Document Name and	6.5 Learner Disciplinary Policy
Version	
Policy Number	6.5
Policies that Interact with	Policy 2.11 Procedures for Hearings and Appeals
Policy 6.5	Policy 3.10 Policy and Procedure on Moodle Copyright and Usage
	Policy 6.2 Learner's Code of Conduct
	Policy 6.3 Learners' Charter
	Policy 6.4 Policy and Procedure on Learner Welfare and Wellbeing
	Policy 6.5 Learner Disciplinary Policy
	Policy 6.6 Policy and Procedures on Internet, Social Media
	and Email Use
	Policy 6.7 Dignity and Respect
	Policy 6.8 Complaints Procedure
	10.3 Data Management and Retention Policy and Data
	Retention Schedule
Approval Body	Academic Council
Date of Approval	February 2020
<b>Date Policy Comes into Force</b>	25 <sup>th</sup> January 2021
Date of Review	2025
Revisions	August 2021. Reviewed and revised for consistency of
	terminology. Reference to Data Retention Schedule
	inserted

#### 1. Preamble.

- 1.1. Through its policies and regulations, IICP College outlines the expectations it places on all College members. Every effort is made to ensure that these expectations are fair, reasonable, and rational. These expectations are contained in the Learner Code of Conduct, as well as in other College regulations, the Learner Handbook and in individual programme policies and procedures.
- 1.2. As members of the IICP College Community, learners have an obligation to know and abide by all Institute policies and procedures.
- 1.3. Learners are reminded that those who are a member of the IACP are also bound by the IACP Code of Ethics. This Code is managed by IACP. However, a breach of professional ethics may also amount to a breach of IICP College requirements.
- 1.4. Computation of Time: Where this procedure prescribes a number of days, this is taken to mean working days: that is, weekends and public holidays shall not be counted. Reference to a specific staff role in any policy is taken to mean that role or any other appropriate member of staff designated by the College to take the specified responsibility in the conduct of that policy.

### 2. Scope.

- 2.1. This policy applies to all registered learners of IICP College while in attendance at the College or acting as a member of the College. This includes training events, work placements and supervision.
- 2.2. Academic Misconduct shall be dealt with separately and as part of the Academic Misconduct Procedure.

## 3. Purpose.

- 3.1. The purposes of the disciplinary policy are:
  - To guide behaviour;

- To build on learning about appropriate academic, professional and collegial behaviour; and
- To foster the well-being of the College and the College community.
- 3.2. This policy sets out the likely consequences where a learner does not meet their obligations to IICP College and its members.

## 4. Roles and responsibilities.

- 4.1. The Academic Council is responsible for formally approving this policy and for overseeing its implementation.
- 4.2. All staff members are responsible for taking appropriate action in accordance with this policy where an infringement of the Learner Code of Conduct has occurred.
- 4.3. The Head of Academic Studies in consultation with the Registrar is responsible for deciding whether disciplinary procedures is warranted.
- 4.4. The Head of Academic Studies is responsible for carrying out an investigation.
- 4.5. The Academic Council is responsible for convening a Disciplinary Committee.
- 4.6. The Registrar is responsible for managing Appeals.
- 4.7. The Academic Council is responsible for convening an Appeals Committee.
- 4.8. All staff and learners of IICP College are jointly responsible for the effective implementation of this policy.
- 4.9. Learners are required to cooperate with any investigation under this policy, including provision of additional information and attendance at any necessary interviews or hearings. Failure to cooperate may in itself be a disciplinary matter.

### 5. Policy.

- 5.1. IICP College is committed to fair, equitable and appropriate disciplinary procedures.

  This policy is intended to ensure a proportionate and timely resolution of issues.
- 5.2. The Learner Disciplinary Procedure shall be invoked where a learner has allegedly acted contrary to the Learner Code of Conduct, any other College regulation whether general or programme specific, or has otherwise acted in a manner that could cause harm to the College or its members, other than where more appropriate procedures are available. The Registrar has discretion to make a decision regarding which procedures are utilised in any particular circumstance.
- 5.3. Where appropriate, all reasonable efforts shall be made to resolve a case informally before formal procedures are invoked.
- 5.4. At each stage of this procedure the learner should be:
  - Asked to explain why the inappropriate behaviour has occurred;
  - Counselled as to why it is unacceptable;
  - Advised/reminded of the Support Services available;
  - Encouraged to be accompanied at meetings and put forward their views;
  - Kept informed of actions/outcomes;
  - Advised of the possible consequences of any further inappropriate behaviour.
- 5.5. No disciplinary consequence will be imposed upon a learner until the case has been investigated. The College may, however, take action to protect staff, learners, clients and the public, and/or to fulfil the professional responsibilities of its staff, during an investigation.
- 5.6. Learners are required to cooperate fully with this procedure. Failure to cooperate is itself a disciplinary matter.

- 5.7. Subject to concerns for the welfare and wellbeing of others, the disciplinary process is confidential to the College, and should only be discussed with those who are a part of the proceedings (including those who support the parties), or for the purposes of the proper functioning of the College. Breaches of confidentiality may lead to disciplinary action being taken. This does not prevent IICP College from fulfilling its safeguarding responsibility, or from acting in accordance with legal and regulatory reporting requirements.
- 5.8. At all stages of the Disciplinary Procedures the learner will have the right to be accompanied by a representative. Where the learner choses to exercise this right then prior notification of the person to accompany them and their status must be given to the Registrar prior to any formal hearing or informal meeting.
- 5.9. Attention is drawn to IICP College Policy and Procedure on Hearings/ Appeals.
- 5.10. *Record Keeping*. Records are kept of any relevant meeting, whether formal or informal, and IICP College's privacy statement and policy on Retention Periods apply to such records.
- 5.11. *Infringement of IICP College Regulations*. This policy is intended to ensure that responses are fair, reasonable and proportionate. In furtherance of these aims the College distinguishes between different levels of infringements of its Codes: minor infringements, major infringements and Substantial infringements. Examples of these different categories include:
  - 5.11.1. **Minor Infringement**: This includes, but is not limited to: minor damage to property, minor disruption of classroom activities, breach of housekeeping rules;
  - 5.11.2. **Major Infringement**: This includes, but is not limited to: repeated minor offences, threats to the person, harassment, bullying, abusive or dangerous behaviour, nuisance, serious damage to property, actions intended to cause harm to the college or its members;
  - 5.11.3. **Substantial Infringement**: This includes, but is not limited to, assault causing serious harm (including sexual assault), serious or repeated harassment,

extreme nuisance, serious damage to property and use of illegal substances. It also includes any activity that could raise child protection concerns or concerns for vulnerable adults.

#### 6. Procedure.

- 6.1. IICP College plans for a continuum of possible responses to conflict and dispute, ranging from informal, everyday interactions to more formal, complex interventions. The College expects those involved to use their range of skills and abilities to resolve any matter quickly, effectively and respectfully.
- 6.2. It is expected that in most cases a progressive, staged approach to learner discipline will be implemented. Usually, the first stage of these, and all other IICP College Procedures, is a conversation between the staff member and the learner, unless there are compelling reasons not to do so. This respects the rights of the learner, ensures that his or her voice is heard, and establishes conditions for a timely, managed resolution. In keeping with IICP College's commitment to managing issues at the lowest possible level, where such a conversation does not bring a resolution then the Welfare and Wellbeing Policy may be used, where appropriate, before invoking these procedures.
- 6.3. The formal process may be implemented if the severity of the conduct or its consequences means that an informal approach is not appropriate.
- 6.4. This is an internal procedure for the purpose of managing learner discipline and does not normally include the attendance of legal representatives of either or all parties at any meeting or hearing.
- 6.5. Written records will be made at each stage of this procedure.

#### 6.6. Interim Suspension:

6.6.1. At any stage a decision may be taken by the College with regard to the requirement to suspend a learner pending the investigation. Instances where

- interim suspensions may be applied include, but are not limited to, alleged or proven criminal matters occurring on IICP College campus or such as acts of violence or possession of drugs with intent to supply.
- 6.6.2. Interim suspension means that the learner may not be on College property other than for specific appointments which must be agreed in advance, and in writing, between the learner and the Registrar. Where an interim suspension has been applied this shall be subject to review every two weeks or at key stages as determined within the case management process by the Registrar.
- 6.7. At any stage in this procedure the Registrar may determine that the suspected infringement cannot be substantiated, in which case no further action shall be taken, and no record shall be retained in the learner file.
- 6.8. Anonymous allegations about a learner will not be considered.
- 6.9. Where a staff member of IICP College suspects that a learner has breached the Code of Conduct or any other regulation of IICP College, then they must consult with their Programme Leader. It is likely that most instances of infringement will be of a minor nature and as such can be dealt with locally and informally by the member of staff most closely involved, by way of advice and guidance to correct the behaviour or conduct. This can include advice that any repetition or escalation of the behaviour could lead to disciplinary proceedings under these Regulations. If the member of staff believes the situation warrants it, they may place a record of the incident on the learner's file.
- 6.10. Before invoking disciplinary procedures, all available avenues aimed at resolving the matter at local level should be attempted, including where relevant IICP College's Policy and Procedures for Welfare and Wellbeing.
- 6.11. *Major / Substantial Infringement*. If a learner is alleged to have behaved in such a manner that, if proven in a court of law, he/she would have committed a criminal

offence the College may suspend the Learner Disciplinary Procedure and refer the matter to the appropriate authorities.

- 6.12. *Illness*. If during the course of disciplinary procedures illness of whatever nature is perceived to be a significant contributor to the behaviour which would normally warrant the Learner Disciplinary Procedure to be invoked, then the College has the right to take whatever action it sees in the best interest of the learner and the College community. This might include invoking other procedures and/ or excluding / suspending the learner until such time as it is satisfied that he/she is fit to resume his/her studies.
- 6.13. Where a concern has not been resolved at local level then the Head of Academic Studies should be informed in writing as soon as possible by the relevant staff member. While allowing time to resolve the matter locally is acceptable, it should be noted that it is in the interests of all parties that there is a timely resolution.

### 6.14. Formal Procedures Stage 1:

- 6.14.1. The Head of Academic Studies, or other senior member of staff who has not had prior involvement in the case, will carry out an investigation, unless he/she decides in consultation with the Registrar that any one of the following apply:
  - The matter is not sufficiently serious to justify disciplinary action;
  - The suspected infringement cannot be substantiated;
  - Substantial Infringement of IICP College regulations has occurred, in which case prompt action is required;
  - A decision is taken to report the matter to statutory authorities;
  - The matter should be dealt with under another of the College's Policies or Procedures.
- 6.14.2. The learner will be notified at this stage unless this notification may pose a risk to any person.
- 6.14.3. The Head of Academic Studies shall review all information and / or documentation.

- 6.14.4. Any investigation into an allegation of infringement should include where appropriate the offer of a meeting with the learner who is the subject of the allegation, and should inform them that they will have the right to be accompanied to the meeting.
- 6.14.5. The invitation to any such meeting should be in writing and should inform the learner of the evidence that has been presented against him or her, and their right to be accompanied to this meeting.
- 6.14.6. Where possible this invitation should give the learner at least **5 working days' notice** of the meeting. This period may be shortened if a delay may adversely affect the welfare or health of any person, including the learner.
- 6.14.7. The Head of Academic Studies, accompanied by another staff member, should interview the learner, and give the learner an opportunity to respond.
- 6.14.8. The Head of Academic Studies may, if appropriate, interview any other person involved.
- 6.14.9. If, following the investigation, the Head of Academic Studies considers it appropriate, then s/he may make a summary finding. In reaching a decision on whether the matter should be dealt with summarily, the Head of Academic Studies should consider the nature of the allegation and whether the possible outcomes would be sufficient. The Head of Academic Studies will have discretion to take into account the individual extenuating or aggravating circumstances of a matter. For example, extenuating circumstances may exist which justify the matter being dealt with summarily. Aggravating circumstances, such as a disciplinary record, may justify the matter being dealt with under the Formal Procedures Stage 2.
- 6.14.10. If, following the investigation, the Head of Academic Studies does not consider it appropriate to make a summary finding, then he or she may refer the case under the Formal Procedures Stage 2 to the Disciplinary Committee.
- 6.14.11. A decision will normally be relayed to the learner in writing within 10 working days of the completion of the investigation.
- 6.14.12. The investigation should be completed where reasonably possible within 30 working days of notification to the Head of Academic Studies of the alleged breach.

- 6.14.13. A copy of the decision will be kept on the learner's file.
- 6.14.14. Possible Outcomes, Formal Procedures Stage 1:
  - Dismissal of the case;
  - Requirement for a verbal or written apology;
  - Guidance and advice regarding future behaviour;
  - Informal warning (not held on learner's file);
  - Formal warning, to be held on the learner's file for a period up to completion of studies and which will be taken into account in any future disciplinary cases within that timescale;
  - Requirement for learner to sign a 'good behaviour' agreement.
- 6.14.15. The learner has a Right of Appeal of the summary decision to the Disciplinary Appeals Committee. This application should follow the procedure laid out in section 6.8. Learners should note that an appeal must be lodged with the Registrar within **10 working days** of notification of the summary finding.

#### 6.15. Formal Procedures Stage 2:

- 6.15.1. Where, in the judgement of the Head of Academic Studies in consultation with the Registrar, the alleged infringement should not be dealt with by summary means then the Registrar shall notify the learner as soon as possible, in writing, that the College is preparing a disciplinary case against him/her.
- 6.15.2. The Registrar shall request the Academic Council to convene a Disciplinary Committee and to appoint a chair. No person with any prior involvement in the case shall be appointed to the Committee. Membership and procedures of the Panel are governed by IICP College IICP College's Procedures for Hearings and Appeals.
- 6.15.3. The Registrar shall provide the learner with the following information:
  - The intended time, data and place of the hearing, and give at least 10 working days' notice;
  - The consequence of non-attendance;
  - The precise charge being made;
  - The facts alleged to constitute the alleged offence;

- The evidence that will be presented to the Disciplinary Committee;
- The format of the scheduled disciplinary hearing;
- The learner's right to be accompanied/represented, their right to hear
  the evidence presented, to challenge the evidence on crossexamination and to present his / her own evidence. The learner shall
  be directed to IICP College's Procedures for Hearings and Appeals.
- 6.15.4. The Disciplinary Committee composition and proceedings are governed by IICP College's Policy and Procedure on Hearings/ Appeals.
- 6.15.5. Within **10 working days** of the hearing, or as soon as possible thereafter, the Chair of the Disciplinary Committee shall notify the learner of the outcome of the hearing. Where the Chair of the Disciplinary Committee is satisfied that an incident of misconduct has arisen, he /she shall identify the associated disciplinary outcome [see Section 6.15.9 below], if any, and the learner's right of appeal.
- 6.15.6. If the Disciplinary Committee finds that the alleged offence has occurred, the Chair of the committee will report the matter to the Academic Council, detailing the offence and the consequence applied. A copy of this report will also be retained within the Registrar's Office and will be made available to the learner in the event of an Appeal.
- 6.15.7. In the event of the learner choosing to exercise his / her right of appeal, a Request for Appeal must be lodged within **10 working days** from the date of receipt of Outcome of the Disciplinary Committee. An appeal will not be considered where the duly completed form is not lodged within this timeline, other than in exceptional circumstances, such as illness, that may have prevented the learner acting within the timeline.
- 6.15.8. The application of the disciplinary outcome may be suspended pending the outcome of the appeal. In the event of the learner not choosing to exercise his / her right of appeal, the disciplinary outcome shall be applied.
- 6.15.9. Disciplinary Outcomes: The possible outcomes from the Disciplinary Committee are:
  - Dismissal of the case;

- Requirement for a verbal or written apology;
- Guidance and advice regarding future behaviour;
- Informal warning (not held on learner's file);
- Formal warning, to be held on the learner's file for a period up to completion of studies and which will be taken into account in any future disciplinary cases within that timescale;
- Requirement for learner to sign a 'good behaviour' agreement;
- Order for restitution and/ or compensation for damage or loss;
- Requirement for the learner to attend a relevant support service;
- Reasonable restrictions on communication with named learners or members of staff, either verbally or via written or electronic or other means;
- Referral of case to other procedures, for example IICP College's Continuing with Clinical Placement Policy;
- The Disciplinary Committee may recommend to the AC the following outcomes, which can only be carried out with the authority of the AC;
  - Report to any relevant professional or statutory body (which may in some instances be mandatory);
  - Suspension;
  - Expulsion.
- 6.15.10 A major or substantial infringement subsequent to the issuance of a formal reprimand shall normally lead to the learner's suspension or expulsion. A record of this shall be retained on the learner's file in accordance with the College's Data Retention Schedule.

### 6.16 Appeal:

- 6.16.1 A learner may appeal a Summary Judgement or an Outcome of the Disciplinary Committee.
- 6.16.2 A learner wishing to appeal may do so only on the following grounds:

- A material procedural irregularity has occurred which has impacted significantly on the validity of the original hearing and the subsequent consequence.
- The consequence imposed by the disciplinary hearing was too severe bearing in mind the circumstances of the case.
- The learner wishes to present new evidence or information of extenuating circumstances which were not known to the Disciplinary Committee. In this case the learner must also show good reason why such circumstances could not have been made known prior to or at the Disciplinary Hearing.
- The decision was made without due regard to the facts, evidence or circumstances.
- 6.16.3 To initiate an appeal, the learner must submit to the Registrar a Request for Appeal in writing, within **10 working days** from the date of receipt of Summary Judgement or an Outcome of the Disciplinary Committee (ie Formal Procedures Stage and Formal Procedures Stage 2).
- 6.16.4 The written Request for Appeal should outline the grounds for Appeal. The Request for Appeal should be accompanied by supporting documentation that shall be relied upon in the event of a hearing.
- 6.16.5 The purpose of the Appeal Hearing is to examine the Grounds of Appeal made by the learner. Its purpose is not to re-hear the case.
- 6.16.6 An Appeal should not result in any increase in consequence.
- 6.16.7 Upon receipt of the written Request for Appeal, the Registrar will evaluate whether the Appeal is rooted in one of the named grounds for Appeal. The Registrar may dismiss an appeal which does not provide a prima facie case.
- 6.16.8 Within **10 working days** of the Request for Appeal, or as soon as possible thereafter, the Registrar will acknowledge receipt, and inform the learner whether an Appeals Committee will be constituted or the Request for an Appeal has been refused.
- 6.16.9 Where the Request for an Appeal has been refused then any outcome decided by the Disciplinary Committee and suspended pending Appeal will be implemented.

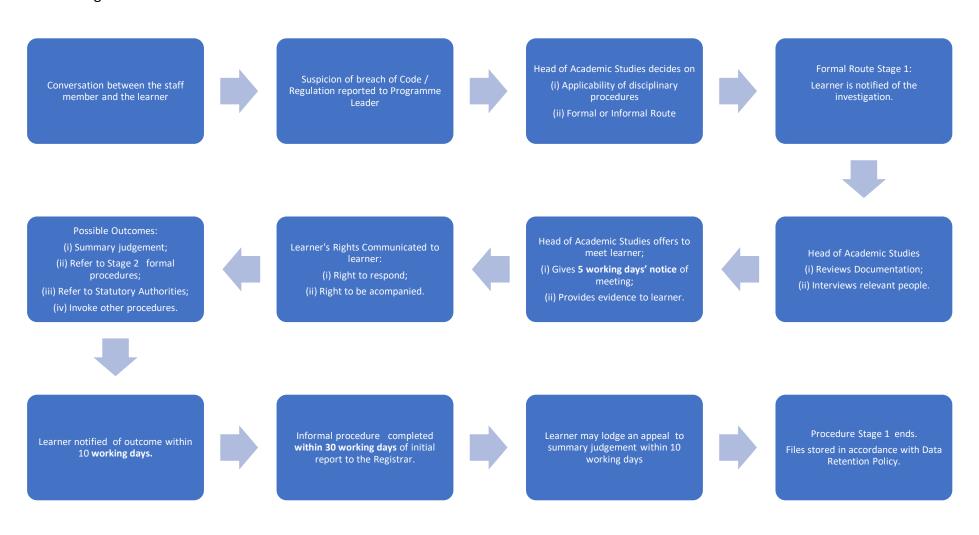
- 6.16.10 Where the Appeal comes within the stated grounds, then the Registrar will ask the Academic Council to convene a Disciplinary Appeals Committee.
- 6.16.11 A minute taker will also be appointed to the Disciplinary Appeals Committee and will take minutes of the process.
- 6.16.12 The Disciplinary Appeals Committee will be convened where reasonably possible within **30 working days** of the receipt of the written request for an appeal.
- 6.16.13 The learner must be given a minimum of **10 working days' notice** of the date of Appeal Hearing.
- 6.16.14 The Disciplinary Appeals Committee will be provided with a written report from the Registrar, which details the management of the investigation to date and the appeal documentation submitted by the learner.
- 6.16.15 In exceptional circumstances, where it is considered that witnesses are appropriate (such as where a witness is introducing information that was not available at the previous meeting), witnesses may be invited to attend the Appeal Hearing. The Disciplinary Appeals Committee will have power to gather any additional information that is necessary to evaluate the grounds of the appeal. This may include further interviews and meetings with the parties and witnesses to any alleged infringement.
- 6.16.16 The purpose of the Disciplinary Appeals Committee is to ascertain whether the complaint was correctly and appropriately addressed, whether all evidence was examined and whether proper procedures were followed.
- 6.16.17 It is the responsibility of the Disciplinary Appeals Committee to ensure fairness and accuracy. Every effort will be made to resolve disputes as quickly as possible.
- 6.16.18 The Appeals Committee will, where reasonably possible, issue its findings within

  10 working days of the Appeals hearing. The Chair has responsibility for ensuring that the decision is communicated to the parties as soon as is practicable. If any delay is necessary, the Chair will inform all parties, in writing, outlining the proposed change to the timeline and the rationale for the delay.
- 6.16.19 *Outcome of the Appeal:* The Outcome of the Appeal may rescind or uphold the original decision of the Disciplinary Committee. Where a ground for an appeal related to the severity of a consequence, then the Appeals Committee may vary

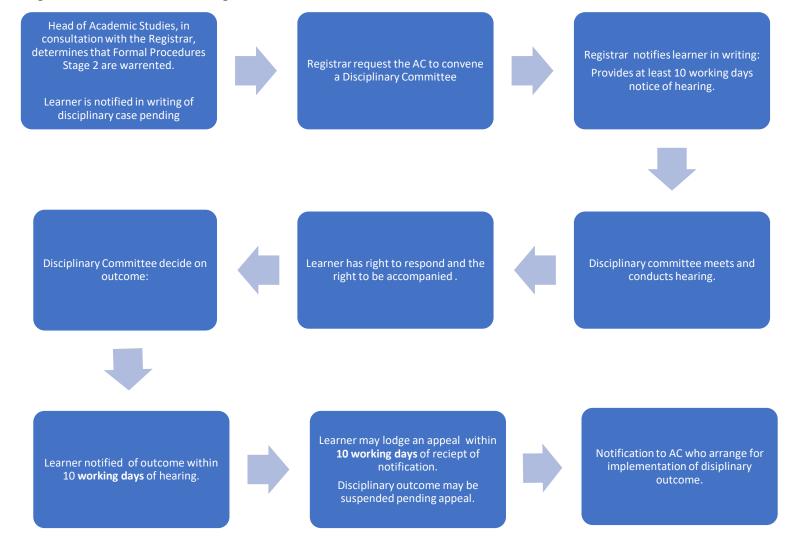
- the consequence, provided that this does not result in any increase in consequence.
- 6.16.20 The Appeals Committee will report to the AC within **30 working days of the**Appeal hearing.
- 6.16.21 The Chair of the Disciplinary Appeals Committee will notify the appellant, in writing, of the following:
  - 6.16.21.1 The outcome of the appeal.
  - 6.16.21.2 Formal confirmation that the Disciplinary Appeals Committee's decision is final and binding on all parties.

## 7 Supporting Documentation.

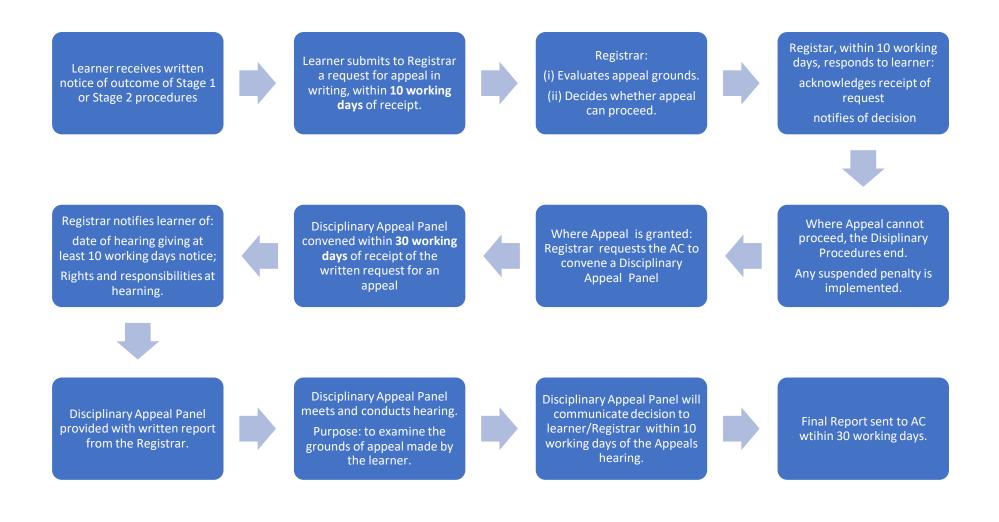
## 7.1 Figure 1 Informal Procedure.



## 7.2 Figure 2 Formal Procedure Stage 2.



### 7.3 Figure 3 Appeal



# 7.4 Disciplinary Form

7.5

	Personal Details	
	Learner Name:	
	Learner Number:	
	Programme Title:	
	Stage of Programme:	
	Address for	
	Correspondence*:	
	Telephone Number:	
	Email Address:	
t	he disciplinary procedure	tigation, any party named in this form will be informed of s, as well as IICP College staff or committee as necessary es of the proper operation of the College.
		ounding disciplinary proceedings: In the space below,
	please provide your outli including detail and dates	ne of the actions grounding the disciplinary proceedings, s of actions taken or failed to be taken by the named in adicate the breach of the Code of Conduct or any other
		the space below, please outline what steps have been
ŀ	taken, at an imormaliev	el, or at a formal level, to resolve the matter.
		ase outline any further matter you wish to bring to the
	attention of the College.	This can include exceptional circumstances.
D		rmation contained within this form and in any supporting itted with this form is accurate. □
		lling to participate fully in any investigation.
	•	ary Policy and Procedure and understand the process, and outcomes of lodging this form. $\Box$
3.	of my concern (including	igation under these procedures requires that the details g my identity) may be shared with the person who is the so they can respond. These details may also be shared $\Box$

Signed:	Dated:

# 7.6 Right to Decline Representation Form

Personal Details	
Learner Name:	
Learner Number:	
Programme Title:	
Stage of Programme:	
Address for	
Correspondence:	
Telephone Number:	
Email Address:	
accompany me to any hearin in $\Box$ I confirm that I choose to ex	formed of my right to have representation ag related to a complaint that I initiate or am named ercise my right to decline representation at this g (specify)
Signed:	Dated:

Address (Correspondent Correspondent Corresp	Name: Number: me Title: Programme: for ondence: ne Number:
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mind □	
	the circumstances of the case.
3. Preser	ntation of new evidence or information of extenuating circumstances
which	h were not known to the Disciplinary Committee. In this case the learne
must	also show good reason why such circumstances could not have been
made	e known prior to or at the Disciplinary Hearing.
summary of Ground 1	of your Reasons for Appeal under the following headings:  1: A material procedural irregularity has occurred which has impacted
_	ntly on the validity of the original hearing and the subsequent
conseque	
a) Pl	lease explain why you believe this to be a ground for appeal.
b) Pl	lease outline any evidence that supports your application for appeal on
th	nis ground.
c) Pl	lease attach any documents that support your application for appeal on
th	nis ground.
Ground 2	2: The consequence imposed by the disciplinary hearing was too severe
bearing i	2: The consequence imposed by the disciplinary hearing was too severe n mind the circumstances of the case.  lease explain why you believe this to be a ground for appeal.

	<ul> <li>Please outline any evidence that supports your application for appeal on this ground.</li> </ul>
(	c) Please attach any documents that support your application for appeal on this ground.
Gro	und 3: Presentation of new evidence or information of extenuating
	umstances which were not known to the Disciplinary Committee. In this case
	learner must also show good reason why such circumstances could not have
	n made known prior to or at the Disciplinary Hearing.
•	a) Please explain why you believe this to be a ground for appeal.
	o) Please outline any evidence that supports your application for appeal on this ground.
	c) Please attach any documents that support your application for appeal on this ground.
	und 4: That the decision was made without due regard to the facts, evidence or
	umstances.
a)	Please explain why you believe this to be a ground for appeal.
-	Please outline any evidence that supports your application for appeal on this ground.
_	lease attach any documents that support your application for appeal on this round.
Decla	ration:
I conf	firm that the information contained within this form and any supporting
docu	mentation submitted with this form is accurate. $\Box$
I conf	firm that I am willing to participate fully in any investigation of the appeal $\Box$
	e read the Learner Complaints and Appeals Policy and the Learner Complaints peals Procedure and understand the process, potential consequences and
outco	omes of lodging this application for an appeal. $\square$
Signe	d: Dated: