revised processes to move towards a positive behaviour approach.	August 2023

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1. Introduction

This policy outlines how alleged breaches CAFRE's Learner Charter and Code of Conduct detailed in CAFRE Learner Agreement are identified, investigated, and the implementation of disciplinary action.

2. Scope

This policy and associated procedures apply to all learners enrolled at CAFRE.

This includes all activities of learners wherever they may take place for example when they are on/off College campuses, on a placement or in their place of employment.

In some instances this policy may be superseded by policies from the relevant Awarding Organisations, Higher Educational Institutions, Public, Statutory and Regulatory Bodies.

3. Policy Objectives

The objectives of this policy are:

- To detail the investigation and disciplinary procedures to be followed in the case of an alleged breach of the Learner Charter and Code of Conduct.
- To summarise the disciplinary actions and/or associated penalties.
- To provide the most conducive environment for all learners, staff and visitors and maintain effective learner discipline across the College.

4. Learner Charter and Code of Conduct

All learners enrolled at the college must adhere to the Learner Charter and Code of Conduct, and all alleged breaches of the Code of Conduct must be handled in line with this Learner Disciplinary Policy.

While the relationship is primarily between the College and the learner, at times, other parties such as family or friends may have reason to be on campus grounds or interact with learners/staff. The learner has a responsibility to the College to ensure that no inappropriate behaviour takes place by these parties.

5. Breaches of the Learner Charter and Code of Conduct within the Learning Environment

It is the responsibility of the staff delivering classes to consistently maintain and manage an effective learning environment. Staff must maintain learner conduct boundaries in the learning environment in accordance with the Learner Charter and Code of Conduct.

CAFRE staff should never ignore behaviour, which is in breach of the Learner Charter or Code of Conduct, no matter how minor. The completion of records is important to ensure a complete overview of behaviour is available to inform decision making.

In the case of any breach of the Learner Charter and Code of Conduct within the learning environment, the member of staff delivering the respective class is responsible for dealing with the learner misconduct in the first instance. Any cause of concern should be based on the

professional judgement of the member of staff, taking into account the nature of the situation and the learner(s) concerned. All causes of concern should be referred to the Student Services Manager and Programme Manager/Course Director.

6. Breaches of the Learner Charter and Code of Conduct Outside of the Learning Environment

Learners moving around campus between lessons and during breaks should be challenged on any breaches of the Learner Charter and Code of Conduct. All members of staff who observe any learner misconduct outside of the classroom should challenge it. The member of staff should then raise a cause of concern to the Student Services Manager and Programme Manager/Course Director.

Learners should be aware that CCTV images may be used as part of any internal investigation.

7. Breaches of Learner Charter and Code of Conduct in the Residential Setting

Learners who live in campus residence have additional expectations on them in relation to their behaviour and conduct in accordance with the Learner Charter and Code of Conduct. This time in a learners' life creates opportunity for significant personal development and the college recognises certain behaviour displayed in residency may at times require an alternative approach.

8. Breaches of the Learner Charter and Code of Conduct Outside of College Premises

8.1 Trips, Visits and Study Tours

The Learner Charter and Code of Conduct also applies during trips, visits and study tours organised by the college. Breaches will result in learner disciplinary action, and serious breaches may also result in the learner being sent home at their own expense.

8.2 Work Placements and Places of Employment

The Learner Charter and Code of Conduct also applies when learners are on placement or in a place of employment related to their course. Breaches will result in learner disciplinary action.

8.3 Learner Off Campus Anti-Social Behaviour

Any off-campus activity that is in breach of the Learner Charter and Code of Conduct and which causes the College reputational damage will result in learner disciplinary action.

9. Unacceptable Behaviour Communicating with the College and its Staff

CAFRE expects learners, family members, friends, and third-party associates to use established procedures and normal channels of communication when contacting staff members. This includes when on campus and off campus outside of working hours.

CAFRE will not tolerate verbal or written communication/content (either offline or online) that is considered to be unacceptable and will take action to protect its staff from such behaviour or communication, irrespective of the source. Communication/content is deemed unacceptable if it is:

1. abusive, offensive, defamatory.
2. aggressive, threatening, coercive, intimidating.
3. unreasonably persistent, demanding.

If communication/content is deemed to be unacceptable by anyone who attends the College or interacts with staff at the College, CAFRE will reserve the right to ask the individual to retract the communication/content.

If the communication or behaviour is deemed to be threatening or defamatory, CAFRE may refer the matter to the appropriate authorities e.g., PSNI and/or take legal action.

Learners should take notice that the actions and behaviour of their family, friends and third-party associates on their behalf where these actions are condoned by the learner could have an impact on the learner and their right to remain at CAFRE.

10. Prevention of Harm

The College has a duty to prevent harm and to maintain a safe environment for all learners, staff and visitors. It is hoped that this will never be necessary, but as a last resort there may be a need to physically restrain a learner for their safety, or for the safety of others. The force used must be the minimum necessary to achieve an appropriate outcome (e.g. the learner's removal from the premises). Wherever possible, more than one member of staff should be involved, and ideally one of the staff should be the same sex as the learner. If physical restraint is used to prevent harm, the campus Student Services Manager must be informed and a record must be kept of what took place to follow up the incident.

11. Disciplinary Stages

There are a number of disciplinary stages that College staff may choose to impose. These stages are normally applied incrementally. However, in some cases the stage invoked will be appropriate to the perceived seriousness of the offence. For example, there may be occasions when misconduct is considered not to be so serious as to justify exclusion, but serious enough to warrant a final warning.

Formal records must be kept at each stage of the learner disciplinary process, for the protection of both learners and staff in the event of a learner complaint/appeal. Staff must use the College's official learner disciplinary forms.

Learners will be notified in writing of any disciplinary action including details of the reasons for the decision and on the right to appeal. A copy of this letter will be placed on the learners file for the length of time as required in each stage.

The Learner Disciplinary Stages are as follows:

11.1 Informal Stage

A Cause of Concern (**D219.1**) may be issued by any member of staff for minor acts of misconduct where informal instruction has failed to achieve the desired improvement.

The collection of three 'Causes of Concern' records may be issued during the informal stage. No formal investigation for this level of disciplinary action is required over and above the recorded notes (**D219.1**) of the staff member present at the time of misconduct.

Informal Stage – Issue of a Cause of Concern	
Issued By:	Member of Staff
Procedure:	<ul style="list-style-type: none"> • Informal meeting held to allow the learner with the opportunity to respond to the cause of concern. • The learner will be asked to countersign the cause of concern record. Refusal to do so will not negate the cause of concern. • Where a learner unreasonably refuses to acknowledge a cause for concern the formal disciplinary process will commence • Likewise, refusal or failure to attend an informal meeting will not prevent the informal disciplinary process from continuing. • The learner will be informed that the collection of three or more Causes of Concern will result in the formal stage being instigated. • Inform the learner that if it is found that they have previously received three Causes of Concern within the current academic year that this cause of concern may be raised to the formal stage of the disciplinary process. The learner will be informed of this change within five working days.
Follow-up:	<p>A copy of the Cause of Concern Record must be shared with the:</p> <ul style="list-style-type: none"> ✓ Learner ✓ Programme Manager/Course Director. ✓ Campus Student Services Manager <p>The campus Student Services Manager will update the central record and REMS.</p>
Validity of Warning:	The remainder of the academic year from the date of issue.

11.2 Formal Stage

The formal stages include:

- Stage 1 - First Warning
- Stage 2 - Second Warning
- Stage 3 - Final Warning
- Stage 4 - Learner Disciplinary Hearing

At each stage an Investigating Officer(s) will collate evidence and subsequently forward to the Disciplinary Officer(s) to determine the outcome.

For a formal warning to be issued, the case must have been proven through an investigation by the Investigating Officer. **Once issued warnings remain in place for the remainder of the academic year.**

Stages may be escalated, depending on the severity of misconduct. The level of warning issued will be decided following an investigation. Only in exceptional circumstances can a learner be issued twice with the same stage of warning at any time throughout the academic year.

Formal warnings will often include penalties which may be imposed at any stage depending on the nature of the misconduct. Penalties can be monetary or non-monetary. Monetary penalties include damage repayments, fines and enhanced deposits. Non-monetary penalties include education initiative workshop, on-campus duties and restricted privileges.

The tables below detail each formal stage including the staff involved in the disciplinary process.

Stage 1 – First Warning	
Investigating Officer	One member of staff from the following list: <ul style="list-style-type: none"> • a Student Services Manager • the Year Manager or Designated Deputy nominated by Programme Manager/Course Director
Disciplinary Officer	One member of staff from the following list: <ul style="list-style-type: none"> • Student Support Services Manager • Programme Manager/Course Director
Procedure	<ul style="list-style-type: none"> • Investigating Officer will initiate the disciplinary investigation report (D219.2) • The learner under investigation and/or witnesses (if required) should be asked to countersign the copy. Refusal to do so will not negate the disciplinary action. Likewise, refusal or failure to attend an investigating meeting will not prevent the disciplinary process from continuing. • Once the disciplinary investigations are complete the disciplinary investigation form and associated paperwork should be forwarded to the Disciplinary Officer. • The Disciplinary Officer will review the evidence and determine the outcome. • Where a warning is issued it will detail nature of the offence, sanction, possible penalties, details for appeal, and will be forwarded to the campus Student Services Manager for issue (D219.3)
Follow-up	The Disciplinary Officer sends the investigation form/evidence, and the outcome letter to the campus Student Services Manager, who will: <ul style="list-style-type: none"> • update the central record and REMS. • Share copy of the outcome letter with: <ul style="list-style-type: none"> ✓ Learner by postal correspondence ✓ In accordance with the learner's consent obtained in the Learner Agreement or subsequently thereafter, the College will forward a copy of the outcome letter to their parent/guardian/employer (as appropriate). ✓ Relevant Head of Branch ✓ Head of Learner Services Branch ✓ Programme Manager/Course Director ✓ Student Support Services Manager

Stage 2 – Second Warning	
Investigating Officer(s)	<p>At least one member of staff from the following list:</p> <ul style="list-style-type: none"> • a Student Services Manager • the Year Manager or Designated Deputy nominated by Programme Manager/Course Director
Disciplinary Officer	<p>One member of staff from the following list:</p> <ul style="list-style-type: none"> • Student Support Services Manager • Programme Manager/Course Director
Procedure	<ul style="list-style-type: none"> • Investigating Officer will initiate the Disciplinary Investigation Report (D219.2) • The learner under investigation and/or witnesses (if required) should be asked to countersign the copy. Refusal to do so will not negate the disciplinary action. Likewise, refusal or failure to attend an investigating meeting will not prevent the disciplinary process from continuing. • Once the disciplinary investigations are complete the disciplinary investigation form and associated paperwork should be forwarded to the Disciplinary Officer. • The Disciplinary Officer will review the evidence and determine the outcome. • Where a warning is issued it will detail nature of the offence, sanction, possible penalties, details for appeal, and will be forwarded to the campus Student Services Manager for issue (D219.3).
Follow-up	<p>The Disciplinary Officer sends the investigation form/evidence, and the outcome letter to the campus Student Services Manager, who will:</p> <ul style="list-style-type: none"> • update the central record and REMS. • Share copy of the outcome letter with: <ul style="list-style-type: none"> ✓ Learner by postal correspondence ✓ In accordance with the learner's consent obtained in the Learner Agreement or subsequently thereafter, the College will forward a copy of the outcome letter to their parent/guardian/employer (as appropriate). ✓ Relevant Head of Branch ✓ Head of Learner Services Branch ✓ Programme Manager/Course Director ✓ Student Support Services Manager

Stage 3 – Final Warning	
Investigating Officer	<p>Two members of staff from the following list:</p> <ul style="list-style-type: none"> • a Student Services Manager • the Year Manager or Designated Deputy nominated by Programme Manager/Course Director • the Programme Manager /Course Director
Disciplinary Officer	<p>Two members of staff from the following list:</p> <ul style="list-style-type: none"> • the Student Support Services Manager or Designated Deputy nominated by Head of Learner Services Branch • a Head of Branch
Procedure	<ul style="list-style-type: none"> • Investigating Officer will initiate the Disciplinary Investigation Report (D219.2) • The learner under investigation and/or witnesses (if required) should be asked to countersign the copy. Refusal to do so will not negate the disciplinary action. Likewise, refusal or failure to attend an investigating meeting will not prevent the disciplinary process from continuing. • Once the disciplinary investigations are complete the disciplinary investigation form and associated paperwork should be forwarded to the Disciplinary Officer. • The Disciplinary Officer will review the evidence and will meet with the learner before determining the outcome. • Where a warning is issued it will detail nature of the offence, sanction, possible penalties, details for appeal, and will be forwarded to the campus Student Services Manager for issue (D219.3).
Follow-up	<p>The Disciplinary Officer sends the investigation form/evidence, and the outcome letter to the campus Student Services Manager, who will:</p> <ul style="list-style-type: none"> • update the central record and REMS. • Share copy of the outcome letter with: <ul style="list-style-type: none"> ✓ Learner by postal correspondence ✓ In accordance with the learner's consent obtained in the Learner Agreement or subsequently thereafter, the College will forward a copy of the outcome letter to their parent/guardian/employer (as appropriate). ✓ Relevant Head of Branch ✓ Head of Learner Services Branch ✓ Programme Manager/Course Director ✓ Student Support Services Manager

Stage 4 – Learner Disciplinary Hearing	
Investigating Officer	<p>Two members of staff from the following list:</p> <ul style="list-style-type: none"> the Student Support Services Manager the Programme Manager/Course Director a Head of Branch
Disciplinary Panel	<p>Chair: Head of Learner Services Branch or Head of College Support Service</p> <p>Panel Members: The two Investigating Officers</p>
Procedure	<ul style="list-style-type: none"> Investigating Officer will initiate the Disciplinary Investigation Report (D219.2) Sections of this may be delegated to the campus Student Services Manager or Year Manager where appropriate. The learner under investigation and/or witnesses (if required) should be asked to countersign the copy. Refusal to do so will not negate the disciplinary action. Likewise, refusal or failure to attend an investigating meeting will not prevent the disciplinary process from continuing. Once the disciplinary investigations are complete the disciplinary investigation form and associated paperwork should be forwarded to the Chair of the Disciplinary Panel.
Formal Notice	<ul style="list-style-type: none"> The Investigating Officer will provide five working days' notice of the disciplinary hearing. This period of notice commences on initial contact which is often via telephone or email. A formal letter will be issued by postal correspondence (D219.4). Learners will be advised they have the right to be accompanied by a Students' Union representative, a parent/guardian/carer, a fellow learner or safeguarding officer. The name of the person accompanying the learner must be notified in advance of the Learner Disciplinary Hearing to the Investigating Officer. The College may not agree to an individual as the nominated support person if the past behaviour of that person has been unhelpful, disruptive or unacceptable.
Disciplinary Hearing	<ul style="list-style-type: none"> The panel will consider all available evidence and will decide on an outcome. A note taker (who may be a member of the Investigating Officer) will formally record the main points and outcome of the meeting. Similar to other stages the outcome from a Disciplinary Hearing may include penalties. However, penalties at this stage include suspension from studies or accommodation, and expulsion. The Head of Education Service and/or Head of College Support Service must ratify expulsions.
Follow-up	<p>The Disciplinary Officer sends the investigation form/evidence, and the outcome letter to the campus Student Services Manager, who will:</p> <ul style="list-style-type: none"> update the central record and REMS. Share copy of the outcome letter with: <ul style="list-style-type: none"> ✓ Learner by postal correspondence ✓ In accordance with the learner's consent obtained in the Learner Agreement or subsequently thereafter, the College will forward a copy of the outcome letter to their parent/guardian/employer (as appropriate). ✓ Relevant Head of Branch ✓ Head of Learner Services Branch ✓ Programme Manager/Course Director ✓ Student Support Services Manager

12. Serious Misbehaviour Requiring Immediate Action

After a serious alleged incident, such as physical assault, criminal activity, safeguarding breaches, or health and safety concerns, it may be necessary to circumvent the defined procedure, and take immediate action to remove a learner from the campus. This is to protect both the learner and the college community. This will be undertaken by the Student Support Services Manager or a Head of Branch.

13. Misconduct of a Criminal Nature and Associated Implications

If the College identifies a suspected criminal act, this must be reported to the Police Service Northern Ireland (PSNI). The College may not notify the learner in advance. The College reserves the right to continue with its own internal investigation but may decide to suspend until any internal investigation pending completion of any criminal investigation(s).

14. Appeals

The learner has the right to appeal a formal decision made by CAFRE. This means that the learner is requesting another individual (or a number of individuals) with the appropriate authority to review the previous decision. The appeal will be considered by an independent Head of Branch, supported by a panel of CAFRE Education Service staff.

The appeal must be submitted:

- Within 10 working days of the decision leading to the appeal, and,
- In writing, either by letter or email to CAFREappeals@daera-ni.gov.uk.

CAFRE will aim to notify the learner of the outcome of their appeal within 10 working days of the date when the learner submitted their written appeal.

15. Northern Ireland Public Service Ombudsman (NIPSO)

The decision of the respective appeals panel is final and there is no right to appeal to CAFRE. However, if the learner remains dissatisfied, they have the right to refer the appeal to the Northern Ireland Public Services Ombudsman. Further information about these processes can be found at www.nipso.org.uk.

16. Customer Complaints Procedure

CAFRE is committed to providing its customers with a high standard of service. We welcome comments on the quality of service received and suggestions on how we can improve our service.

A customer service complaint is any communication to us, which expresses dissatisfaction with the quality of our service. Complaints regarding the disciplinary process will be considered by an independent Head of Branch. This should be submitted in writing (including dates, times, location of event and staff involved) to CAFREappeals@daera-ni.gov.uk.