Learner Behaviour and Disciplinary Procedure

Item	Details
Policy owner	Kirsty Noble
Position	Quality Director
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Applies to	Learners and Staff
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1. Purpose

The purpose of this procedure is to set out how Skills-UK will promote positive learner behaviour and respond fairly, consistently and proportionately where a learner's conduct falls below the expected standard.

Skills-UK aims to provide a safe, respectful and inclusive learning environment in which all learners are able to participate and achieve.

Where concerns arise, Skills-UK will normally seek to resolve them through discussion, support and clear expectations before formal disciplinary action is considered. However, serious misconduct may require immediate formal action.

2. Scope

This procedure applies to all learners undertaking learning or training with Skills-UK.

It applies to learner behaviour:

- during teaching, assessment and enrolment activities;
- at Skills-UK premises or community delivery venues;
- during work experience, employer activity, visits or other programme-related activity;
- when using Skills-UK equipment, systems or online learning platforms;
- during online or remote learning; and
- outside normal learning activity where behaviour has a direct and significant impact on the safety, welfare or learning of Skills-UK learners or staff.

This procedure applies to both informal and formal disciplinary action.

3. Expected Standards of Behaviour

Learners are expected to:

- treat other learners, staff, employers, partners and visitors with respect;

- behave in a way that supports a safe and positive learning environment;
- participate appropriately in their learning programme;
- follow reasonable instructions from Skills-UK staff;
- comply with health and safety requirements;
- respect Skills-UK, venue and partner property;
- use equipment, IT systems and online platforms appropriately;
- respect the privacy, dignity and personal information of others;
- behave appropriately during work experience and employer activity;
- comply with assessment and examination requirements;
- avoid behaviour that may constitute bullying, harassment, discrimination or intimidation; and
- comply with relevant Skills-UK learner policies and procedures.

Learners will be informed of expected standards of behaviour during induction and throughout their programme where appropriate.

4. Principles of the Procedure

Skills-UK will apply this procedure fairly, consistently and proportionately.

When considering a behavioural concern, staff will:

- establish the relevant facts before reaching a formal decision;
- provide the learner with an opportunity to explain their circumstances;
- consider the seriousness, frequency and impact of the behaviour;
- consider any previous relevant concerns or action;
- consider whether additional support or reasonable adjustments may be required;
- distinguish between misconduct and concerns arising from barriers to participation, safeguarding, disability or additional needs;
- consider whether informal resolution is appropriate;
- maintain appropriate confidentiality; and
- keep an appropriate record of formal action.

A learner does not have to progress through every stage of the procedure. Serious misconduct may be dealt with at a later stage immediately.

No assumption of misconduct will be made solely because an allegation or complaint has been raised.

5. Attendance, Participation and Engagement

Skills-UK expects learners to attend and participate in their programme in accordance with agreed course requirements.

Poor attendance or engagement will not automatically be treated as misconduct.

Where attendance, punctuality or participation becomes a concern, staff should first seek to understand whether there are underlying reasons, including:

- health or wellbeing;
- disability or additional learning needs;

- caring responsibilities;
- transport or financial barriers;
- personal circumstances;
- safeguarding concerns; or
- other barriers to participation.

Appropriate support, IAG, reasonable adjustments or an agreed improvement plan should be considered before disciplinary action is taken where appropriate.

Persistent failure to attend, participate or communicate with Skills-UK without reasonable explanation, despite appropriate intervention and support, may result in formal action and may ultimately result in withdrawal from the programme.

Where funding or contractual rules require withdrawal because of non-attendance or disengagement, this may be managed as an administrative programme withdrawal rather than disciplinary action.

6. Informal Resolution

Minor concerns should normally be addressed informally in the first instance.

A Tutor, Engagement Officer or appropriate member of staff should discuss the concern privately with the learner and:

- explain the behaviour or conduct causing concern;
- allow the learner to provide their explanation;
- clarify the expected standard;
- identify whether support is required;
- agree any action or improvement required; and
- explain what may happen if the behaviour continues.

Where appropriate, an informal Learner Action Plan or Behaviour Agreement may be used.

The discussion should be recorded where necessary to provide an appropriate record of the intervention.

An informal discussion is not a formal disciplinary warning.

7. Formal Disciplinary Procedure

Formal disciplinary action may be appropriate where:

- informal intervention has not resulted in improvement;
- unacceptable behaviour is repeated;
- the concern is sufficiently serious to justify immediate formal action; or
- the behaviour may constitute gross misconduct.

The normal formal stages are:

Stage 1 – First Written Warning

A first written warning may be issued where misconduct is established or where concerns continue following informal intervention.

The warning should set out:

- the nature of the concern;
- the expected improvement or behaviour;
- any support or agreed actions;
- the period during which improvement will be monitored; and
- the potential consequences of further misconduct.

Stage 2 – Final Written Warning

A final written warning may be issued where:

- the behaviour has continued following a previous warning;
- there has been further misconduct; or
- the misconduct is sufficiently serious to justify a final warning without a previous warning.

The learner must be informed that further misconduct or failure to demonstrate the required improvement may result in removal from the programme.

Stage 3 – Removal from the Programme

Removal from the programme may be considered where:

- previous interventions and warnings have not resulted in improvement;
- serious misconduct has occurred;
- gross misconduct is established; or
- continued attendance presents an unacceptable risk to other learners, staff, employers, partners or the effective delivery of the programme.

A decision to remove a learner from their programme must be authorised by a Director or an appropriately designated senior manager.

Where appropriate, the learner should be provided with impartial IAG or signposting to alternative provision or support.

8. Investigation

Where formal disciplinary action may be required, an appropriate investigation will be undertaken.

The extent of the investigation will be proportionate to the nature and seriousness of the concern.

This may include:

- speaking with the learner;
- obtaining accounts from staff or witnesses;

- reviewing relevant documents or records;
- reviewing available CCTV or digital records where lawfully available;
- considering emails, messages or online activity relevant to the incident;
- reviewing attendance or assessment records; and
- considering any other relevant evidence.

Where possible, the person investigating a serious allegation should not be solely responsible for making the final disciplinary decision.

The learner must be given a reasonable opportunity to respond to the allegation and relevant evidence.

9. Formal Disciplinary Meeting

Where there is a case to answer, the learner will normally be invited to a formal meeting.

The learner should be informed of:

- the concern or allegation;
- the possible seriousness of the matter;
- the purpose of the meeting; and
- where appropriate, the potential outcomes.

At the meeting, the learner will be given an opportunity to:

- hear the concerns;
- explain their account of events;
- provide relevant information;
- identify any mitigating circumstances; and
- ask questions.

Where reasonably required because of disability, communication needs or other circumstances, appropriate adjustments will be made to enable the learner to participate effectively.

Where appropriate, Skills-UK may allow the learner to be accompanied by a support person, advocate or interpreter.

10. Gross Misconduct

Gross misconduct is behaviour that is sufficiently serious that it may justify removal from the programme without previous warnings.

Examples may include, but are not limited to:

- physical violence or assault;
- serious threats, intimidation or aggressive behaviour;
- bullying, including cyberbullying;
- harassment or sexual harassment;
- serious discriminatory behaviour;
- theft, fraud or deliberate dishonesty;

- deliberate falsification of records, documents or evidence;
- serious assessment or examination malpractice;
- possession, use or supply of illegal drugs during Skills-UK activity;
- attending learning activities while seriously impaired by alcohol or drugs where this creates a safety, welfare or behavioural concern;
- possession of a weapon or other item intended to cause harm;
- serious or deliberate damage to property;
- deliberate or serious breaches of health and safety requirements;
- serious misuse of Skills-UK IT systems or equipment;
- accessing, displaying, creating or distributing illegal or seriously inappropriate material using Skills-UK systems or during Skills-UK activity;
- serious breaches of confidentiality or misuse of another person's personal information;
- serious safeguarding misconduct;
- deliberate compromise of confidential examination or assessment materials;
- impersonation or allowing another person to complete an assessment on the learner's behalf;
- serious abusive behaviour towards staff, learners, employers or partners; and
- behaviour that places another person at serious risk of harm.

The circumstances of each case will be considered individually. An allegation of gross misconduct does not automatically mean that the learner will be removed from the programme.

11. Suspension Pending Investigation

Where an allegation is sufficiently serious, Skills-UK may temporarily suspend a learner from attending learning or other programme activities while the matter is investigated.

Suspension may be considered where this is necessary to:

- protect learners or staff;
- safeguard the learner concerned;
- prevent interference with an investigation;
- protect evidence;
- manage a significant health and safety risk; or
- maintain the safe and effective operation of the learning environment.

Suspension is a precautionary measure and does not constitute a disciplinary finding or imply that misconduct has occurred.

The period of suspension should be kept as short as reasonably practicable and reviewed where necessary.

Where appropriate, arrangements should be considered to minimise unnecessary disruption to the learner's education while the investigation is taking place.

12. Safeguarding and Welfare Concerns

Behavioural incidents may also raise safeguarding or welfare concerns.

Where information suggests that a learner or another person may be at risk of abuse, neglect, exploitation, radicalisation or other harm, staff must follow the Skills-UK Safeguarding Policy and relevant reporting procedures.

Safeguarding action may take place alongside the disciplinary procedure where appropriate.

A learner should not be disciplined for behaviour arising from a safeguarding concern without appropriate consideration of the circumstances and any necessary support.

Where there is an immediate risk of serious harm or suspected criminal activity, Skills-UK may contact the police, emergency services or other appropriate authorities.

13. Equality and Reasonable Adjustments

Skills-UK will ensure that disciplinary decisions are not based on unlawful discrimination.

Before disciplinary action is taken, consideration should be given to whether behaviour may be connected to:

- a disability;
- a learning difficulty or additional need;
- communication needs;
- a mental or physical health condition;
- pregnancy or maternity;
- religion or belief; or
- another relevant protected characteristic or individual circumstance.

Where appropriate, reasonable adjustments should be considered before determining the appropriate response.

A disability or additional support need will not prevent Skills-UK from addressing behaviour that presents a legitimate concern, but the circumstances and any reasonable adjustments must be considered when determining the appropriate action.

14. Incidents Involving Employers, Venues or Partners

Where an incident occurs during work experience, employer activity or at a partner venue, Skills-UK will liaise with the relevant organisation as appropriate.

Skills-UK will consider:

- any immediate safety requirements;
- the learner's account;
- information provided by the employer or venue;
- safeguarding concerns;
- whether continuation of the placement or activity is appropriate; and
- whether action under this procedure is required.

A decision by an employer or venue to exclude a learner from its premises does not automatically determine the outcome of Skills-UK's disciplinary process.

Skills-UK will make its own decision regarding the learner's continued participation in the programme based on the available information and relevant requirements.

15. Appeals

A learner may appeal against a formal written warning, final written warning or removal from the programme.

An appeal must normally be submitted in writing within **five working days** of receiving notification of the decision.

The learner should explain the grounds for their appeal, which may include:

- relevant evidence was not considered;
- new evidence has become available;
- the procedure was not followed appropriately;
- the decision was unreasonable in light of the available evidence; or
- the sanction was disproportionate.

The appeal will normally be considered by a Director or senior manager who was not responsible for the original decision, wherever reasonably practicable.

The appeal may be considered through a review of the documentation or an appeal meeting where appropriate.

The learner will be informed of the outcome in writing.

The appeal decision will normally be final within the Skills-UK internal procedure.

16. Recording and Confidentiality

Formal disciplinary action will be appropriately recorded on the learner's record.

Records may include:

- details of the concern;
- investigation information;
- meeting notes;
- learner representations;
- warnings issued;
- agreed actions;
- decisions and reasons;
- appeal documentation; and
- safeguarding or other referrals where appropriate.

Information must only be shared with individuals who have a legitimate need to know.

Disciplinary information will be handled in accordance with the UK GDPR, Data Protection Act 2018, Data (Use and Access) Act 2025 and Skills-UK's Data Protection Policy and retention arrangements.

Records must be accurate, proportionate and retained only for as long as they are required.

17. Roles and Responsibilities

Tutors and other delivery staff are responsible for:

- promoting positive learner behaviour;
- explaining learner expectations;
- addressing minor concerns promptly;
- identifying where support may be required;
- recording relevant interventions; and
- escalating serious or repeated concerns.

The Operations Manager is responsible for:

- supporting consistent application of this procedure;
- overseeing formal disciplinary cases where appropriate;
- ensuring appropriate investigation takes place;
- supporting staff in managing behavioural concerns;
- ensuring operational and learner-support issues are considered; and
- escalating serious matters to a Director.

The Quality Director is responsible for:

- monitoring the fair and consistent application of the procedure;
- identifying themes arising from disciplinary cases;
- ensuring relevant quality and learner experience issues are addressed; and
- overseeing the formal review of this procedure.

Directors are responsible for:

- authorising removal from a programme where required;
- considering serious disciplinary matters;
- considering appeals where appropriate; and
- ensuring significant organisational or safeguarding risks are appropriately managed.

Learners are responsible for:

- following agreed standards of behaviour;
- engaging appropriately with the disciplinary process;
- providing accurate information;
- complying with agreed actions; and
- raising concerns where they believe they have been treated unfairly.

18. Monitoring and Review

Skills-UK will monitor learner behavioural and disciplinary activity to identify:

- recurring behavioural concerns;
- safeguarding themes;
- equality or accessibility issues;

- patterns relating to particular courses, venues or cohorts;
- support or staff development requirements; and
- opportunities to improve the learner experience.

Disciplinary information should be considered alongside other relevant learner voice, complaints, safeguarding and quality information where appropriate.

The Quality Director is responsible for the formal review of this procedure.

The procedure will be reviewed annually, or earlier where required due to changes in legislation, funding or contractual requirements, safeguarding requirements or organisational practice.

19. Related Policies and Procedures

This procedure should be read alongside, where applicable:

- Safeguarding Policy
- Equality, Diversity and Inclusion Policy
- Complaints Policy
- Assessment Appeals Procedure
- Malpractice and Maladministration Policy
- Health and Safety Policy
- Data Protection Policy
- Prevent Policy