

Learner Disciplinary Misconduct Policy and Procedure

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1 Introduction

1.1 At Step into Learning, we prioritise maintaining a conducive learning environment that fosters growth and development for all our learners. As part of our commitment to uphold standards of behaviour and ensure fairness, we have established the Learner Disciplinary Misconduct Policy.

2 Scope

2.1 This policy applies to all individuals enrolled as learners at Step into Learning, encompassing both full-time and part-time learners. It governs disciplinary procedures for cases of learner misconduct, ensuring consistent treatment and procedural fairness.

3 Definition

3.1 Learner misconduct refers to behaviour that breaches the established standards outlined in Step into Learning's Code of Conduct. This includes actions such as disruptive behaviour, academic neglect, or gross misconduct, which may jeopardise the learning environment or the well-being of others.

4 Policy

Step into Learning's Learner Disciplinary Misconduct Policy operates on the following principles:

- **Procedural Fairness:** All disciplinary procedures will adhere to principles of fairness, ensuring that investigations are thorough, and decisions are made impartially.
- **Promotion of Standards:** The policy aims to encourage learners to meet the expected standards of behaviour outlined by Step into Learning, promoting a respectful and inclusive learning environment.
- **Equality, Diversity and Inclusivity:** We are committed to upholding equality, diversity and inclusivity principles, ensuring that all learners are treated fairly regardless of personal characteristics.
- **Clear Communication:** Learners will be informed of the expectations outlined in Step into Learning's Code of Conduct, ensuring clarity regarding acceptable behaviour.
- **Access to Fair Hearing:** Learners have the right to a fair hearing throughout the disciplinary process, including the opportunity to be accompanied by a supporter.
- **Thorough Investigation:** Allegations of misconduct will be investigated thoroughly before any disciplinary action is taken, ensuring that decisions are based on established facts.
- **Progressive Discipline:** Disciplinary actions will be proportionate to the severity and frequency of the misconduct, with a focus on corrective measures and support for positive behaviour.
- **Appeals Process:** Learners have the right to appeal disciplinary decisions, providing a mechanism for review and ensuring accountability.
- **Record-Keeping:** Records of disciplinary actions will be maintained for transparency and accountability, with due consideration for data protection and confidentiality.

5 Procedure for Learner Disciplinary Action

Informal Stage:

Minor misconduct may warrant informal verbal warnings by tutors or staff members, emphasising the Code of Conduct and expected standards.

Formal Stage:

Investigation: A thorough investigation into alleged misconduct is conducted within 5 working days, involving interviews, and gathering evidence.

Outcome and Action: Possible outcomes include no case to answer, counselling, or substantiated allegations, with disciplinary actions based on severity.



Disciplinary Framework:

Recorded Oral Warning: Serious or persistent misconduct may result in a recorded oral warning, with a scheduled disciplinary interview within 5 working days.

First Written Warning: Further misconduct may lead to a first written warning, detailing expectations and consequences, with a right to appeal.

Final Written Warning: Continued misconduct may result in a final written warning or immediate final written warning for serious offenses.

Exclusion: Persistent misconduct despite warnings may lead to exclusion, with clear reasons and appeal rights.

Suspension:

Serious misconduct or threats to the learning environment may require temporary suspension by authorised personnel for a maximum of 5 working days.

Appeals:

Learners have the right to submit written appeals within 10 working days at all stages except for recorded oral warnings, with decisions communicated within 5 working days.

Record-Keeping:

Records of disciplinary actions are retained for 12 months from the last action date, ensuring accountability and monitoring learner conduct.

6 Appendix: Fitness to Practise Panel Procedure

Constitution of the Panel

Terms of Reference: The Step into Learning Counselling Programme Fitness to Practise Panel is responsible for:

- Considering cases of learners where doubts have been raised about their fitness to practise counselling.
- Reviewing procedures for decisions on learners' fitness to practise.
- Maintaining records of decisions and recommendations about individual learners.

Membership: The panel consists of:

- The Internal Quality Assurance Lead (optional)
- The Lead Tutor of the Counselling Programme.
- A qualified counsellor or psychotherapist

Chair: The Internal Quality Assurance Lead or their nominee chairs the panel.

Secretary: The Chair appoints a Secretary to the Panel who need not be a member of the Panel (optional).

Reporting Arrangements and Powers of the Panel

The Panel reports to the Step into Learning Executive Director as required.

Quorum

All members of the Panel must attend for it to be quorate.

Code of Practice

Fitness to Practise Definition: Learners may be found unfit to practise as counsellors if they are deemed liable to cause harm to clients or themselves, unable to comply with operational requirements, likely to practise unethically, or bring the profession into disrepute.

Ethical Principles: Counsellors and supervisors are expected to adhere to ethical principles of fidelity, autonomy, beneficence, non-maleficence, and justice. Learners unable to practise according to these principles are deemed unfit to practise.

Operational Procedures

Level of Proof: The level of proof required to find a learner unfit to practise varies based on the reasons. It is based on the balance of probabilities for potential harm to clients and certainty beyond reasonable doubt for other reasons.

Initial Referral and Investigation: If a tutor has concerns about a learner's fitness to practise, they report to the Internal Quality Assurance Lead, provide support, and document



concerns. Referrals to the Fitness to Practise Panel include a written report and evidence of support.

Fitness to Practise Panel Meeting: The Panel reviews evidence, provides a copy to the learner, and may request medical reports with the learner's permission.

Deliberations of the Fitness to Practise Panel

Learner Attendance: Learners may attend the Panel meeting accompanied by a companion, who cannot actively participate.

Panel Decision: If the learner doesn't attend, the Panel may proceed without them. Refusal of medical information may influence the Panel's decision. Anonymous evidence is not accepted.

Order of Proceedings: The learner presents their statement, answers questions, and leaves. The Panel deliberates privately and communicates its decision to the learner in writing.

Outcomes of the Fitness to Practise Panel

The Panel may decide on outcomes including no action, warnings, undertakings, conditions, placement restrictions, suspension, withdrawal, or denial of qualifications.

Appeals

Learners have the right to appeal Panel decisions through the Step into Learning appeals procedure.

This appendix outlines the procedures followed by the Fitness to Practise Panel at Step into Learning for evaluating learners' fitness to practise counselling.