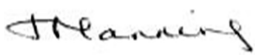






# Learner Disciplinary Policy

Policy Ref: TMP24v6

This policy will not discriminate either directly or indirectly against any individual on grounds of sex, race, ethnicity or national origin, gender, sexual orientation, marital status, religion or belief, age, disability, socioeconomic status, offending background or any other personal characteristic.

	Name	Title	Signature	Date
Prepared by	Jackie Manning	Principal		July 2024
	Colin Foster	Assistant Principal		July 2024
Approved by	Martin Heaton	CEO		July 2024

Does this Policy require publishing on the College Website? **Yes**

Does this Policy require approval by Board of Governors? **Yes**


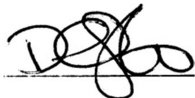
# Learner Disciplinary Policy

Policy Ref: TMP24v6

## Record of Changes

Version	Issue Date	Changes	Initials
v1	July 2019	Initial issue	JM/CF
v2	July 2020	General procedural review, references updated, formatting changes	JM/CF
v3	July 2021	Annual review, references checked and updated	JM/CF
v4	July 2022	Annual review, references checked and updated	JM/CF
v5	July 2023	Annual review, references checked and updated	JM/CF
v6	July 2024	Annual review, references checked and updated	JM/CF

## Board of Governors Approval History

Version	Approved by	Signature	Date
v4	Dominic Kohl, Chairman of the Board of Governors		July 2022
v5	Donna Clayton, Chair of the Board of Governors		Oct 2023

**Date of Next Policy Review:** July 2025

## Definition

Throughout this policy document **TMP Studios CIC** is referred to as 'TMP College'.

## Aim

The aim of this policy is to set out a clear framework so staff can manage learner behaviour.

The stages outlined in the policy will be followed when a learner's behaviour goes against the expected behaviour detailed in the TMP College **Code of Conduct for Learners**, a copy of which is given in Appendix 8 of this document.

## Policy Statement

TMP College is committed to equality of opportunity and access for all. We oppose all forms of unfair and unlawful behaviour on the grounds of age, disability, religion or belief, gender reassignment, race, sex, sexual orientation, pregnancy and maternity status in line with the Equality Act 2010<sup>1</sup>. TMP College intends to support all learners to achieve and to be well prepared to progress to the next level of learning or into employment.

This policy applies to all learners aged 16 or over on 31st August in the current academic year.

A Code of Conduct for Learners has been produced to describe the standards of work and behaviour that TMP College expects, a copy of which is given in Appendix 8. All learners agree to follow the Code of Conduct for Learners as part of the Learning Agreement undertaken when enrolling on their course.

The emphasis is on supporting learners to understand why they are expected to follow the Code of Conduct for Learners. In most cases the Learner Disciplinary Procedure described in this policy document will be followed stage by stage. In some cases it may be necessary to move to higher stages straight away due to the severity of the behaviour.

Young learners (16-18) who are dismissed will automatically be referred to relevant support service. If a learner is in public care or has an EHCP and/or disability, the referral applies up to the age of 25.

Where appropriate, learners who receive a disciplinary warning will be referred to pastoral support services. Every effort will be made to support learners to address behaviour in order to avoid escalation and ensure that they achieve.

---

<sup>1</sup> <https://www.gov.uk/guidance/equality-act-2010-guidance>

## Learner Disciplinary Procedure

The steps within the Learner Disciplinary Procedure are as follows:

- |  |                             |
|--|-----------------------------|
| ● Classroom Management / Intervention Meetings | Curriculum Tutor            |
| ● Informal Warning                             | Curriculum Tutor            |
| ● First Written Warning                        | Head of Dept                |
| ● Final Written Warning                        | Assistant Principal         |
| ● Final Disciplinary Hearing                   | Principal or Vice Principal |

In most cases, a member of staff identifying or escalating poor behaviour will be involved in the subsequent disciplinary meeting.

Intervention meetings and classroom management instructions are not formally part of the disciplinary procedure, but meetings and subsequent actions set may be designed to mitigate the risk of a disciplinary stage being required.

Disciplinary stages may be missed, depending on the severity of behaviour. Learners can be suspended at any stage and the level of sanction issued will be decided following an investigation.

TMP College is expected to withdraw learners who have not attended a course or subject on which they are enrolled for 4 continuous weeks without agreeing that absence with the tutor concerned.

## **Classroom Management and Intervention Meetings**

**Responsibility: Curriculum Tutor**

### When to Use

Classroom management and intervention meetings are used to address behaviours such as the following:

- not meeting national target grades
- not meeting areas for improvement identified in previous assessment
- lateness
- absence
- failure to follow instructions
- non-participation in group tasks
- non-completion of homework
- missed assignment deadlines
- disruptive or unacceptable behaviour
- using a mobile phone in class
- using social media or inappropriate websites not related to tasks by tutor

### How to Issue

The Curriculum Tutor will discuss negative conduct with the learner within 5 days of the event, but usually immediately.

The Curriculum Tutor will then record this using a Databridge event log.

### Next Steps

If the learner conducts themselves appropriately following the meeting, no further action will be taken

If there are repeated incidences of negative conduct within college the learner will progress to Informal Warning.

## **Informal Warning**

### **Responsibility: Curriculum Tutor**

#### When to Issue

An informal warning is issued when there is a breach of the Code of Conduct for Learners such as:

- there has been no improvement following tutor's class management
- the learner has behavioural issues around TMP College buildings

#### How to Issue

The Curriculum Tutor will conduct informal warning by:

- meeting with the learner to discuss negative conduct and expectations of the Code of Conduct for Learners
- informing the learner that their conduct has resulted in an informal warning intervention
- sending a letter, to parents/carers (Appendix 1) of learners 16-18 or directly to the learner if 19+, aiming for this to be within 5 working days of the incident
- setting agreed SMART actions
- setting a date to review progress
- meeting with the learner on a set date to review progress

If appropriate, referrals to pastoral support will be agreed within the Informal Warning meeting.

#### Next Steps

If appropriate progress with the SMART actions has been made by the review meeting, the Informal Warning will end.

If no progress with the SMART actions set has been made by the review meeting, the Curriculum Tutor will pick this up for a Formal Warning.

## **First Written Warning**

**Responsibility: Head of Dept.**

### When to Issue

A First Written Warning is issued when:

- there has been no improvement following an Informal Warning meeting (for conduct described in class management above)
- inappropriate use of IT and / or breach of the IT Acceptable Use for Learners Policy

### How to Issue

The Head of Dept. will conduct the First Written Warning by:

- meeting with the learner to discuss negative conduct/ review targets not achieved from Informal warning if applicable
- informing the learner that their conduct has resulted in a First Written Warning intervention
- sending a letter, to parents/carers (Appendix 1) of learners 16-18 or directly to the learner if 19+, aiming for this to be within 5 working days of the incident
- setting agreed SMART actions
- setting a date to review progress
- meeting with the learner on the date set to review progress

Referrals to pastoral support will be agreed as appropriate and managed by the Curriculum Tutor.

### Next Steps

If appropriate progress with the SMART actions set has been made by the review meeting, the First Written Warning will end.

If no progress with the SMART actions set has been made, the First Written Warning will be escalated to Final Written Warning.

## **Final Written Warning**

**Responsibility: Assistant Principal**

### When to Issue

A Final written warning is issued when:

- there has been no improvement following a First Written Warning
- threats to staff or learners
- bullying
- discrimination
- breach of the Equality Policy
- breach of health and safety (e.g. during fire evacuation procedure)
- breaking the rules of an awarding body such as copying someone else's work

### How to Issue

The Assistant Principal will conduct a Final Written Warning meeting

- informing parents/carers (16-18) or learner (19+) of negative conduct inviting them to a meeting with Curriculum Tutor to discuss (Appendix 3)
- meeting with the learner, parent/carer (where appropriate) as agreed
- possibly adding additional SMART actions
- setting a review date
- reviewing progress on each review date

### Next Steps

If appropriate progress with the SMART actions set has been made by the review date the Final Written Warning will end.

If no progress with the SMART actions set has been made by the review date the intervention will be escalated to Final Disciplinary / Dismissal Hearing.



## **Final Disciplinary Hearing - Disciplinary meeting and possible dismissal**

**Responsibility: Principal or Vice Principal**

### When to Issue

A Final Disciplinary hearing invitation is issued when the learner engages in gross misconduct. The following are examples of gross misconduct in or near TMP College buildings:

- there has been no improvement following a Final Written Warning intervention
- theft, attempted theft or unauthorised possession of any items belonging to TMP College, any learner or employee
- serious damage deliberately caused or attempted to TMP College property
- using illegal drugs or dealing drugs on TMP College premises
- being under the influence of alcohol or illegal substances
- violent, dangerous, abusive, intimidating or indecent behaviour e.g. fighting, threats
- deliberately breaking TMP College's health and safety rules
- intentional breach of TMP College's Equality Policy, e.g. harassing or abusing another learner, member of staff or a visitor to the College. This includes making serious accusations against other learners or staff which are judged, following investigation, to be false
- TMP College reserves the right to suspend a learner if the learner's actions outside College seriously challenge the health, safety or welfare of other learners or members of staff.

### How to Issue

The Principal (or nominated manager in the Principal's absence) will conduct a Final Disciplinary meeting by:

- clarifying with the learner that the learner's conduct has resulted in a Final Disciplinary Hearing then informing the learner and parents/carers (16-18yr olds) of the terms of suspension in writing (Appendix 4) pending investigation and invitation to a disciplinary hearing
- conducting a Disciplinary Hearing as soon as possible, normally within 2 term time weeks of suspension (see Appendix 6 for the procedure to be followed at the Disciplinary Hearing)
- recording the disciplinary hearing notes using Databridge.

### Next Steps

At this stage, the Principal may decide to:

- Reinstate the learner to TMP College with SMART targets and a clear action plan. The learner may remain on a Final Dismissal Alert or the Principal may decide a lower level of warning is more appropriate following the investigation.
- Dismiss the learner from TMP College

## **Dismissal**

### **Responsibility: Principal**

#### When to Issue

Following a disciplinary hearing, the Principal will consider all of the evidence presented by both staff and learners (and their representatives) plus any witness statements submitted.

#### How to Issue

The Principal (or nominated manager in the absence of the Principal) will conduct a Dismissal by:

- clarifying with the learner that the outcome of the Disciplinary Hearing is dismissal
- confirming the reason for and terms of the dismissal in writing (Appendix 5) e.g. whether dismissal applies to one course/ centre/work placement and the length of time the dismissal is valid for. Sending this letter to the learner and parents/carers (16-18). If a learner is sponsored by an employer a copy of the letter will also be sent to the employer
- recording the meeting outcome using Databridge
- informing the learner of their right to appeal

#### Next Steps

Brief details of the case will be retained by TMP College for 5 years after the dismissal date.

TMP College will not allow the learner to re-enrol until the period of the dismissal has passed. This should be a minimum of one academic year.

TMP College reserves the right to take the reason for the dismissal into consideration when deciding, after the period of dismissal has passed, whether the person meets the requirements of TMP College's Admissions Policy.

## Appeals

Where learners have been issued with a Final Written Warning or Dismissal Hearing (including dismissal from college) they have the right to appeal in writing to the Principal (or other named person) within 10 working days.

There are three grounds for appeal:

1. the procedures set out in this document have not been followed, or
2. the learner has new evidence about the case, or
3. the learner believes the decision reached is unfair or unreasonable.

The appeal will be considered by the Principal (or other named person) who will decide the next course of action. If they decide an appeal hearing is required, the learner will be able to state her/his case and can bring another person along (e.g. parent/carer). Legal representation is not allowed. Appendix 7 gives the procedure to be followed at the Appeal Hearing.

At the appeal for dismissal, the terms of dismissal will be reviewed. When the hearing is complete, and after considering all the evidence, the person leading the hearing will state his/her decision:

- to lift the Final Written Warning /Dismissal or
- to vary the terms of the Final Written Warning / Final Disciplinary hearing / Dismissal, for example by replacing the learner's Final Written Warning / Dismissal with a warning or
- to confirm the Final Written Warning/ Final Disciplinary / Dismissal.

The decision of the TMP College Panel appointed to hear the appeal will be given to the learner in writing within five working days of the appeal hearing and will be final and binding.

## Appendix 1: Informal Warning - Parent Letter

Date:

Dear *Parent/ Guardian/ Learner's name*

I am writing to inform you that \_\_\_\_\_ has been issued with an informal warning for (*enter details here*).

The smart targets set for \_\_\_\_\_ are  
\_\_\_\_\_

There are four stages to TMP College's Learner Disciplinary Procedure. We expect an immediate improvement in order to avoid any further disciplinary action and appropriate actions have been set to support this. Support and guidance from TMP College staff is available to help prevent further issues.

Please contact (*Insert contact details*) if you would like to discuss this matter further

Yours sincerely

(*staff name*)

## Appendix 2: First Written Warning - Parent Letter

(Date)

Dear *Parent/ Guardian/ Learner's name*

I am writing to inform you that \_\_\_\_\_ has been issued with a first written warning for (*enter details here*).

The smart targets set for \_\_\_\_\_ are  
\_\_\_\_\_

There are four stages to TMP College's Learner Disciplinary Procedure. We expect an immediate improvement in order to avoid any further disciplinary action and appropriate actions have been set to support this. Support and guidance from TMP College staff is available to help prevent further issues.

Please contact (*Insert contact details*) if you would like to discuss this matter further

Yours sincerely

(*staff name*)

### Appendix 3: Final Written Warning - Parent Letter

(Date)

Dear *Parent/ Guardian/ Learner's name*

I am writing to inform you that \_\_\_\_\_ has been issued with a Final Written Warning for (*enter details here*)

There are four stages to TMP College's Learner Disciplinary Procedure. This is stage three of the policy. Printed copies are available on request. We expect an immediate improvement in order to avoid any further disciplinary action. Support and guidance from TMP College staff is available to help prevent further issues.

You have the right to appeal this decision to the Principal within 10 working days of the date of this letter. Appeals must be sent in writing to:

(*insert Principal's name and college address*)

Yours Sincerely

(*staff name*)

#### Appendix 4: Suspension Letter

(Date)

Dear *Parent/ Guardian/ Learner's name*

I am writing to inform you that \_\_\_\_\_ has been suspended from TMP College pending an investigation for allegedly (*insert reason*). A copy of the Code of Conduct for Learners has been given to (*learner's name*) and a copy is enclosed for your reference.

While they are suspended they must not (*insert terms of suspension such as not enter TMP College buildings, work placement*). In addition to this (*learner's name*) must not discuss the suspension or related matters without my permission. If (*learner's name*) does not follow these instructions, they could possibly be dismissed without a disciplinary hearing.

Whilst allegations have been made no decision about disciplinary action has been taken and will not be made until all the information and evidence has been gathered. Suspension in itself is not a form of disciplinary action. It is simply to allow a full investigation to take place.

You will now be required to attend a disciplinary hearing to discuss these matters with (*Principal's name*) on (*date & time*) at (*College centre & room*).

Yours sincerely

(*Principal's name*)

## Appendix 5: Final Disciplinary Hearing Letter (dismissal outcome)

(Date)

Dear *Parent/ Guardian/ Learner's name*

Following the disciplinary hearing of *(insert disciplinary hearing date)*, I am writing to inform you of the outcome of the investigation. After considering all of the evidence carefully it has now been decided that *(learner's name)* should be dismissed from TMP College effective from *(insert date)* for *(insert reason for dismissal)*. No further applications from *(learner's name)* to enrol as a learner will be considered before *(insert date)*.

You have the right to appeal this decision within 10 working days of the date of this letter. Appeals must be sent in writing directly to *(insert named person responsible for dealing with the appeal)* at the following address:

*(insert Principal's name and college address)*

Yours sincerely

*(Principal's name who conducted the Dismissal Hearing disciplinary hearing)*



## Appendix 6: Gross Misconduct Procedure

Procedure to be followed at a Learner Disciplinary Hearing for Gross Misconduct:

1. The Principal who is leading the hearing will introduce all those present and outline the procedure to be followed.
2. The Principal will ask a staff representative to make an opening statement and outline the case for dismissal.
3. Witnesses may be called by the member of staff presenting the case for dismissal and will be questioned in this order:
  - by the member of staff presenting the case
  - by the learner and his/her representative
  - by the panel
4. The member of staff presenting the case may ask further questions.
5. The learner or his/her representative will present their case in defence.
6. Witnesses may be called to support the learner's case and will be questioned in this order:
  - by the learner or his/her representative
  - by the member of staff presenting the case
  - by the panel
7. The learner or his/her representative may ask further questions.
8. Written statements will then be considered.
9. The member of staff presenting the case will make a short statement covering the main points of the case for dismissal.
10. The learner or his/her representative will make a short statement covering the main points of the case against dismissal.
11. Everyone except the panel will be asked to leave the room while the panel considers the information presented.
12. The chair of the panel may ask both sides to return if some points are unclear.
13. Both sides will be called back to hear the panel's decision or will be told when and how they will be notified if the panel needs more time to consider the case.
14. The Principal leading the hearing will provide information about the learner's right of appeal and the procedure to be followed.

## **Appendix 7: Appeal Hearing Procedure**

Procedure to be followed at an Appeal Hearing against dismissal:

1. The Principal who is leading the hearing (the Chair) will make sure that members of the panel have copies of the records of the case.
2. The Chair will introduce all those present and outline the procedure to be followed.
3. The Chair will ask the learner (or their representative) why s/he is appealing.
4. Members of the panel will ask questions to make sure they have understood all the points made by the learner (or their representative).
5. No witnesses will be called at the Appeal. The decision of the Panel will be reached on the basis of the written record of the Disciplinary Hearing and the written and verbal evidence presented at that hearing.
6. The learner (and anyone with them) will then leave the room while the Appeals Panel members discuss the points made.
7. The Chair of the Appeal Panel may ask the learner/their representative back to answer more questions if some points are unclear.
8. The learner will be told that they will get the result of the hearing in a letter, normally within 5 working days.
9. The Chair of the Appeals Panel may ask members of the learner's course team for advice about special requirements made by certain examination boards or professional bodies.
10. The dismissal will not take effect before the appeal process has been completed.



### Code of Conduct for Learners: 2024/25

TMP College aims to provide a safe and supportive environment where everyone can study and work to the best of their ability. Enrolment onto a course means you have joined the TMP College community and are expected to behave accordingly. You have agreed to this by signing the enrolment form.

#### We expect you to:

- Treat other learners and staff with respect
- Attend all classes and tutorials
- Be punctual
- Notify your Tutor(s) of absence. We will assume you have left TMP College if you have been absent without explanation for 4 term time weeks.
- Keep to the IT Acceptable Use for Learners Policy when using College computers
- Let your Tutor(s) know straight away if you have difficulties with your work
- Achieve the standard of work required of you
- Hand all assignments in on time

#### We will not accept:

- Unacceptable behaviour in or around TMP College buildings. Examples of unacceptable behaviour include insulting others, bullying, verbal abuse or rudeness, using language that offends others, fighting or other violent, threatening or dangerous behaviour, racism or sexual harassment.
- Smoking or vaping in non-designated areas
- Wearing of hats and coats in classrooms
- Abuse, threats or rudeness to a member of staff. These may be verbal or sent electronically, for example through Facebook
- The use of illegal drugs or alcohol in or near TMP College buildings
- Deliberate damage or attempted damage to TMP College property
- Theft, attempted theft or unauthorised possession of any items belonging to TMP College or to any learner, member of staff or employer
- Breaking the rules of an awarding body such as copying someone else's work
- Repeated problems with the quality of work produced or of handing it in on time, affecting your own or other learners' chances of gaining accreditation. This may be because of delays in producing work, which affects a group project
- Disruptive behaviour in classes or other college spaces or not following a direct instruction from a member of staff