

SPI Misconduct Policy for Occasional Learners



ATHROFA PADARN SANT
ST PADARN'S INSTITUTE

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Related Documents:	<p>The Representative Body of the Church in Wales Disciplinary Policy</p> <p>St Padarn's Code of Conduct</p> <p>St Padarn's Preventing Bullying, Harassment and Victimisation Policy</p> <p>St Padarn's IT Policy</p> <p>St Padarn's Prevent Policy</p> <p>St Padarn's Equality and Diversity Policy</p> <p>Representative Body of the Church in Wales Safeguarding Policy</p>		
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2. Introduction

This policy covers St Padarn's Misconduct procedures in relation to misconduct by anyone participating in learning or other St Padarn's events, not covered by the St Padarn's Regular Learners' Misconduct Policy. **Staff misconduct** is covered by the **Representative Body of the Church in Wales Disciplinary Policy**.

3. Scope

This policy covers alleged non-academic misconduct by a learner occurring on or at activities off St Padarn's premises (including via social media and on-line events) where the behaviour has affected St Padarn's itself, another learner, a member of staff, or anyone visiting or taking part in St Padarn's activities. Contravention of St Padarn's or related Church in Wales policies may lead to misconduct.

St Padarn's may take action under this misconduct policy of its own volition if the person who reports an incident does not wish to make a formal complaint.

In the application of this policy, due regard will be given to the obligation to preserve and value freedom of speech within all learning activities within St Padarn's, because of its nature as an educational institution, as expressed by David Isaac, Chair of the Equality and Human Rights Commission from 2016-2020:

"The free expression and exchange of different views, without persecution or interference, is at the heart of our democracy. In Britain we enjoy significant human rights protections to hold our own opinions and express them freely. These values and protections are also a vital part of higher education. Holding open, challenging debates, rather than silencing the views of those we don't agree with, helps build tolerance and address prejudice and discrimination.

"Freedom of expression in higher education should be upheld at every opportunity and should only be limited where there are genuine safety concerns, or where it constitutes unlawful behaviour."¹

4. Definitions

The St Padarn's Code of Conduct sets out expected standards of behaviour. Any behaviour which contravenes this Code of Conduct will amount to a breach of conduct.

Breaches of conduct are likely to fall into one of the following categories:

- Actions which cause actual or potential distress or harm to others
- Actions which cause actual or potential damage to property of others
- Actions which may prevent or disrupt the normal functioning of St Padarn's
- Actions which may cause reputational damage to St Padarn's as a result of the misconduct of the alleged perpetrator
- Actions which impede or interfere with the pursuance of work / study of any of the St Padarn's Community, or impact on its normal operations
- Actions which are against the law.

Examples of non-academic misconduct include:

- Antisocial behaviour

¹ [Statement on implementation of the Higher Education \(Freedom of Speech\) Act | EHRC](#)

- Inappropriate, abusive, or threatening behaviour including on social media
- Compromising the safety or wellbeing of others
- Sexual misconduct
- Violence, harassment and hate crimes
- Behaviour likely to bring St Padarn's into disrepute
- Internet access abuse
- Disruptive behaviour on St Padarn's premises, or at any of its activities
- Damage to St Padarn's property or abuse of its facilities
- Causing a health or safety concern
- Fraud
- Behaviour which may also constitute a criminal offence.

5. Process

5.1 Actions causing immediate disruption to an event

If the behaviour of an individual is disrupting an event to the extent that it is making it difficult for others at the event to participate or is disrespectful to the person / people speaking at the event the Programme Leader (or tutor responsible, in the absence of the Programme Leader) will first try to talk to that individual and politely ask them to moderate their behaviour. If it is not possible to speak to the individual, if the individual does not respond or if their behaviour is extreme, they may be asked to leave. If the meeting is electronic then they may be removed from the meeting.

The Programme Leader will attempt to have a follow up conversation with the individual concerned to talk through the issues. In extreme circumstances the individual may be denied admittance to future St Padarn's events.

5.2 Complaints about an individual's behaviour

If a complaint is received about an individual's behaviour at a St Padarn's event, then the Programme Leader will investigate the complaint by talking to the individuals concerned. If the complaint is upheld the Programme Leader may:

- Discuss the breach of conduct with the individual concerned, and request that they desist from such behaviour in any future event.

- In the case of serious or repeated breaches of conduct the individual may be denied access to future St Padarn's events, either for a period, or permanently.

Any complaints against staff should be raised under the St Padarn's complaints policy.

6. Appeal

If an individual who has been subject to misconduct action under the terms of this policy is unhappy with how they have been dealt with then they may make **an appeal to the Principal within 10 days of any misconduct action.**

7. Reasonable Adjustments

Reasonable adjustments will be made as appropriate to the misconduct process for all parties who have a declared disability or health issues. An individual's disability may be a mitigating factor in relation to the alleged offence.

8. Confidentiality

All those involved in misconduct procedures should be made aware of the need for confidentiality. Any breach of confidentiality by staff, learners, or any contributors to St Padarn's will be treated seriously. All records must be kept in accordance with the Representative Body of the Church in Wales Data Protection Policy.