



The College of  
Animal Welfare

## **Student Disciplinary Procedure**

Reviewed January 2022

## Purpose

We want you to enjoy your time at the College. Our first intention is to guide, advise and support you with a view to solving problems. If the problem does not resolve, or the matter is more serious, the College may need to use the more formal disciplinary procedures. Our aim is to:

- Be fair
- Be thorough in all investigations
- Be open in exchanging all the evidence
- Ensure we are honest and just with you

## Principles

- a) Disciplinary action will not be taken against a student until the case has been fully investigated
- b) At every stage in the procedure, the student will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made about action to be taken
- c) No student will be dismissed or excluded for first breach of discipline except in the case of gross professional misconduct or gross misconduct
- d) A student will have the right to appeal against any disciplinary penalty imposed

### Categories of Misconduct

#### Gross Misconduct

This is a serious breach of the College's rules and may result in termination off the programme. Such circumstances include but are not limited to:

- Theft, fraud or falsification of records e.g. submission of false references
- Arson
- Espionage
- Sending e-mails of a malicious, offensive, vexatious or pornographic nature
- Deliberate or malicious damage to college equipment or property or that of others
- Fighting or threatening physical violence
- Acts of incitement or actual acts of discrimination, bullying or harassment on the grounds of age, disability, gender reassignment, marriage or civil partnership status, pregnancy, race, religion and beliefs, sex or sexual orientation
- Disorderly or indecent conduct
- Negligent behaviour which causes, or is likely to cause injury, unacceptable loss or damage
- Breaking statutory regulations that would render the College or others liable to prosecution
- Wilfully and knowingly introducing a virus to the college computer system
- Using unauthorised, pirated software on college equipment
- Being under the influence of a substance, alcohol or chemical whilst at college, placement or attending a college related activity
- Serious breach of health and safety or hygiene rules

- Failure to follow the College's published policies and procedures
- Professional Misconduct/Breaches of Fitness to Practise Code
- Inappropriate use of social networking sites
- Bringing the College into disrepute
- Smoking in prohibited areas

If, following a full investigation and disciplinary hearing, gross misconduct is confirmed you may be excluded from the College without any notice. We are also required to disclose breaches of the Fitness to Practise or Code of Professional Conduct to the relevant Professional or Regulatory Body.

### **Misconduct**

This is when you have failed to follow rules, policies or procedures. Such examples include but are not limited to:

- Breach or disregard of safety regulations, College policies or procedures
- Inappropriate and offensive language
- Persistent absence or punctuality concerns without valid reason
- Poor work placement performance or capability with lack of commitment to improve
- Persistent failure to meet agreed/published targets and deadlines
- Refusal to follow instructions of a tutor or employee of the college or placement
- Breaking statutory regulations relating to the industry
- Disruptive or inappropriate behaviour during any programme related activity
- Inappropriate use of college equipment/facilities e.g. IT equipment, library books, internet inappropriately for personal reasons
- Minor breaches of fitness to practise

Misconduct will follow the stages listed overleaf unless the misconduct is judged severe, in which case the informal verbal warning and formal warning could be by-passed.

## Stages of Disciplinary Action

### 1. Verbal Warning

Minor breaches of discipline, misconduct, poor time-keeping, etc. may result in a verbal warning being issued by the Personal Tutor/Learner Progress Coach. A verbal warning will be recorded and retained on the student's file and will remain active for disciplinary purposes for a period of 6 months.

It is expected that this will resolve most difficulties. Where a student commits a more serious act of misconduct or fails to improve and/or maintain that improvement with regard to conduct, behaviour or performance, more formal steps detailed below may be taken.

### 2. Written Warnings

A disciplinary hearing conducted by a Head of/Programme Manager and the Personal Tutor/ Learner Progress Coach will be held. In good time before the hearing, the student will be advised in writing of the reason(s) for the hearing in relation to misconduct or unsatisfactory performance, provided with any evidence such as copies of witness statements and informed of the right to be accompanied by a fellow student/colleague of their choice. It should be noted that parents will only be permitted to attend a disciplinary hearing where the student is under the age of 18.

At the disciplinary hearing, the student will be invited to state their case and answer the allegations against them. If, following the hearing, it is decided that disciplinary action should be implemented the student will be informed of the decision in writing within 7 days.

In the case of minor offences, the student may be issued with a first written warning. Students will be advised of the reason for the warning and of their right of appeal.

In the case of a more serious offence, or if a further offence occurs within the currency of a prior warning, the student may be issued a final written warning.

Written warnings will remain on the student's records for the duration of the programme.

Written warnings will include:

- Details of the misconduct or complaint
- Details of the action necessary to remedy the situation and any period of review
- That the student has the right of appeal
- That any further misconduct may result in termination off the programme and in the case of a final written warning there may be referral to the relevant Professional Body and/or Awarding Organisation.

### 3. Exclusion

Students may be excluded from the College if it is established, after investigation and disciplinary hearing, that there has been an act of gross misconduct. Where the student's fitness to practise or ability to abide by the relevant Code of Professional Conduct is brought into question, this will result in disclosure to the Regulatory/Professional Body.

## **Suspension**

For an investigation to be carried out thoroughly and fairly it may be necessary to suspend the student from college and/or placement. This time away from college or placement will be as short as possible. At the time of suspension, the student will be informed of the reason and this will be confirmed in writing. Arrangements to support the students learning will be put in place so not to disadvantage them whilst the investigation is ongoing. In addition pastoral support will be offered e.g. the College counselling service.

Suspension does not constitute a disciplinary sanction but is instigated in order to allow the College to investigate the conduct in question properly.

## **Right to be accompanied**

The College recognises that if a student is undergoing disciplinary investigation it is likely to be a difficult time and it may help to have someone accompany them at related meetings or disciplinary hearing. The student may be accompanied by a fellow student/colleague who has a right to address the hearing but no right to answer questions on behalf of the student. Where the student is under the age of 18 a parent, guardian or carer may attend.

## **Appeals**

The opportunity to appeal against a disciplinary decision is essential to natural justice. Students may choose to raise an appeal on a number of grounds which could include:

- Perceived unfairness of the judgement
- Severity of the penalty
- New evidence coming to light
- Procedural irregularities.

The appeal should be made in writing to the Principal or Vice Principal Quality within 7 days of receipt of the written confirmation of the disciplinary decision, stating the grounds on which the student believes the disciplinary process has been conducted unfairly or why the student believes the disciplinary penalty should be reviewed. The appeal hearing will, wherever possible, be heard within 21 working days of receipt of the written appeal. The student has the right to be accompanied at the appeal hearing by a fellow student/colleague of their choice. Students under the age of 18 have the right to be accompanied by their parent, carer or guardian.

The student will be given full opportunity to state the ground(s) on which the appeal is made. Should there be any new evidence, the student will be allowed to comment on it. The disciplining manager will have the opportunity to explain their decision to impose the given penalty.

When all the evidence has been heard, the appeal hearing will be adjourned. The Principal or Vice Principal Quality will carefully consider the merits of the appeal, in private, before reaching a decision.

Where possible the Principal or Vice Principal Quality will inform the student verbally of the decision reached along with the rationale. The decision will be confirmed in writing, no later than 7 working days after the appeal hearing.

Students should note that an appeal hearing is not intended to repeat the detailed investigation of the disciplinary hearing, but to focus on specific factors which the student feels have been dealt with unfairly or which have received insufficient consideration, such as inconsistency, harsh penalty, extenuating circumstances, bias, unfairness or new evidence coming to light.

Following the appeal meeting, the Principal or Vice Principal Quality will make one of following decisions:

- 1) Uphold the disciplinary action
- 2) Reduce the level of sanction that was issued, for example turn a final written warning into a first written warning
- 3) Overturn the decision
- 4) Re-instatement where the student has been excluded
- 5) Notify the Regulatory/Professional Body

Whatever the outcome of the appeal, the decision will be binding on both the College and student. The outcome will be confirmed in writing and the decision at the end of the appeal is final.

Where an appeal against exclusion is unsuccessful, the effective date of exclusion will be the date on which the student was originally excluded.

When the College's internal procedures have been concluded the learner will be issued with a Completion of Procedures letter (COP) by the Principal or Vice Principal Quality. If dissatisfied with the outcome of the appeal the learner can refer the matter to:

- Office of Independent Adjudicators (OIA) [oiahe.org.uk](http://oiahe.org.uk) (For Higher Education Programmes)
- Education and Skills Funding Agency (ESFA) [Complaints.esfa@education.gov.uk](mailto:Complaints.esfa@education.gov.uk) (For government funded Further Education Programmes)

Please note that complaints of this nature must be lodged within 3 months of the College's internal procedure being exhausted.

## Records

Records are kept of any disciplinary action, the student's defence, the action taken and the reasons for it, whether an appeal was lodged, its outcome and subsequent developments. These records are kept confidential and retained in accordance with the Disciplinary Procedure and General Data Protection Regulations 2018 (GDPR). Copies of any meeting records can be given to the individual concerned, although in certain circumstances some information may be withheld, for example to protect a witness.

Disciplinary action taken will remain 'live' on the student's personal file as per the Data Protection Policy and as stated in the disciplinary letter.

Expired warnings may be taken into consideration should a disciplinary situation arise, for the same reason, for a three year period following the date of issue. The professional body will be informed of outcomes that result in permanent exclusion from the programme.

Date reviewed: January 2022

Date of next planned review: January 2023