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	Author: Jennifer Mills	Authorised: M.Hewitt Date: 19/08/2024		Review date: 19/08/25
<div>Business Management Framework</div> <div>Learner Disciplinary Policy and Procedure</div>				

## 1. Scope and purpose

1.1 This policy sets out the code of conduct to which learners are expected to adhere in return for their learning programme and associated services and facilities.

1.2 It also sets out the procedure which will be followed if this code of conduct is breached. Breach of the code of conduct may lead to disciplinary action being taken against a learner and repeated or serious incidents may result in a learner being suspended, or permanently excluded from Train learning provision.

## 2. Learner Entitlement

2.1 At all stages in the disciplinary procedures, a learner may bring to an interview a friend, parent/carer/guardian, relative or learner representative. Learners may not be accompanied by any legal or other professional advisor unless Train agrees to this and having received such a request prior to the interview hearing or where Train intends to be legally represented.

2.2 If the allegation concerns a potential criminal offence, the learner may bring a legal advisor, subject to agreement by the Operations Director.

2.3 The learner will have the opportunity to give their point of view and raise any points for consideration before a decision is made.

2.4 Learners have the right at all stages to see any documentation which is relevant to them and to see where such documentation is kept. A learner may request removal of such documentation if it is found to be incorrect.

## 3. Misconduct

3.1 The following are examples of behaviour which may result in disciplinary action. (This is not a comprehensive list):

- failure to follow the Health and Safety Regulations;
- conduct which prevents, obstructs, or disrupts teaching, learning, or the administration of the business of the Company;
- failure to follow reasonable instructions of a member of staff;
- smoking within Train premises;
- disorderly behaviour or the use of offensive or abusive language;
- causing damage to buildings, equipment, books or furnishings;
- interference with software belonging to or used by Train;
- drunkenness or the use of illegal drugs;
- discriminatory behaviour or language of any kind, including references to race, gender, age, sexual orientation, faith or disability;

- misuse of computer facilities, including accessing offensive materials via email or Internet.

3.2 Disciplinary action may be taken against any learner whose behaviour is considered by the Operations Director to constitute misconduct. If the misconduct is repeated or if there is gross misconduct (see below), the learner may be suspended or excluded.

#### **4. Gross Misconduct**

4.1 Any behaviour involving the following is likely to be treated as “gross misconduct” (This is not a comprehensive list):

- violence or the threat of violence;
- deliberate damage to property;
- putting the health and safety of others in danger;
- disruptive behaviour;
- bullying, harassment, or intimidation;
- dishonesty (including cheating and theft)
- any illegal activity

4.2 Gross misconduct will be dealt with under the third stage of the Disciplinary procedures (see below).

The Operations Director may suspend or exclude a learner with immediate effect, pending the outcome of an enquiry.

#### **5. Learner Disciplinary Procedure**

##### **5.1 Stage 1 – Informal Approach**

5.1.1 Tutors, or other staff responsible for supervision of learners, will raise issues of concern with learners as they arise. The member of staff will also notify the Office Manager (who will notify the Operations Director and referral parties where relevant), particularly where behaviour is serious or repeated. The circumstances will be recorded and the record retained in confidence for six months. The record will be factual and will avoid judgement and personal comment. This record will only be used to inform a reference if this has been made clear to the learner.

##### **5.2 Stage 2 – Manager’s Involvement**

5.2.1 Where there is a continuing cause for concern with no improvement in behaviour, the learner will be asked to attend a meeting with the tutor or other member of staff (if relevant) and a manager. The learner may be accompanied by a friend or colleague. Discussion of the behaviour will include an opportunity for the learner to provide an explanation. The manager may decide to issue a formal written warning, subject to agreement by a senior manager. A copy of this written warning will be retained.

5.2.2 Practical measures to avoid recurrence will be identified and agreed by both the learner and tutor or other member of staff.

##### **5.3 Stage 3 – Senior Manager’s or Designated Safeguarding Officers (DSO) Involvement**

5.3.1 Where serious or gross misconduct occurs or the previous misconduct continues following Stage 2, the learner will be invited to attend a disciplinary interview with a Senior Manager or DSO, who must have had no prior involvement in the case. At least five days’

written notice will normally be given, except where gross misconduct has occurred and the Senior Manager or DSO concerned considers that the matter requires urgent action. The written notice will inform the learner in writing of:

- Details of the conduct causing concern and a summary of the evidence;
- The learner's entitlement to provide an explanation and to be accompanied by a friend or colleague;
- Confirmation of the time and place of the interview

5.3.2 After the disciplinary interview the Senior Manager or DSO concerned will make one of the following decisions:

- no further action will be taken;
- the learner will receive a final written warning;
- the learner is removed from their course;
- further investigation is needed before a final decision can be made (see below).

5.3.3 This decision will be made in writing within five days of the hearing. A right of appeal will be confirmed.

## **5.4 Further Investigation**

5.4.1 If there is a need for further evidence, the Senior Manager or DSO will adjourn the hearing to a future date within 10 working days to allow relevant evidence to be made available. The senior manager or DSO may arrange for witnesses to be available in person for the reconvened hearing or (if that is not practicable or appropriate) for written statements to be taken by another member of staff.

5.4.2 The senior manager or DSO may recommend suspension until the reconvened hearing.

5.4.3 Copies of any documentary evidence, together with copies of any written statements will be provided to the learner at least five days before the reconvened hearing. The learner will have the right to question any evidence presented in the form of a written statement.

5.4.4 If a witness is not available to answer questions, that will be taken into account when assessing the weight to be given to conflicting evidence. Written statements which do not reveal the name of the witness will not be considered, other than in the most exceptional circumstances.

5.4.5 The final decision may be:

- that the learner should be permanently excluded or formally suspended for a fixed period (subject to agreement by the Operations Director or Managing Director),
- that a lesser disciplinary sanction should be applied
- that no disciplinary action will be taken

## **5.5 Decision**

5.5.1 The Senior Manager or DSO will inform the learner of the decision and reasons for that decision in writing within five working days. Any required action will be implemented with immediate effect. The letter will affirm the right of appeal and the fact this must be made within five working days of receipt of the decision.

## **5.6 Appeal**

5.6.1 The learner will have the right of appeal to the Managing Director or Finance Director as appropriate. Notice must be given by the learner within five working days of receipt of the

decision and must give the grounds for the appeal.

5.6.2 The Managing Director /Finance Director will convene an appeal hearing and the Senior Manager or DSO, or other senior member of staff or DSO who made the decision in Stage 3 of the procedure, will be asked to present the case against the learner and explain the reasons for the recommended disciplinary action.

The learner will be invited to explain the grounds of the appeal and state his or her case.

5.6.3 The Managing Director/Finance Director may ask questions of the learner and of the representative presenting the case and will then consider whether to allow or dismiss the appeal. Witnesses will normally be asked to be on call to answer any questions.

5.6.4 If the appeal is allowed the proposed action will be withdrawn; a lesser disciplinary action may be recommended. If the appeal is dismissed the Managing Director/Finance Director will confirm in writing that the Stage 3 recommendation is upheld.

5.6.5 The Managing Director/Finance Directors decision is final and will be confirmed in writing to the learner within five working days.

## **6. Criminal Offences**

6.1 Where any member of staff has reason to believe that a learner may have committed a criminal offence, a Senior Manager should be informed who will refer the matter to the police. Disciplinary proceedings will normally be suspended and the learner suspended, pending the outcome of police enquiries and any charges which may be brought against the learner. When the results of those enquiries and any criminal proceedings are known, Train reserves the right to recommence disciplinary proceedings.

## **7. Conduct of Interviews/Hearings**

7.1 Disciplinary and appeal interviews/hearings will be led by a Manager (Stage 2) or Senior Manager/DSO (stage 3) who will be accompanied by another member of staff to take notes. If communication support is required, this will be arranged.

7.2 The manager conducting the interview/hearing may give instructions in relation to the conduct of the interview/hearing, including the length of time which any part of the interview/hearing should take. Such instructions must be fair, particularly in allowing the learner to question the evidence and state his or her case.

7.3 The manager conducting the hearing may exclude from the proceedings any person (including the learner or a person accompanying the learner) who behaves unreasonably or who disregards the instructions of the manager with regard to the hearing. If the learner does not attend the disciplinary interview or appeal hearing without good cause, that hearing will still proceed in their absence.

## **8. Variations and Amendments to the Conduct of Interviews/Hearings**

8.1 In exceptional cases it may be desirable that variations should be made to this procedure. The Operations Director or Managing Director may make such variations as she/he sees fit, subject to informing the learner concerned and subject always to consideration of fairness.

8.2 Such variations may include disciplinary interviews being conducted by persons other than those identified above, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.

## Appendix 1

**Letter to learner giving written notification of a verbal warning issued.** This letter gives learners written notification of any verbal warnings issued for clarity.

**(Date)**

*(Name of Learner)*

*(Address)*

*(Address)*

*(Town)*

*(Postcode)*

Dear *(Name of learner)*

Re: Issue of verbal warning

I am writing to notify you that you were issued with a verbal warning on *(date)* by your programme tutor *(name of tutor)* for the following reason(s):  
*(details of warning/breaches of rules)*

The verbal warning will be kept on your file until you have completed the learning programme. You are required to show an improvement in your *performance/behaviour* and are reminded that you must comply with Train Rules and codes of conduct.

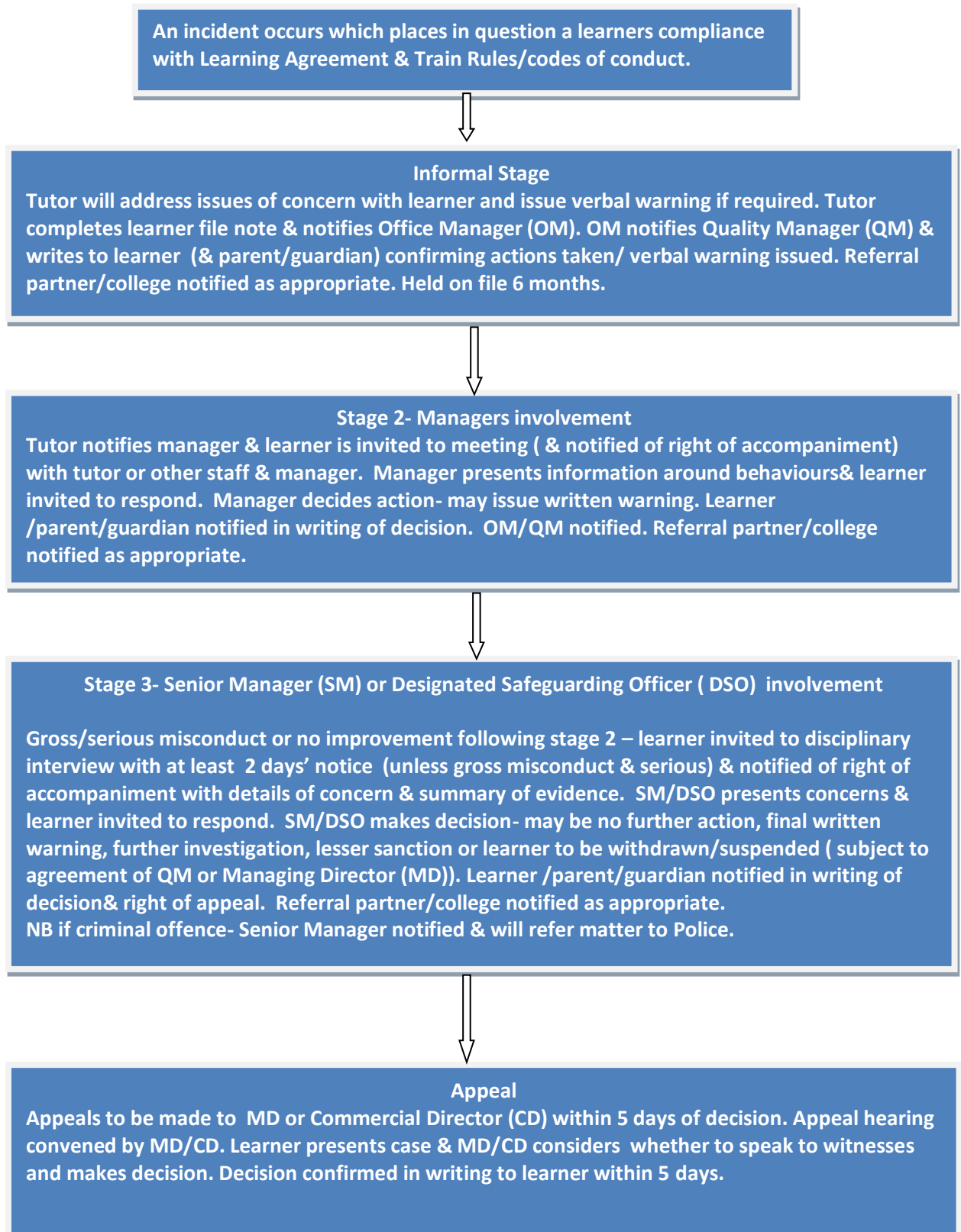
If you do not take action as agreed, your tutor may refer you to the next stage of the Disciplinary Procedure.

I hope you will take this opportunity to take the required action, to benefit your progress in your learning, and to avoid further action.

Yours sincerely

## Appendix 2

### Disciplinary Procedure Flow Chart



**Appendix 3**  
**Learner Tariff of Sanctions (Study Programme)**

Behaviour	Procedure	Actions to take
<ul style="list-style-type: none"> <li>Use of violence of violent or threatening behaviour to tutor or learner (including aggressive or inappropriate behaviour due to the influence of alcohol/drugs)</li> </ul>	<ul style="list-style-type: none"> <li><b>Stage 3 Disciplinary procedure</b></li> </ul>	<ul style="list-style-type: none"> <li>Inform police where necessary</li> <li>Learner to leave</li> <li>Inform Office Manager</li> <li>Record on ILP/ file note</li> <li>OM to inform QM &amp; referral partner &amp; college asap</li> <li>Letter sent to learner inviting to disciplinary meeting unless deemed necessary to respond sooner</li> <li>Consider learner response at meeting – decision made - may be removed from programme</li> </ul>
<ul style="list-style-type: none"> <li>Theft /willful damage to property/equipment</li> </ul>	<ul style="list-style-type: none"> <li><b>Stage 3 Disciplinary procedure</b></li> </ul>	<ul style="list-style-type: none"> <li>Inform police where necessary</li> <li>Learner to leave</li> <li>Inform Office Manager</li> <li>Record on ILP/ file note</li> <li>OM to inform QM &amp; referral partner &amp; college asap</li> <li>Letter sent to learner inviting to disciplinary meeting</li> <li>Consider learner response at meeting – decision made - may be removed from programme</li> <li>OM to send letter of meeting outcome to learner &amp; parent/guardian</li> </ul>
<ul style="list-style-type: none"> <li>The use of abusive language to tutor or learner</li> </ul>	<ul style="list-style-type: none"> <li><b>Informal stage</b> (Verbal warning considered)</li> </ul>	<ul style="list-style-type: none"> <li>Explain concerns to learner</li> <li>Issue verbal warning if appropriate</li> <li>File note made/record on ILP</li> <li>Inform Office Manager OM</li> <li>OM to inform QM &amp; referral partner asap</li> <li>OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>Inform all tutors involved</li> <li>OM to send letter of meeting outcome to learner &amp; parent/guardian</li> </ul>
	<ul style="list-style-type: none"> <li><b>Stage 2 disciplinary procedure for 2<sup>nd</sup> offence</b></li> </ul>	<ul style="list-style-type: none"> <li>Tutor &amp; manager/colleague meets learner (given right to be accompanied)</li> <li>Decision made on outcome (e.g. verbal/written warning) &amp; learner notified in writing of outcome/minutes of meeting kept.</li> <li>File note made/record on ILP</li> <li>Inform Office Manager</li> <li>OM to inform QM &amp; referral partner asap</li> <li>OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>Inform all tutors involved</li> </ul>
	<ul style="list-style-type: none"> <li><b>Stage 3 disciplinary procedure for 3<sup>rd</sup> offence</b></li> </ul>	<ul style="list-style-type: none"> <li>Learner to leave</li> <li>Inform Office Manager</li> <li>Record on ILP/ file note</li> <li>OM to inform QM &amp; referral partner &amp; college asap</li> <li>Letter sent to learner inviting to disciplinary meeting</li> <li>Consider learner response at meeting – decision made - may be removed from programme</li> </ul>

<ul style="list-style-type: none"> <li>Suspicion /awareness of being under the influence of alcohol or drugs</li> </ul>	<ul style="list-style-type: none"> <li><b>Send home/suspend for day</b></li> <li><b>Stage 2 of disciplinary procedure</b></li> </ul>	<ul style="list-style-type: none"> <li>Learner asked to leave</li> <li>Inform Office Manager</li> <li>Record on ILP/ file note</li> <li>OM to inform QM &amp; referral partner &amp; college asap</li> <li>Organise meeting with learner on return with tutor/manager or colleague (given right to be accompanied)</li> <li>Decision made on outcome (e.g. verbal/written warning) &amp; learner notified in writing of outcome/minutes of meeting kept.</li> <li>Inform Office Manager OM</li> <li>OM to inform QM &amp; referral partner asap</li> <li>OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>Inform all tutors involved</li> </ul>
<ul style="list-style-type: none"> <li>Suspicion /awareness of being under the influence of alcohol or drugs</li> </ul>	<ul style="list-style-type: none"> <li><b>Suspend learner</b></li> <li><b>Stage 3 disciplinary procedure for 2<sup>nd</sup> offence</b></li> </ul>	<ul style="list-style-type: none"> <li>Learner to leave</li> <li>Inform Office Manager</li> <li>Record on ILP/ file note</li> <li>OM to inform QM &amp; referral partner &amp; college asap</li> <li>Letter sent to learner inviting to disciplinary meeting</li> <li>Consider learner response at meeting – decision made - may be removed from programme</li> </ul>
<ul style="list-style-type: none"> <li>Inappropriate behaviour or language to tutor or learner ( inc swearing, offensive jokes/comments, distracting others, not participating in sessions)ot</li> </ul>	<ul style="list-style-type: none"> <li><b>Informal stage</b> (verbal warning considered)</li> </ul>	<ul style="list-style-type: none"> <li>Explain concerns to learner</li> <li>Issue verbal warning if appropriate</li> <li>File note made/record on ILP</li> <li>Inform Office Manager</li> <li>OM to inform QM &amp; referral partner asap</li> <li>OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>Inform all tutors involved</li> </ul>
	<ul style="list-style-type: none"> <li><b>Stage 2 disciplinary procedure for 2<sup>nd</sup> offence</b></li> </ul>	<ul style="list-style-type: none"> <li>Tutor &amp; manager/colleague meets learner (given right to be accompanied)</li> <li>Decision made on outcome (e.g. verbal/written warning) &amp; learner notified in writing of outcome/minutes of meeting kept.</li> <li>File note made/record on ILP</li> <li>Inform Office Manager</li> <li>OM to inform QM &amp; referral partner asap</li> <li>OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>Inform all tutors involved</li> </ul>
	<ul style="list-style-type: none"> <li><b>Stage 3 disciplinary procedure for 3<sup>rd</sup> offence</b></li> </ul>	<ul style="list-style-type: none"> <li>Learner to leave</li> <li>Inform Office Manager</li> <li>Record on ILP/ file note</li> <li>OM to inform QM &amp; referral partner &amp; college asap</li> <li>Letter sent to learner inviting to disciplinary meeting</li> <li>Consider learner response at meeting – decision made - may be removed from programme</li> </ul>
<ul style="list-style-type: none"> <li>Inappropriate use of a mobile phone</li> </ul>	<ul style="list-style-type: none"> <li><b>Confiscation of phone in session</b></li> </ul>	<ul style="list-style-type: none"> <li>Confiscate phone</li> <li>Record on ILP/ file note</li> </ul>
<ul style="list-style-type: none"> <li>Sometimes uses inappropriate/offensive language ( less than 3 times)</li> </ul>	<ul style="list-style-type: none"> <li><b>Explain inappropriateness of behavior</b></li> </ul>	<ul style="list-style-type: none"> <li>Explain swearing is in breach of rules &amp; ask to stop (up to 3 times in a day)</li> <li>File note made</li> </ul>



	<ul style="list-style-type: none"> <li>• <b>Informal stage</b> (verbal warning) for further offence</li> </ul>	<ul style="list-style-type: none"> <li>• Explain concerns to learner</li> <li>• Issue verbal warning if appropriate</li> <li>• File note made/record on ILP</li> <li>• Inform Office Manager</li> <li>• OM to inform QM &amp; referral partner asap</li> <li>• OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>• Inform all tutors involved</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Stage 2 disciplinary procedure for further offence</b></li> </ul>	<ul style="list-style-type: none"> <li>• Tutor &amp; manager/colleague meets learner (given right to be accompanied)</li> <li>• Decision made on outcome (e.g. verbal/written warning) &amp; learner notified in writing of outcome/minutes of meeting kept.</li> <li>• File note made/record on ILP</li> <li>• Inform Office Manager</li> <li>• OM to inform QM &amp; referral partner asap</li> <li>• OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>• Inform all tutors involved</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Stage 3 disciplinary procedure for 3<sup>rd</sup> offence</b></li> </ul>	<ul style="list-style-type: none"> <li>• Learner asked to leave</li> <li>• Inform Office Manager</li> <li>• Record on ILP/ file note</li> <li>• OM to inform QM &amp; referral partner &amp; college asap</li> <li>• Letter sent to learner inviting to disciplinary meeting</li> <li>• Consider learner response at meeting – decision made - may be removed from programme</li> </ul>
<ul style="list-style-type: none"> <li>• Unauthorised absence including leaving early without permission</li> <li>• Non-attendance at placement</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Informal stage</b> (verbal warning considered)</li> </ul>	<ul style="list-style-type: none"> <li>• Explain concerns to learner</li> <li>• Issue verbal warning if appropriate</li> <li>• File note made/record on ILP</li> <li>• Inform Office Manager</li> <li>• OM to inform QM &amp; referral partner asap</li> <li>• OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>• Inform all tutors involved</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Stage 2 disciplinary procedure for 2<sup>nd</sup> offence</b></li> </ul>	<ul style="list-style-type: none"> <li>• Tutor &amp; manager/colleague meets learner (given right to be accompanied)</li> <li>• Decision made on outcome (e.g. verbal/written warning) &amp; learner notified in writing of outcome/minutes of meeting kept.</li> <li>• File note made/record on ILP</li> <li>• Inform Office Manager</li> <li>• OM to inform QM &amp; referral partner asap</li> <li>• OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>• Inform all tutors involved</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Stage 3 disciplinary procedure for 3<sup>rd</sup> offence</b></li> </ul>	<ul style="list-style-type: none"> <li>• Inform Office Manager</li> <li>• Record on ILP/ file note</li> <li>• OM to inform QM &amp; referral partner &amp; college asap</li> <li>• Letter sent to learner inviting to disciplinary meeting</li> <li>• Consider learner response at meeting – decision made - may be removed from programme</li> </ul>

<ul style="list-style-type: none"> <li>• Unauthorised lateness</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Explain inappropriateness of behavior on first occasion</b></li> </ul>	<ul style="list-style-type: none"> <li>• Complete additional time at end of class to make up for lateness or withdrawal of break times</li> <li>• Explain lateness is unacceptable</li> <li>• File note made</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Informal stage</b> (verbal warning considered)</li> </ul>	<ul style="list-style-type: none"> <li>• Explain concerns to learner</li> <li>• Issue verbal warning if appropriate</li> <li>• File note made/record on ILP</li> <li>• Inform Office Manager</li> <li>• OM to inform QM &amp; referral partner asap</li> <li>• OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>• Inform all tutors involved</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Stage 2 disciplinary procedure for 2<sup>nd</sup> offence</b></li> </ul>	<ul style="list-style-type: none"> <li>• Tutor &amp; manager/colleague meets learner (given right to be accompanied)</li> <li>• Decision made on outcome (e.g. verbal/written warning) &amp; learner notified in writing of outcome/minutes of meeting kept.</li> <li>• File note made/record on ILP</li> <li>• Inform Office Manager</li> <li>• OM to inform QM &amp; referral partner asap</li> <li>• OM to send letter of meeting outcome to learner &amp; parent/guardian</li> <li>• Inform all tutors involved</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Stage 3 disciplinary procedure for 3<sup>rd</sup> offence</b></li> </ul>	<ul style="list-style-type: none"> <li>• Inform Office Manager</li> <li>• Record on ILP/ file note</li> <li>• OM to inform QM &amp; referral partner &amp; college asap</li> <li>• Letter sent to learner inviting to disciplinary meeting</li> <li>• Consider learner response at meeting – decision made - may be removed from programme</li> </ul>