



STUDENT DISCIPLINARY POLICY

Completed on: 23/05/20

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Review date: 23/05/21

Table of Changes

Change Made:	By:	Date:	Version
Business name, logo and contact details	C. Gowlett	19/11/17	1.1
Reviewed – no changes	J Manno	23/05/18	1.2
Reviewed – no changes	J Manno	23/05/19	1.3
Reviewed – no changes	J Manno	23/05/19	1.4

This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability, Socio-economic Disadvantage.

1 The term 'student' is used throughout the document to describe all learners, both full and part-time in all settings, including work place learning, apprentices, learners and HE learners.

1. POLICY STATEMENT

The Training Initiative aims to create an environment with the student at the centre, where there are no barriers to limit access, progress and success. If a student's behaviour prevents others from feeling safe, secure, respected and able to learn effectively this may result in disciplinary action.

2. SCOPE OF POLICY

This policy applies to all enrolled students and covers misconduct alleged to have occurred on The Training Initiative premises or behaviour which brings The Training Initiative into disrepute, including Work related activity (work experience) educational visits and also extends to use of ICT including e-safety issues

Work based students - follow The Training Initiative's disciplinary procedures, with The Training Initiative informing the sponsoring employer from Level 2 onwards.

Alternative Education - students aged 18+ whose primary place of learning is The Training Initiative will follow The Training Initiative's disciplinary procedure up to and including level 2 - at Level 3 and above the Head of School or nominated representative will liaise directly with the school.

Students with Learning Difficulties / Additional Needs – where students have a learning difficulty or additional needs which means that they may not understand the process, a Wellbeing Assessment or Readiness to learn assessment process may be used as an alternative to Level 3 and 4. If English is the student's second language The Training Initiative will provide support with the appropriate services.

HE Students – These students will follow The Training Initiative's disciplinary procedures.

3. SUMMARY OF LEVELS IN THE DISCIPLINARY PROCEDURE

The Disciplinary Policy has different levels in place in order to provide students with support to address issues at an early stage, to set targets and implement strategies to overcome any difficulties.

The levels of the Disciplinary Procedure are as follows: Level 1 Informal Warning Level 2 Written Warning Level 3 Final Written Warning Level 4 Disciplinary Hearing, this could led to permanent exclusion.

4. EXAMPLES OF BEHAVIOUR THAT MAY LEAD TO DISCIPLINARY ACTION

Poor behaviour or academic performance which impacts on the student's academic progress will be addressed through Personal Tutoring - targets will be set, agreed and progress monitored as part of

the learning process. However, if there are persistent issues which may impact on the student's progress or the progress of others, this will be dealt with through the disciplinary process.

Some Examples:

- Cheating and Plagiarism – direct copying from the internet, learning resource material or other past or present students' work - to pass off as own work
- Continuing poor attendance or punctuality without an acceptable explanation
- Behaviour which is disruptive or offensive to The Training Initiative staff and/or other students, including sexual harassment
- Behaviour likely to bring The Training Initiative into disrepute
- Failure to follow The Training Initiative's security arrangements such as refusing to display their ID badge when requested while on The Training Initiative premises
- Smoking in areas other than the designated smoking shelter
- Academic neglect, poor attitude and working at a consistently poor standard and / or not completing work on time

Major Misconduct

Any of the following examples will be dealt with at level 3 and above and could result in moving directly to level 4 and possible permanent exclusion:

- Violence or vandalism to people or property
- Abuse or harassment as defined in The Training Initiative's Equality & Diversity and Harassment Policies including sexual harassment
- Using IT or mobile phones as a means of harassment (Cyberbullying)
- Carrying an offensive weapon
- Theft
- Irresponsible behaviour resulting from use of banned drugs or alcohol
- Promotion or selling of drugs
- Serious misbehaviour which is disruptive or offensive to The Training Initiative staff and / or other students or visitors to The Training Initiative
- Serious misconduct likely to bring The Training Initiative into disrepute
- Behaviour likely to cause accident or injury to themselves or others
- Serious damage to The Training Initiative's premises and equipment (incl. IT equipment)
- Interference with IT systems or computer configurations, for example, hacking
- Inappropriate use of internet and email - accessing or transmitting material which is considered by The Training Initiative to be offensive, obscene, abusive, sexist, racist or defamatory.
- Persistent Plagiarism
- Circulating obscene or malicious images
- Misuse of social media which harasses or bullies other students or staff members
- Criminal Activity (see below)

These lists are not exhaustive – there may be other issues that incur disciplinary procedures.

Criminal Activity

The Training Initiative reserves the right to report potentially criminal activity to the Police and/or to advise victims of such activity of their right to do so. If an incident is serious and of a criminal nature, The Training Initiative may defer disciplinary action pending the outcome of criminal proceedings. In exceptional circumstances, The Training Initiative may also take the decision to suspend the student until the outcome of the proceedings is known.

4. SUPPORT FOR STUDENTS DURING THE DISCIPLINARY PROCESS

At all levels, the staff conducting the disciplinary process will:

- act impartially and not take sides
- outline the circumstances that have led to the disciplinary
- give the student a chance to put their case
- inform the student of what will happen next.

At levels 1 to 3 of the Disciplinary Procedure clear targets will be set with review dates which will be recorded on a Disciplinary Record Form. The student's Personal Tutor/Assessor will make every effort to help the student deal with any underlying problem that may be contributing to the unacceptable behaviour or performance, and may direct the student to additional support such as mentoring, counselling or learning support

At level 4 (Disciplinary Hearing) the Personal Tutor/Assessor will continue to support the student and represent their interests, if the student feels they are unable to represent them at this level, they may contact a member of the Senior Management who will support them through the process (or nominate an appropriate member of staff to undertake this role.

Students with a disability or learning difficulty

Where The Training Initiative is aware of the student's learning difficulty and has formally agreed the students learning requirements through the completion of a Learning Outcome Form, The Training Initiative will ensure that the student's needs are considered and taken into account throughout the Disciplinary Process.

Parent/Carer Involvement

Sponsoring employers of work based students will also be informed throughout levels 2, 3 and 4.

When the student is over the age of 18 the student's permission could be requested to invite parents/carers to attend the formal interview at levels 3 and 4 if this is felt to be beneficial. Alternatively, the student may invite a person of their own choosing, but not someone closely involved in the disciplinary or acting as a legal representative

5. SUSPENSION / COOLING OFF PERIOD

Suspension is not in itself a disciplinary action. In cases of major misconduct all parties may be suspended until the Disciplinary Hearing is held. The decision to suspend is made by the Director (who may delegate authority to a member of senior management). However, any Director can require students to leave the premises immediately if this is thought to be necessary for good order. The disciplinary procedure may then move directly to level 4. If the student is suspended, the Personal Tutor or Assessor will make arrangements for the student to keep up with the work.

6. LEVEL 1 (WARNING)

At this stage, The Training Initiative enables the student to address the issues and offers support and target setting in order to resolve as soon as possible.

- A Disciplinary Record form will be completed with clear targets or actions to be taken and signed by both student / member of staff
- The targets/actions will be reviewed typically within two to four weeks after which time the target should be successfully completed or the timescale may be extended timescale up to 6 weeks
- Progress towards achieving the targets/actions set will be discussed with the student's Personal Tutor / Assessor at each review meeting and records of the learning conversation will be included in the student's Individual Learning Plan.
- Targets / actions may be discussed at course team meetings with all staff

7. WRITTEN WARNING (LEVEL 2)

If the student's performance or behaviour has not improved since the informal warning, the Director will investigate the situation. Written reports may be requested from all relevant people.

The Director will arrange an interview with the student to which the Personal Tutor or Assessor will be invited.

- The interview may result in the student being given a formal written warning which will be recorded on the Disciplinary Record and placed on the student's file. The student will be required to sign the Disciplinary Record agreeing to undertake actions within specified timescales - agreed outcomes and conditions will be confirmed in writing on a separate document. This information may be shared with others where necessary.
- The targets set must be adhered to and will remain on the student's record until the end of their programme.

A WRITTEN WARNING IS A SERIOUS MATTER

8. LEVEL 3 (FINAL WRITTEN WARNING)

At this level of the disciplinary procedures The Training Initiative may issue a final written warning to the student if conduct or performance has not improved despite previous warnings or if the student is taken to level 3 directly due to major misconduct.

- The matter will be investigated by the programme manager or other nominated manager and reported to the relevant Director. All previous reports will be taken into account, together with Tutor/Assessor evaluations of the student's attendance/work records and progress towards previously set targets.
- The student will be invited to a formal interview; The student's employer would be invited if appropriate. The student will be given a minimum of three working days notice of the interview. To avoid delay notification may be given by telephone and confirmed later in writing. If the student fails to attend the interview, without good reason, the procedure may still go ahead in the student's absence. The case can still be discussed and the student will be notified of any decision.
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- After the formal interview the student and parent/carer (if the student is under 18) and sponsoring employer (where appropriate) will be informed of the decision or any action to be taken. This will be communicated in writing normally within five working days of the interview.
- Where a final written warning is issued and the student wishes to continue to attend The Training Initiative, this will be conditional on the student giving written assurance of future good conduct. Agreed outcomes and conditions will be confirmed in writing which the student will be required to sign. This document may be shared with others where necessary. If the student refuses to comply, the disciplinary process will progress to Level 4. This may result in the student's exclusion.
- The targets set must be strictly adhered to and will remain on the students Disciplinary record until they leave The Training Initiative.

A FINAL WRITTEN WARNING IS A VERY SERIOUS MATTER IF PROBLEMS RECUR, THE STUDENT COULD BE EXCLUDED

9. DISCIPLINARY HEARING (LEVEL 4)

This is the final level in the Disciplinary Procedure. The Principal will delegate authority to a senior post holder to conduct the disciplinary hearing and take action including the authority to suspend or dismiss.

When a student has reached this level of the disciplinary procedures, it is either because of an incident of major misconduct or despite previous warnings, conduct or performance is still unacceptable.

- If the student is at this level of the procedures the Director will nominate a senior post holder with delegated authority to undertake the hearing and a member of People Services to undertake an investigation and compile an impartial report.
- If the student is at this level due to a specific incident of major misconduct - brief statements may be taken from those immediately involved at the time of the incident. These statements will be passed to the Office with contact details. The student will be given the opportunity to identify other people whose statements also need to be taken into consideration in order to ensure that the final decision is made only after all relevant views have been taken into account.
- The nominated senior post holder will call the student to a formal hearing This meeting will examine what has occurred and why the student's behaviour and/or performance continues to be unacceptable. This may include reviewing CCTV coverage of any incidents where appropriate. The meeting will consist of two managers from The Training Initiative. The Personal Tutor/Assessor can be present if the student wishes. This hearing will normally take place within three weeks of the incident of major misconduct, or the record of poor conduct/performance. This will allow time for a full and impartial investigation to take place.
- The student will be notified in writing that they will be required to attend a disciplinary hearing and will normally be given a minimum of 5 working days notice of the date of the hearing to enable the student to prepare.
- The letter shall:

- 1. Set out the allegations being made
 - 2. Advise the student of their rights to be accompanied by parents/carers and/or a person of their own choosing, but not someone closely involved in the disciplinary or acting as a legal representative
 - 3. Advise the student of the support services at The Training Initiative to enable the student to prepare for the disciplinary hearing
 - 4. Advise the student of who will be attending the hearing i.e. the investigating manager, the nominated senior postholder and a notetaker
 - 5. Attach a copy of the disciplinary procedure
- Copies of all reports, statements etc. arising from the investigation, which will be considered at the hearing, will be sent to the student a minimum of 3 days before the hearing.
 - The student must indicate in writing that they will be attending the hearing and the names of those who will be accompanying them. This information must be provided at least 2 working days before the hearing. If the student or representatives fail to attend the hearing without good reason then the hearing may proceed in their absence.
 - After the formal hearing the nominated senior postholder may decide to suspend the student until a final decision is reached.
 - Notification of the decision on what action, if any, is to be taken will be given in writing normally within three working days of the formal hearing. If the student is sponsored, the employer will be advised of the outcome of the disciplinary hearing in writing. Similarly, sponsoring employers (where appropriate) will be informed of the outcome of the disciplinary hearing (please see note on Safeguarding under Section 4).
 - The nominated senior postholder may decide to exclude the student and, if so, will advise the Director of this decision. Exclusion takes effect immediately. However, students will be advised of their right to appeal against the decision to exclude (see Appeals process below). As exclusion takes effect immediately, permission to continue the course or programme pending the appeal will be at the discretion of the nominated senior postholder.
 - Students excluded from The Training Initiative will not be considered for re-admission within the same academic year of the exclusion and will only be considered for readmission if there is strong impartial evidence that the issues that resulted in exclusion have been addressed (see separate Policy 'Applications from Students Previously Excluded from The Training Initiative').

10. ABSENCE AT TIME OF INTERVIEW

Failure to attend a meeting for any level of the disciplinary procedure does not necessarily mean it will be postponed. If there is no genuine reason for nonattendance the disciplinary procedure can go ahead without the student's presence. The case can still be discussed and the student will be notified of any decision. The student's general attendance record and the specific reason for absence on the day of the interview or hearing will be taken into account when the decision is taken whether or not to proceed.

11. DAMAGE TO PREMISES AND EQUIPMENT

Students may be asked to pay for the cost of vandalism/damage to property or equipment where this is a result of the student's behaviour.

12. APPEAL AGAINST THE DECISION OF THE NOMINATED SENIOR POSTHOLDER

Appeals shall only normally be permitted on the grounds of:

- New evidence
- Decision did not take account of all evidence
- Procedural irregularity

The Appeals panel will consist of senior post holders, one of whom will be the Director, (unless they have had previous involvement with the incident). The panel membership should reflect any equal opportunities issues of the case in question, where possible.

If the student wishes to proceed with an appeal they must write, setting out the grounds for appeal, to the Governance Executive, The Training Initiative, Suite 6 Birch House, Birch Lane, Aldridge, West Midlands, WS9 0NF, within four weeks of the date of the letter notifying the decision of the hearing.

The student will then be informed in writing of the date, time, place and format of the Appeals Committee meeting which will be convened, where possible, within three working weeks of receipt of the written appeal. Students will be given at least five working days notice of the meeting.

- The hearing will allow the student to present any additional information to the case.
- Students must indicate in writing that they will be attending the Appeals Committee meeting and the names of those who will be accompanying them. If the student or their representative(s) fail to attend the meeting without good reason then the hearing may proceed in their absence.
- The Appeals Committee decision will be notified to the student in writing within one working week of the final decision.

If the appeal is upheld and the complaint against the student is not justified all reference to that complaint will be removed from the file.

The decision of the Appeals Committee is final.

13. DISSATISFACTION WITH THE WAY THE PROCEDURE HAS BEEN USED

If students feel the disciplinary procedure has been incorrectly or unfairly applied, they may write to the Director, giving reasons for their view.

Cross Reference

- ✓ Bullying and Harassment Policy and Procedure
- ✓ Drugs Policy and Procedures
- ✓ Equal Opportunities Policy
- ✓ Complaints Policy and Procedures
- ✓ Safeguarding – Protection of Children & Young People and Protection of Vulnerable Adults Admissions Policy and Procedures for Applications from Students previously excluded from The Training Initiative ICT Use E Safety Policy