



DISCIPLINARY POLICY - TRAINING FOR SUCCESS PARTICIPANTS

Area	Curriculum
Reference Number	CUR/009
Directorate	Curriculum

Issue No	Date	Details	Author	Approved
001	July 2012	First Issue - Disciplinary policy aligned to DEL Training for Success Operational Guidelines	BD	SMT
002	Dec 2012	Revisions to provide further clarity on individual roles. Section 15 added - Student with Statement of Special Education Need	BD	SMT
003	June July 2014	Changes reflecting DEL revised operational guidelines for Training for Success 2013	BD	SMT
004	April 2015	Changes reflecting DEL operational guidelines for Training for Success and alignment to SRC Student Disciplinary Policy	BD	SMT
005	October 2017	Changes reflecting DfE operational guidelines/requirements for Training for Success	KK	GB
006	May 2019	Changes reflecting GDPR regulations and college structures	KK	GB
007	Nov 2019	No change, current 2017 contract still live. Traineeships moving forward will be embedded within FE Disciplinary Policy	KK	GB ED COMMITTEE
08	Aug 2020	Changes to reflect Covid -19 guidance	BD	GB ED COMMITTEE

If requested, the College will make the policy available by means of alternative formats including large print, Braille, audio cassette and computer disc. The policy can also be downloaded from the College intranet and made available in alternative languages as required.

1. POLICY STATEMENT

The Southern Regional College's Disciplinary Policy provides a framework for maintaining good order at the College thus allowing all Training for Success (TfS) participants to study and learn in a safe and secure environment. The College Rules for Students sets out College expectations of students/Participants together with rules and regulations that they must adhere to and should be read in conjunction with this policy.

This policy has been developed in accordance with the Department for the Economy's (DfE Operational Guidelines/Requirements for Training for Success.

The Disciplinary Policy aims to;

- help and encourage TfS participants to achieve and maintain acceptable standards of conduct and performance on their course of study;
- ensure that fair, consistent and reasonable action is taken when acceptable standards of conduct and performance are not maintained; and
- ensure consistent and fair treatment for all in relation to disciplinary action taken in response to unacceptable conduct and poor performance.

A breach of discipline occurs following an 'act of misconduct'. Misconduct is defined as improper interference with the proper functioning or activities of the College or those who study or work in or visit the College. This includes any breach of College rules and regulations as defined in SRC College Rules for Students

This policy also applies to matters relating to **attendance** and **performance**, which are covered by the academic regulations governing each programme of study, DfE operational guidelines/requirements, and to matters of conduct of participants in assessment work and examinations, which are addressed in the College Policy on Assessment Malpractice.

The College implements this policy in line with its obligations under the terms of the General Data Protection Regulations (GDPR) 2018 and the Data Protection Act 2018, regarding the processing of information on the basis of consent.

Where the College believes there is a legitimate risk to the health, safety or wellbeing of the participant it may process data on the basis of the vital interest of the data subject as per Article 6 of the GDPR. Further information as to how the Colleges manages personal data in line with the GDPR can be found on the data protection section of the College's website (www.src.ac.uk).

2. SCOPE

This policy applies only to participants who are enrolled on **Training for Success** courses delivered by or on behalf of the Southern Regional College.

A separate disciplinary procedure exists for students attending the College as further and higher education students.

3. DEFINITIONS

Participant	Where the term participant is used in this policy it refers to a person enrolled at the College on a course of study under Training for Success. This also includes individuals enrolled on Training for Success courses through College contracted organisations.
College	The College is defined as any College sponsored event including events organised through the Students' Union, or anywhere Southern Regional College provides education and training or business support activity.
Student Charter	A statement outlining the College commitment to students and the student's responsibilities whilst registered as a TfS participant of the College
SRC College Rules for Students	A statement summarising the rules and regulations that all participants will be expected to abide by when enrolled as a student of the College.
Data Subject	Participant or to who the information applies
GDPR	General Date Protection Regulations (GDPR) 2018
DfE Operational Guidelines/Requirements	Requirements set by the DfE for Participants on Training for Success including requirements leading to disciplinary procedures
Disciplinary Investigation	The stage of the disciplinary process where a member of staff (investigating authority) is charged with carrying out an impartial investigation the conclusion of which will be to recommend that a participant should face a disciplinary hearing. The extent and detail of the investigation will be determined by the investigator alone but must be sufficient to enable them to gather appropriate evidence and to determine if a participant should face any subsequent charge.
Disciplinary Hearing	The stage of the disciplinary process where a hearing is held to determine if a disciplinary sanction should be issued to a participant. The person charged with hearing the disciplinary case is referred to as the disciplinary authority. The disciplinary and investigatory authorities must be different members of staff.
Investigatory Authority	The member of staff appointed to investigate and report on an alleged disciplinary matter.
Disciplinary Authority	The member of staff appointed to hear a disciplinary case.
Precautionary Suspension	The College may suspend a TfS participant during a disciplinary investigation. This step will be taken when it is deemed necessary to remove an individual in order to facilitate a comprehensive investigation or when it is believed that the safety of others within the college may be threatened. Suspension without EMA may be invoked when the procedure has reached the final written warning stage. It may only be used in exceptional circumstances. Suspension without EMA must not last for more than 2 days.
Disciplinary Suspension	DfE Operational Guidelines/Requirements for TfS programmes The College may suspend a participant for a period of up to 2 weeks for breaches of serious misconduct and 4 weeks without EMA for breaches defined as gross misconduct.

Exclusion	Any student excluded through the disciplinary procedure will be withdrawn from the training programme and will no longer be enrolled at the College and is excluded from all premises, courses and activities within any campus or out centre.
Senior Manager	In the context of this Policy a senior manager is defined as Chief Executive, Director or Assistant Director.
Serious Misconduct	Serious Misconduct is defined as conduct which initially requires disciplinary action other than suspension/ dismissal (although if further misconduct takes place, it may lead to suspension/dismissal). This can include persistent lateness, unauthorised absence as well as acute absence due to illness and failure to meet known work standards.
Gross Misconduct	The term Gross Misconduct is defined as an act of misconduct which permits the College to dismiss a Participant on the first occurrence of the offence. In general, this includes offences such as theft, physical violence, very serious breaches of health and safety rules, bullying etc.

4. GENERAL PRINCIPLES

- 4.1 This policy has been developed in line with the DfE Operational Guidelines 2013, and Operational Requirements 2017 for participants of Training for Success. All matters relating to the application of the TfS Student Disciplinary Policy and its procedures will be confidential to those involved.
- 4.2 This policy is applicable to organisations that have been contracted to provide delivery of strands of Training for Success on behalf of the College. All participants under contracted provision are deemed to be students of the College. Whilst the terminology and individual staff members involved at the stages of investigation and hearings may vary when matters are dealt with by a contracted provider, the underlying principles and approach defined in this policy apply to all contracted provides. Separate guidance is provided to third party contracted providers defining their responsibilities and the mechanisms for engagement with appropriate College staff.
- 4.3 The College recognises that in most instances minor disciplinary offences can and will be dealt with informally and promptly by the appropriate member of College staff, e.g. personal tutor, lecturer, course co-ordinator, monitoring officer etc.
- 4.4 It should be noted that the DfE Operational Guidelines/Requirements define absence and lateness as 'serious misconduct'. Such disciplinary offences (unauthorised absenteeism, lateness etc.) will normally be dealt with by a verbal warning for a first offence. Repeated offences will be addressed through the formal disciplinary process resulting in a written warning, a final written warning and ultimately suspension from the training programme for a period of 2 weeks.

Authorised absences are those defined in section 11.5.2 of the DfE Operational Guidelines 2013 and section 14.5 of Operational Requirements 2017.

- 4.5 The principles of natural justice underpin this Disciplinary Policy and its application. Should formal disciplinary procedures be warranted, the student will be informed of the nature of the allegation(s) against him or her and be provided with a copy of this TFS Participant

Disciplinary Policy. The participant will be given the opportunity to state his or her case before any decision to move to formal procedures is made.

- 4.6 No formal disciplinary sanction will be imposed without a disciplinary hearing. A participant will have the right of appeal against any formal disciplinary sanction imposed.
- 4.7 Where a disciplinary investigation is initiated by College staff, participants may be interviewed as part of this process. Participants do not have the right of accompaniment during an initial investigatory meeting.
- 4.8 At a disciplinary hearing at final written warning stage or above the participant may be accompanied by a fellow participant, Trade Union representative, or parent/guardian (but not by a legal or other professional adviser) and will be entitled to state his or her case (including any mitigating factors) before any decision is taken.
- 4.9 A participant registered as having a learning difficulty or disability should be accompanied (learning support assistant) at all disciplinary investigations and hearings.
- 4.10 Where the College has the consent of the participant (data subject) to do so, Parents or guardians of participants under 18 years of age should be informed of the outcome of all formal disciplinary hearings.
- 4.11 There are a number of disciplinary sanctions that the disciplinary authority may choose to impose. These sanctions are normally applied incrementally in stages as defined in 6.1 below. However, in cases where the offences are deemed to be of such a serious nature that the disciplinary authority may decide to bypass the warning stages and move to impose sanction at the final written warning stage or above.
- 4.12 Participants will be notified in writing of any disciplinary sanction, a copy of this letter will be placed on the participant file for the duration of the training programme with the College. A copy of the letter will also be forwarded to the Careers Adviser. A written record of all verbal and written warnings is retained in the participant's personal record for inspection by Department officials. The College will ask participants to countersign each record of warning and record any refusal to do so.
- 4.13 Participants have the right to appeal any formal disciplinary outcome. Appeals against suspension or exclusion will not be heard by the College but by a panel established by the DfE Youth Training Delivery & Performance Branch.
- 4.14 The Covid-19 global pandemic places increased responsibility on students to adhere to the measures put in place by the College to protect both students and staff. It is incumbent on students to follow the Covid-19 guidelines at all times. Any student who blatantly ignores the College's Covid-19 guidelines will be subject to disciplinary action where the matter will be considered under gross misconduct.

5. PRECAUTIONARY SUSPENSION

- 5.1 A precautionary suspension is not a disciplinary sanction.
- 5.2 In cases of alleged misconduct or because of some other good or urgent cause it is inappropriate for the participant to remain at the College, the Chief Executive or delegated authority (*normally a senior manager*) may consider suspending a participant on receipt of the allegation(s) pending a full investigation, or if the nature of the initial allegation(s) is/are amended during the course of the investigation.

- 5.3 The precautionary suspension will be kept under review and time limits will be set for the review to take place depending on circumstances of the case and the availability of evidence and witnesses.
- 5.4 Where a precautionary suspension is invoked the College will inform the DfE Youth Training Delivery & Performance Branch.
- 5.5 A participant may continue to receive EMA payments for the period of precautionary suspension.

6. DISCIPLINARY SANCTIONS

6.1 **Serious Misconduct**

This section outlines the disciplinary stages and sanctions for dealing with breaches of discipline defined as serious misconduct.

The stage at which disciplinary procedures are invoked will be appropriate to the perceived seriousness of the offence. If appropriate consent is in place, a copy of the action taken at each stage will be sent to the parent/guardian of a participant (if under 18 years old). A copy must be sent to the DfE Careers Adviser.

In addition to the disciplinary sanction the College may also seek financial restitution when costs have been incurred as a result of the actions of the participant, for example in cases of vandalism costs may relate to the engagement of a specialist cleaning firm. The participant will be required to meet these costs in full before returning to their programme of training.

6.2 **Disciplinary Stages**

Verbal Warning (recorded)

A verbal warning will be given to the participant for a first occurrence of an offence as defined under the term 'serious misconduct'.

A copy of the verbal warning will be retained within the participant's personal record for three months and removed if there has been an improvement in performance.

First Written warning

A first written warning will be given to the participant if, after a disciplinary hearing, it is found that:

- i. The participant has committed an offence of serious misconduct which warrants entry to the disciplinary procedures at the first written warning stage;
- ii. The participant has failed to demonstrate the level of commitment and effort required for successful completion of the course; or
- iii. Despite, having been given a verbal warning as the result of previous conduct or poor performance, the participant has committed a further offence or has shown no improvement.

A copy of the written warning will be retained within the participant's personal record for three months and removed if there has been an improvement in performance. . The

participant will be asked to countersign the copy attached to his/her records. Refusal to do so will not negate the disciplinary action. Likewise, refusal to attend a disciplinary interview will not prevent this procedure from being invoked. A copy of the letter will be posted to the participant and another to the Careers Adviser.

Final Written Warning

A final written warning will be given to the participant if, after a disciplinary hearing, it is found that:

- i. Despite having been given, a first written warning as the result of serious misconduct including continued poor performance/attendance, the participant has committed a further offence; or
- ii. Despite having been given, a first written warning as the result of a lack of commitment to the training programme, the participant has failed to demonstrate achievement of previously agreed improvement targets; or
- iii. The participant's misconduct, although not considered to be serious enough to justify permanent exclusion, is sufficiently serious to warrant a final written warning.

A copy of the written warning will be retained within the participant's personal record for three months and removed if there has been an improvement in performance. The participant will be asked to countersign the copy attached to his/her records. Refusal to do so will not negate the disciplinary action. Likewise, refusal to attend a disciplinary interview will not prevent this procedure from continuing. A copy of the letter will be posted to the participant and to the Careers Adviser.

In addition to a final written warning, the participant may be excluded from the College for a period up to and including 2 days training. Such a sanction will result in withdrawal of EMA entitlement.

Recommendations for short term exclusions must be referred to the Director of Curriculum.

Disciplinary Suspension

DfE Operational Guidelines/Requirements for TfS Programmes.

A period of suspension for two weeks will be issued to the participant if, after a disciplinary hearing, it is found that:

- i. Despite having been given, a final written warning as the result of serious misconduct including continued poor performance/attendance, the participant has committed a further offence; or
- ii. Despite having been given, a final written warning as the result of a lack of commitment to the training programme, the participant has failed to demonstrate achievement of previously agreed improvement targets;

A copy of the letter of suspension will be retained within the participant's personal record for the period of their training at the College. The participant will be asked to countersign the copy attached to his/her records. Refusal to do so will not negate the disciplinary action. Likewise, refusal to attend a disciplinary interview will not prevent this procedure from continuing.

All warnings and suspension notifications must be communicated to the participant's Careers adviser immediately, on the same day as issue to the participant.

A participant will only be allowed to have a total of three separate incidents of serious misconduct which lead to suspension and, should a further case arise which would otherwise lead to suspension, they will be dismissed from the programme and not permitted to re-enter Training for Success.

6.3 Performance Improvement Contract

A Performance Improvement Contract will be developed by the Head/Deputy Head of Faculty in conjunction with the Personal Tutor and the participant to reflect a set of agreed milestones following the issues of a formal disciplinary sanction.

A copy of the Performance Improvement Contract will be held by the Monitoring Officer and Personal Tutor. Milestones may include adherence to agreed deadlines for submission of work, attendance at college, punctuality and commitment to the course of study. The period over which milestones and targets are set will normally span the period of training.

Failure to agree and adhere to the Performance Improvement Contract will be used in any further disciplinary process and may result in removal of the participant from the training programme.

6.4 Absence as Serious Misconduct

A participant will only be allowed to have a total of three separate incidents of serious misconduct which lead to suspension and, should a further case arise which would otherwise lead to suspension, they will be dismissed from the programme and not permitted to re-enter Training for Success.

DfE Operational Guidelines/Requirements for TfS Programmes.

In line with DfE Operational Guidelines/Requirements, the College will treat unauthorised and acute absence due to illness as serious misconduct once the participant has been absent for a total of 10 days in three consecutive claim periods.

Where the participant has missed 10 days in three consecutive claim periods, the College will issue the participant with a written- warning.

Where a participant misses 15 or more days in three consecutive claim periods, the participant must be suspended for a period of 2 weeks without EMA.

If a participant who has been suspended due to frequent unauthorised absence and absence due to illness subsequently accumulates ten further absences in the 12 months from the date of return following suspension, the College will dismiss the participant from the programme. When the participant accumulates five days, the College will intervene and a warning must be issued immediately before he/she reaches the 10 day trigger.

Attendance issues are always categorised under 'Serious Misconduct'.

6.5 Gross Misconduct

DfE Operational Guidelines/Requirements for TfS Programmes.

For a First Occurrence defined as Gross Misconduct, the College will as a minimum suspend the participant for four weeks without EMA. The College will not allow a participant who is suspended from training in cases of Gross Misconduct, to re-apply for admission until a period of four weeks has elapsed since the last day of training.

The College is required to seek written permission from Youth Training Delivery & Performance Branch prior to allowing an eligible participant who has been suspended for Gross Misconduct to re-join Training for Success. Should permission be granted, the College will require the participant to sign a Performance Improvement Contract to observe the code of conduct, regulations and attendance stipulated by the college. After a period of suspension the training credit must be adjusted to take account of the suspension weeks imposed.

A participant will only be allowed to have a total of two separate incidents of Gross Misconduct and, should a further case arise, they will be dismissed from the programme and not permitted to re-enter Training for Success or any another programme of training offered by the College.

It should be noted that the College may at any stage recommend to dismiss the participant permanently from the programme where this is deemed necessary. In such a situation the participant will be dismissed immediately from the programme and not permitted to re-enter Training for Success or another programme of training offered by the College.

The College will inform the participant in writing of any suspension or dismissal, the reasons and the restrictions that govern any re-entry to the programme.

The College will inform the Departmental Careers immediately when a disciplinary matter results in the suspension or dismissal of a participant. Participants will be notified of suspension or dismissal in writing. The Department will grant a right of appeal to participants suspended or dismissed for disciplinary reasons.

The College is required to immediately inform the Social Security Agency of participant's suspension if he/she is receiving Income Support. The College will retain a record of this notification for inspection.

7. DISCIPLINARY AND INVESTIGATORY AUTHORITIES

In the case of attendance issues please refer to Appendix 3 Disciplinary Action Absenteeism Triggers for the action to be taken by SRC staff in managing attendance.

Prior to any disciplinary hearing other than related to attendance issues an investigation must be conducted by a person other than the person charged with hearing the disciplinary charge. Details of the investigatory and disciplinary authorities normally used at each stage for serious misconduct is shown below;

Table 2

Stage	Investigatory Authority	Disciplinary Authority
Verbal Written Warning	Lecturer or monitoring officer	Course Co-ordinator/Personal Tutor
First Written Warning	Lecturer or monitoring officer	Course Co-ordinator/Personal Tutor
Final Written Warning	Lecturer / Course Co-ordinator	Head of Faculty or Curriculum Area Manager
Serious Misconduct including potential Suspension	Senior Manager or <i>Head of Faculty</i>	Chief Executive or Senior Manager

When an allegation of **gross misconduct** arises, a Head of Faculty must report this immediately to the Assistant Director. The Assistant Director may seek advice on the matter from the Chief Executive or Director of Curriculum in order to agree the investigatory and disciplinary authorities.

Following investigation, where it has been judged that a prima facie case exists which may lead to suspension or permanent exclusion from the College, the Chief Executive may delegate the duties of Disciplinary Authority to another member of the senior management.

All recommendations for precautionary suspension must be referred to the Director of Curriculum.

All recommendations for suspension (other than in the case of attendance matters) or permanent exclusion must be referred to the Chief Executive or in his absence the Director of Curriculum. In the case of suspension as a result of attendance issues the recommendation must be made to the Assistant Director for Further Education and Training.

All cases of suspension (other than in the case of attendance matters) or permanent exclusion will be reported by the Chief Executive to the Chairman of the Governing Body and to the College's Skills Training Manager.

8. OTHER ASPECTS OF GROSS MISCONDUCT

Criminal Offences

If it is believed that a participant may have committed a criminal offence whilst on College property or on any College activity, then:

- a. The College will report the matter to the police. During any subsequent police enquiry or legal proceeding, the College may either continue with its internal disciplinary procedure or it may exclude the participant until the outcome of external proceedings is known.
- b. The College will not be bound by the outcome of any criminal proceedings against a participant and will reserve the right to continue with its internal disciplinary procedure.

9. CONSEQUENCES OF DISCIPLINARY ACTION

Participants should note carefully that the consequences of suspension or dismissal from a course at the College may include loss of EMA and loss of placement.

10. DISCIPLINARY APPEALS

10.1 Appeals against Disciplinary Sanction(s) other than Suspension or Permanent Exclusion

A participant, who wishes to appeal against a formal disciplinary sanction other than suspension/exclusion, must inform the Head of Faculty in writing within five working days of receiving written confirmation of the disciplinary decision.

The Head of Faculty will inform the Director of Curriculum, who will assign a member of the management team to hear the appeal. Further details of the person(s) appointed to hear a disciplinary appeal is shown in Table 3.

Any appeal can only be considered on one of the following grounds:

- i. Procedural error(s) which has **fundamentally*** undermined the application of the Disciplinary Procedure;
- ii. Disciplinary Sanction applied is outside DfE operational guidelines or requirements;
- iii. New evidence relating to the allegation(s) has come to light which would **fundamentally*** affect the outcome of the original disciplinary hearing.

**fundamentally – an action or evidence which would have had a significant effect on the outcome of the original decision.*

When lodging an appeal the participant must also state which of the above grounds the appeal is based on, supplying sufficient detail to sustain the grounds of appeal. The person appointed by the Director of Curriculum will have had no involvement in the previous stages of the disciplinary process.

The appeal hearing will be conducted as soon as possible and normally no later than ten working days after the notice to appeal has been received. The appeal hearing will be conducted in accordance with College procedures. At the appeal, the disciplinary sanction imposed will be reviewed. The decision of the appeal chairperson will be notified to the participant in writing within five working days of the appeal hearing and will be final and binding.

Table 3

Stage	Disciplinary Authority	Appeal Heard By
Verbal Written warning	No right of appeal	
First Written Warning	Course Co-ordinator/Personal Tutor	Head or Deputy Head of Faculty or Curriculum Area Manager
Final Written Warning (with no period of suspension)	Head or Deputy Head of Faculty or Curriculum Area Manager	Assistant Director

10.2 Appeals against Suspension or Permanent Exclusion

Participants have the right to appeal decisions made leading to suspension or exclusion.

DfE Operational Guidelines/Requirements for TfS Programmes.

1.1.1. Written appeals setting out the grounds for appeal should be forwarded to the DfE Head of Youth Training Delivery & Performance Branch, and not to the College. The written appeal must be received in Youth Training Delivery & Performance Branch within 7 days of date of issue of the suspension/dismissal letter.

Address: Head of Youth Training Delivery & Performance Branch,
Department for the Economy
5th Floor
Adelaide House
39-49 Adelaide Street
Belfast
BT2 8FD

Or, by email to: TrainingforSuccess@economy-ni.gov.uk and mark *for the attention of: Head of Youth Training Delivery & Performance Branch.*

On receipt of the written appeal Youth Training Delivery & Performance Branch will arrange within seven working days (where possible), a three-person panel of independent Careers Advisers and an official from Youth Training Delivery & Performance Branch. This panel will meet with the participant and their representative(s) in a neutral venue to consider the appeal.

The Department will set out in writing the result of any appeal which will be binding on all parties.

In cases of dismissal, a re-join Training Credit must not be issued without the Careers Service and/or Contractor having received prior approval for the participant's return to training from Youth Training Delivery & Performance Branch. This approval must be retained for audit.

In cases of suspension, a re-join Training Credit must not be issued until the suspension period has lapsed i.e. 2 weeks/4 weeks, unless the suspension has been overturned by TPB, permitting the participant to return to training before the suspension period ends. Correspondence relating to this scenario, must be retained for audit.

10.3 Persons who can attend an Appeal

At an appeal hearing, the participant may be accompanied by one of the following persons;

- parent/guardian;
- Trade Union representative; or
- Fellow participant.

It is expected that the College will be invited to any appeal initiated by Youth Training Delivery & Performance Branch

10.4 Appeal Results

The result of an appeals procedure insofar as it forms part of the College's Participant Disciplinary Procedure, will be binding and final.

11. SUPPORT FOR PARTICIPANTS WHO ARE BEING EXCLUDED FROM THE COLLEGE

The College has a number of specific support mechanisms available to all participants to assist in supporting individuals including careers advice and guidance and counselling.

The Course Co-ordinator will offer to arrange guidance and counselling for any participant dismissed from the College, who has no employment or further training in prospect.

12. RE-ENTRY TO THE COLLEGE

A participant's expected completion date will not be extended by any absences resulting from this disciplinary procedure. Participants should note that the College reserves the right to refuse re-entry to any participant previously excluded under this disciplinary procedure.

Any participant excluded from the College will not be permitted to re-enrol on a course at a later stage without the express approval of the Chief Executive.

13. PARTICIPANTS UNDER 18 AND SPONSORED PARTICIPANTS

If a participant under 18 years of age is the subject of proceedings under this disciplinary policy and procedure and where the College has appropriate consent in place to do so, his/her parent or guardian will be informed.

The parent/guardian will be invited to attend any disciplinary or appeal interviews (in addition to any friend or participant representative), unless in the view of the member of staff conducting the interview, such attendance would be prejudicial to a fair and effective interview. If a participant under the age of 18 is given a formal written warning or excluded or suspended from the College, where the College has appropriate consent to do so a parent or guardian will be informed in writing. In the instances where the College does not have the appropriate consent to engage directly with a parent/guardian the College will provide the participant with written correspondence addressed to the parent/guardian and request that the participant provides this information to their parent/guardian.

If a participant who is being sponsored at the College by an employer or other agency is given a formal written warning or excluded or suspended, the employer or other agency will be informed.

14. PARTICIPANT WITH STATEMENT OF SPECIAL EDUCATION NEED

A participant who has a Statement of Special Education Need or is recognised as having a learning difficulty has the right of accompaniment during a disciplinary investigation interview. In such cases the College should ensure that one of the following members of staff accompanies the participant during the interview:

- a) Learning Support Assistant or
- b) Student Safeguarding Officer, based at the campus the participant is attending.

15. MISCONDUCT AND OFFICIAL WARNINGS

Records of warning issued as a result of disciplinary and appeal hearings will be held by the Head of Faculty and Monitoring Officer during the period of Training at the College.

Records of permanent exclusion will be held by the Chief Executive.

16. VARIATIONS AND AMENDMENTS

In some cases it may be desirable that variations should be made to procedural aspects of this policy. The College may make such variations as it sees fit, subject to informing the participant concerned and subject always to considerations of fairness.

Without limitation, such variations may include disciplinary or appeals interviews being conducted by different persons other than those indicated in table 3, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.

17. POLICY REVIEW

- a. The effectiveness of this Policy will be monitored annually and reviewed every three years in light of experience and best practice. This mechanism recognises that changes to legislation and DfE guidance may prompt a review of the policy before the three years stipulated.
- b. This Policy will next be reviewed in October 2020.

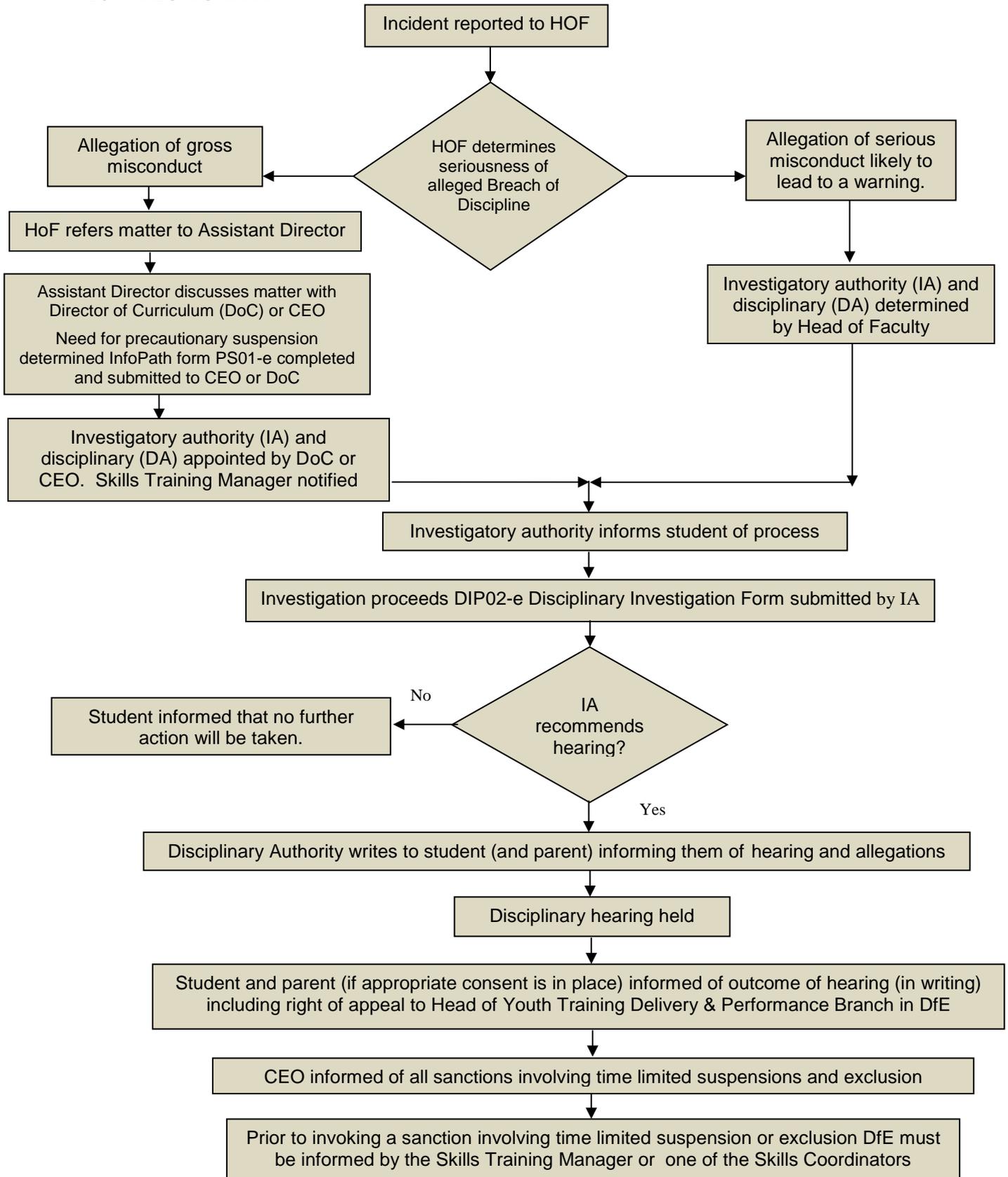
18. Distribution

- Policy Centre, SharePoint
- All Clients

19. Related documents

- DfE Operational Guidelines for Training for Success 2013
- DfE Operational Requirements for Training for Success 2017
- Complaints and Compliments Policy
- Equality & Diversity Policy
- Safeguarding Vulnerable Groups Policy
- Health & Safety Policy
- Assessment Malpractice Policy
- Section 75 SENDO Guidelines
- Residency Rules (DfE)
- Student Charter
- SRC College Rules for Students
- Course Handbook
- Pedagogic Induction for lecturing staff

20. FLOWCHART



APPENDIX 1

DISCIPLINARY PROCEDURE

1. Formal Procedure

When a report of an alleged offence is considered, the participant concerned should normally be interviewed by the investigatory authority. This may not be necessary in cases where attendance information is to be used as the basis for any subsequent disciplinary action.

The investigatory authority should always inform the participant that an investigation is being conducted that may result in a formal disciplinary hearing. A participant does not have the right to be accompanied during an investigatory meeting.

On completion of the investigation the investigatory authority will either make a recommendation for the matter to be subject to a formal disciplinary hearing or that the matter is not taken any further. The disciplinary authority will inform the participant and if appropriate consent is in place the parent/guardian of the subsequent disciplinary hearing.

The disciplinary authority will hear details of the alleged offence and provide the participant with the opportunity of presenting a defence. The disciplinary authority shall inform the participant in writing of the decision and in cases where the offence is proved, of the participant's right of appeal as outlined in section 11.

If a participant charged with an offence does not attend a disciplinary meeting on the date and at the time appointed, without prior satisfactory written explanation having been received, the disciplinary authority may deal with the matter and, if necessary, impose a sanction in the participant's absence.

A complainant, or a witness, who is summoned to attend a meeting arranged by the disciplinary authority and who fails to attend without due cause, May, if the witness is a member of the staff of the College or is a current participant, be liable to disciplinary proceedings. The disciplinary authority shall determine whether the complainant, or the witness, has due cause for absence.

2. Disciplinary Process – Allegation of Serious Misconduct

When allegation(s) of serious misconduct arise which prompt consideration of a formal investigation, it is important that these allegation(s) are notified to the Head of Faculty as soon as possible. The Head of Faculty will determine the seriousness of the allegations and determine if the matter should be referred to a higher authority where suspension or permanent exclusion may be an outcome.

The Head of Faculty will determine the seriousness of the allegations and determine if the matter should be referred to the Assistant Director who in turn will liaise with the Chief Executive or, in his absence the Director of Curriculum, where permanent exclusion may be an outcome.

- a. If the Head of Faculty believes that the matter may merit a formal written warning an investigation will be initiated. Refer to Table 2 for details of investigatory and disciplinary authorities.
- b. A participant does not have the right to be accompanied during an investigatory meeting. The participant must be informed of the following;
 - i. that an investigation will be carried out in accordance with the College's disciplinary policy;
 - ii. the details of the allegation(s) under investigation;

- iii. that information gained during the meeting may be presented at any subsequent disciplinary hearing;
- c. Following an investigation if it is determined that a disciplinary hearing should take place, the Head of Faculty will write to the participant and if appropriate consent is in place the parent/guardian in the case of a participant under 18 years of age against whom the allegation(s) have been raised outlining:
 - i. that a disciplinary hearing will be carried out in accordance with the College's disciplinary policy;
 - ii. the details of the allegation(s);
 - iii. his/her right to be accompanied by a parent/guardian, participant representative, Trade Union representative or a friend (who must not be acting in a legal capacity) when attending the disciplinary hearing;
 - iv. the date, time and venue of the hearing.
- d. The participant must be provided with a copy of the College's Disciplinary Policy in advance of the Disciplinary Hearing.
- e. If the participant fails to attend the disciplinary hearing, the Disciplinary Authority will decide whether to proceed in the participant's absence or to reconvene the hearing at some other time. Before such a decision is taken, attempts will be made to contact the participant to ascertain the reason for his/her absence. If the Disciplinary Authority decides to proceed with the hearing in the participant's absence, the representative of the participant can attend the hearing to either present the participant's case or simply observe the proceedings. Normally postponement of the hearing will only be considered on one occasion.
- f. The confidentiality of the proceedings must be observed by all parties involved.
- g. The disciplinary authority will appoint a note taker to record details of proceedings.
- h. The proceedings will be conducted as follows:
 - i. The disciplinary authority will make the introductions and explain the purpose of the hearing, the sequence of presentations and questioning and confirm that adjournment(s) may be requested at any time during the proceedings;
 - ii. The disciplinary authority will invite the participant and his/her representative to present his/her case in response to the allegation(s). The participant may call witness(es). Any witness(es) called must leave the room once s/he has given evidence and answered questions;
 - iii. The disciplinary authority may ask questions of the participant and his/her witness(es);
 - iv. The participant or his/her representatives will be invited to sum up their cases if they so wish;
 - v. The participant and his/her representative must withdraw;
 - vi. The disciplinary authority should deliberate in private and determine his/her decision. The disciplinary authority will consider if the allegation(s) are proven on the balance of probability, if not the case should be dismissed;

- vii. If the allegation(s) is/are proven, then the disciplinary authority will consider if a disciplinary sanction is reasonable (including any mitigation presented). All such decisions must be consistent with DfE Operational Guidelines. If a disciplinary sanction is warranted the disciplinary authority will consider the sanctions of either a first, final written warning or suspension;
- viii. The participant will be re-called, and the disciplinary authority will convey his/her decision immediately or determine that the facts need to be considered at length and the decision will be outlined in writing within five working days of the hearing. The warning will state that if the participant commits a further offence of misconduct during the period specified in the warning, further action under the disciplinary procedure will be considered. The written warning or letter of suspension will also advise the participant of their right to appeal. A copy of the written warning or letter of suspension will be placed on the participant's file, a copy sent to the participant and one to the DfE Careers adviser.
- ix. If, after an appropriate hearing, the determination is made that there is no evidence of misconduct, no further action will be taken and the participant and if appropriate consent is in place parent/guardian, will be informed of this verbally and in writing.

3. Disciplinary Hearing – Allegation of Gross Misconduct

- a. When an allegation of gross misconduct arises a Head of Faculty must report this immediately to the Assistant Director. The Assistant Director may seek advice on the matter from the Chief Executive or Director of Curriculum in order to agree the persons to act as Investigatory and Disciplinary Authorities.
- b. The purpose of the investigation must always be to establish whether a prima facie case exists in relation to the allegation(s) and whether a disciplinary hearing is warranted.
- c. A participant does not have the right to be accompanied during an investigatory meeting. The participant will be informed;
 - i. That an investigation is to be carried out in accordance with the College's Disciplinary policy;
 - ii. The details of the allegation(s) under investigation;
 - iii. That any information gained during the meeting may be presented at any subsequent disciplinary hearing;
- d. The investigatory authority will, at the conclusion of any investigatory meetings, prepare a report detailing the salient points to emerge from the investigation. If, after an appropriate investigation, the investigatory authority determines that a prima facie case does exist and a disciplinary hearing is warranted in relation to the allegation(s) made against the participant, then he/she will notify the Chief Executive who will appoint a disciplinary authority to consider the allegation(s) in a formal disciplinary hearing.
- e. The disciplinary authority will either be at senior management level or in more serious cases when permanent exclusion is a possibility then the disciplinary authority will normally be the Chief Executive of the College. The participant, whom the allegations are against, will be notified in writing of the appointment of the disciplinary authority and hearing.
- f. The disciplinary authority will give the participant notice in writing of the hearing and this notification must also include the following:

- i. The venue, date and time of the hearing;
 - ii. A copy of the report prepared by the Investigatory Authority;
 - iii. The nature of the allegation(s);
 - iv. That the hearing is of a formal disciplinary nature;
 - v. That s/he has the right to be represented by a parent/guardian, participant representative, Trade Union representative or friend (who must not be acting in a legal capacity).
 - vi. That s/he has the right to call witnesses and/or present documentary evidence at the hearing.
- g. If the investigatory authority or participant proposes to call witnesses to give evidence at the hearing, their identity must be disclosed in advance to the other parties. If either side wishes to produce documents or statements at the hearing, copies must be exchanged at least three working days before the hearing. If either side produces new evidence at the hearing, it will be open to either side to request an adjournment for further investigation.
- h. The people involved in the hearing will normally be:
- i. The disciplinary authority who is tasked with: determining the operation of the disciplinary hearing within the parameters of this procedure; considering all the evidence and taking the appropriate action on the basis of this evidence;
 - ii. A secretary to take a note of the proceedings;
 - iii. The participant and his/her representative;
 - iv. The investigatory authority;
 - v. Any witness pertinent to the allegation(s).
- i. If the participant fails to attend the disciplinary hearing, the disciplinary authority must decide whether to proceed in the participant's absence or to reconvene the hearing at some other time. Before such a decision is taken, attempts should be made to contact the participant to ascertain the reason for his/her absence.
- j. If the disciplinary authority decides to proceed with the hearing in the participant's absence, the representative of the participant can attend the hearing to either present the participant's case or simply observe the proceedings. Normally the postponement of the hearing will only be considered on one occasion.
- k. All parties will observe the confidentiality of the proceedings.
- l. The investigatory authority will present the salient evidence collected as part of the investigation.
- m. The proceedings will be conducted as follows:
- i. The disciplinary authority will make the introductions and explain the purpose of the hearing and the sequence of presentations and questioning;

- ii. The investigatory authority will present the evidence collected in the Investigation and may call witnesses;
- iii. The participant or his/her representative have the opportunity to ask questions of the investigatory authority and of any witnesses;
- iv. The disciplinary authority may ask questions of the investigatory authority and witnesses;
- v. Each witness must leave the room once s/he has given his/her statement and answered questions;
- vi. The participant or his/her representative may put his/her case in the presence of the investigatory authority and may call witnesses;
- vii. The investigatory authority may ask questions of the participant and his/her witnesses;
- viii. The disciplinary authority may ask questions of the participant and his/her witnesses;
- ix. Both sides will have the opportunity to sum up their cases if they so wish, the participant's statement being last;
- x. The participant and his/her representative, and the Investigatory Authority will withdraw;
- xi. The disciplinary authority may agree to an adjournment at any time during the procedure;
- xii. The disciplinary authority will deliberate in private and determine his/her decision;
- xiii. The disciplinary authority will consider if the allegation(s) is/are proven on the balance of probability, if not the case must be dismissed.
- xiv. If the allegations is/are proved, then the disciplinary authority will consider if a disciplinary sanction is reasonable (including any mitigation presented);
- xv. If a disciplinary sanction is warranted, the disciplinary authority will consider all the sanctions;
- xvi. The participant and investigatory authority will be re-called, and the disciplinary authority may convey his/her decision immediately or determine that the facts need to be considered at length and the decision will be outlined in writing within five working days of the hearing.

Appendix 2

BREACHES OF DISCIPLINE

Serious Misconduct

Serious Misconduct – conduct which initially requires disciplinary action other than dismissal (although if further misconduct takes place, it may lead to dismissal). This can include persistent lateness, unauthorised absence as well as acute absence due to illness and failure to meet known work standards.

The following are examples of misconduct which may result in disciplinary action being taken against a participant;

- Persistent breaches of any of the obligations set out in the Participant Code of Practice;
- Failure to follow the reasonable instructions of a member of staff;
- Breach of the general participant regulations, including a breach of Health and Safety or other regulations of the College;
- Smoking in non-smoking areas;
- Cheating and plagiarism;
- Failure to attend a pre-arranged assessment event without sufficient reason;
- Undue noise or unruly behaviour including the use of foul or abusive language;
- Disruption of a class or other College activity, whether or not involving staff or other participants;
- Unjustified absence as defined in section 6.1.

Participants are advised to consult their Course Handbook for additional rules relating to; absences from class, outside appointments during course hours and assignment schedules.

The above list is neither exclusive nor exhaustive. There may be other offences considered to be of similar gravity, which would require the issue of an appropriate formal written warning.

Gross Misconduct

The following are **examples** of breaches of disciplinary rules, defined as Gross Misconduct for which suspension or permanent exclusion with notice, will normally be the most appropriate disciplinary action.

In general, this includes offences such as:

- Drunkenness on College property or during any activity associated with the College.
- Disorderly conduct causing wilful damage to, or defacement of, College property.
- Unauthorised use or interference with computer software, hardware or data belonging to or used by the College.
- Conduct which does, or is liable to
 - bring discredit upon the College; or
 - disrupts or interferes with the normal working and good order of the College; or
 - impedes or prevents members or employees going about their lawful College business; or
 - results in substantial complaints from the general public or responsible authorities outside the College.
- Theft of property or other dishonest act from whatever source or other indictable offence or police charge of such an offence which is considered to make the participant unsuitable for continued participation in the activities of the College.
- Bullying, intimidation, taunting, verbal abuse, threat of violence or use of violence towards any person on College property, through social media web sites or during any activity associated with the College including travelling to and from the College.
- A statement or behaviour which is considered offensive due to its racial, religious, gender, sexual orientation or political content or which is offensive to those with learning and/or physical disabilities or impediments.
- A deliberate breach of Health and Safety regulations, which results in placing others within the College in danger. Including a blatant disregard for Covid-19 measures introduced across campuses.
- Falsification or misuse of College records, including award parchments.
- Refusal to provide identification when asked to do so by a member of the College staff in connection with access to the Learning Resource Centre, security or an alleged breach of discipline.
- Dishonest or fraudulent behaviour or act, which may bring the College into disrepute.
- Offences in connection with examinations and other forms of assessment.
- Possession of offensive weapons.
- An illegal act, which may have an adverse effect on the work of the College or any of its participants.
- Use, possession or supply of non-prescribed drugs or substances, irrespective of quantity, on College property or during activity associated with the College.
- Infringing College policies including the Smoking, Harassment, Attendance, Network Acceptable Use, Plagiarism, Drugs and Substance Abuse policies.

The above list is neither exclusive nor exhaustive. There may be other offences of a similar gravity, which may result in exclusion from the College.

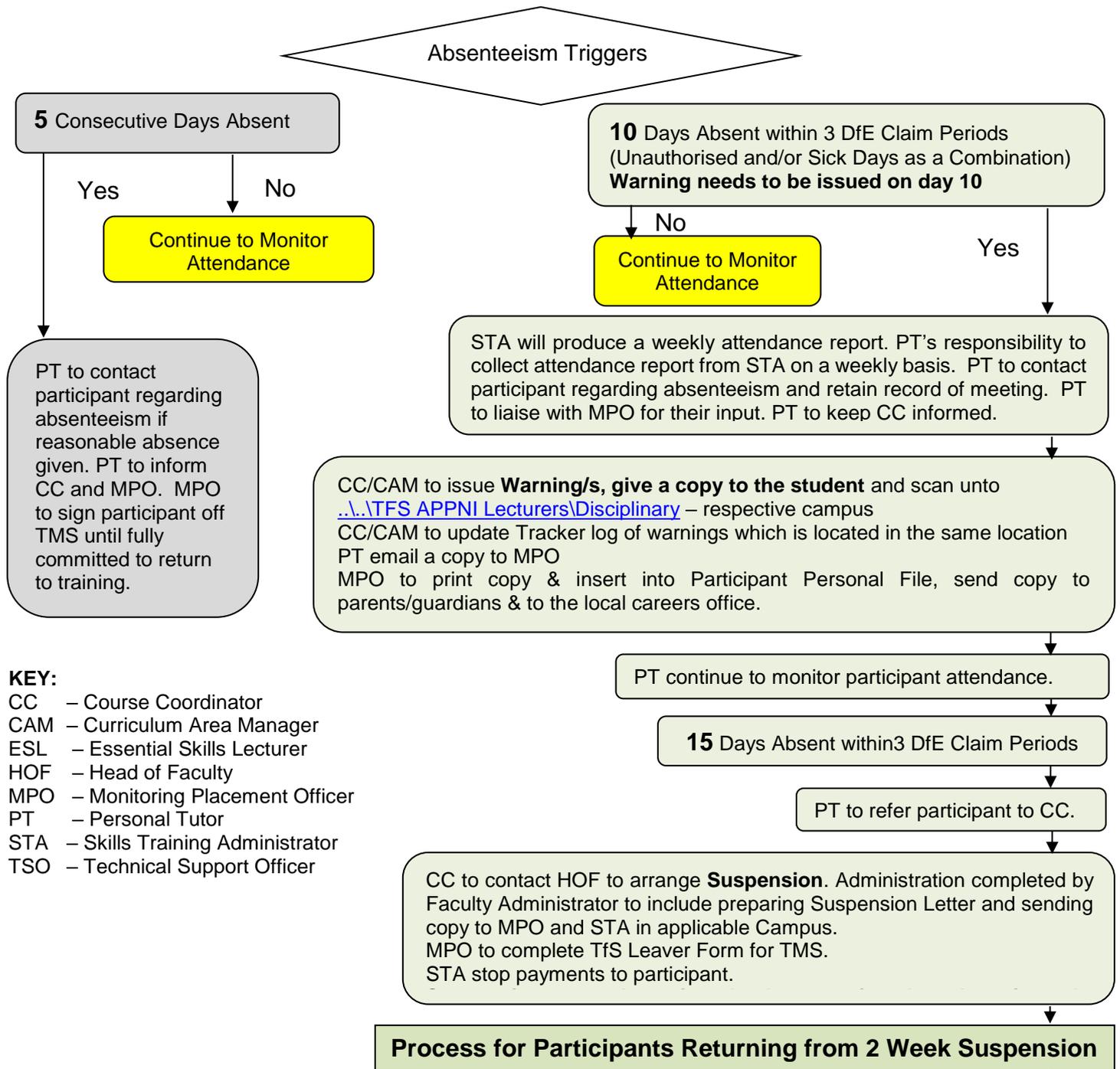
APPENDIX 3

Disciplinary Action Absenteeism Triggers

Disciplinary Action Required for Managing Participant Absenteeism

Stage 1 First Time Offender

Responsibility of the Personal Tutor (PT) to liaise with, Essential Skills Lecturer (ESL) & Technical Support Officer (TSO) to Manage Absenteeism and report to Course Coordinator (CC). Monitoring Placement Officer (MPO) will be informed throughout process and assist where possible.



KEY:

- CC – Course Coordinator
- CAM – Curriculum Area Manager
- ESL – Essential Skills Lecturer
- HOF – Head of Faculty
- MPO – Monitoring Placement Officer
- PT – Personal Tutor
- STA – Skills Training Administrator
- TSO – Technical Support Officer

Suspended participant must contact the HoF Faculty Administrator to make an appointment with HoF / CAM to be reinstated to the programme. HoF/CAM must discuss the Performance Improvement Contract with participant and implications of further absenteeism. Faculty Administrator emails PT and MPO detailing return date. PT must inform CC, TSO and ESL of start date.

Disciplinary Action Required for Managing Participant Absenteeism

Stage 2 Returning from Suspension

Responsibility of the Personal Tutor (PT) to liaise with, Essential Skills Lecturer (ESL) & Technical Support Officer (TSO) to Manage Absenteeism and report to Course Coordinator (CC). Monitoring Placement Officer (MPO) must be informed throughout process and assist where possible.

