

Student Disciplinary, Appeals & Grievance Policy

Date to be implemented from:	September 2023
Date to be reviewed by:	August 2024
Version No:	V10
Lead responsibility:	Operations Manager

Distribution to:

All Staff	<input checked="" type="checkbox"/>
SLT only	<input type="checkbox"/>
Teaching Staff/Tutors	<input type="checkbox"/>
Administration Staff	<input type="checkbox"/>
Other (please specify)	<input checked="" type="checkbox"/> Learners

Key Contacts:

Amanda Hogg Operations Manager	01438 727667

This Policy supersedes any previous Policy of this name or instructions that pre-date this edition.

STUDENT DISCIPLINARY, APPEALS AND GRIEVANCE POLICY

This Policy states that:

The purpose of the Disciplinary, Appeals and Grievance Policy is to support staff and management to achieve the aspirations of the Company Vision and Mission. It is aimed at clarifying expectations and processes that will be followed where students do not meet the expectations of the Company.

The aim is to:

- * clarify what Capability Procedures are
- * clarify what Disciplinary Procedures are
- * clarify what the Grievance Procedure is
- * clarify how to Appeal against a decision

A. Capability Procedures:

Over a period of time, sometimes students find their capacity to cope with the course diminishes. This can be for a number of reasons, the most common ones being that you fail to keep pace with the course, or you change (most commonly because of health reasons) and you can no longer cope with the work.

General Capability Issues:

1. If we have general concerns about your ability to complete your course we will try to ensure that you understand the level of performance expected of you and that you receive adequate training and support whilst on program with us. Concerns regarding your capability will normally first be discussed as part of our review process and you will be given time to improve. This is a verbal warning.
2. If your standard of performance is still not adequate you will receive a formal, written capability warning and informed that a failure to improve and to maintain the performance required could lead to your withdrawal from the course. We will also consider the possibility of a transfer to a different group/tutor if you feel this may help to improve your performance. You will be set targets for improvement and monitored through our review process.

3. If there is still no improvement after an agreed time and we cannot transfer you to another group/tutor, or if your level of performance has a serious or substantial effect on our organisation or reputation, you will be issued with a final warning informing you that you will be withdrawn from the course unless the required standard of performance is achieved and maintained.
4. If such improvement is not forthcoming within the agreed time frame, you will be withdrawn from the course.

Personal Circumstances and Health:

1. Personal circumstances may arise which do not prevent you from attending the course but which prevent you from carrying out relevant tasks (e.g. a lack of dexterity or general ill health). If such a situation arises, we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice. Under normal circumstances this can be most easily obtained by asking your own doctor for a medical report. Your permission is needed before we can obtain such a report and we will expect you to co-operate in this matter should the need arise. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your ability to continue on the course at that time.
2. There may also be personal circumstances that prevent you from attending the course, either for a prolonged period(s) or for frequent short absences. Under these circumstances we will need to know when we can expect your attendance record to reach an acceptable level. This may again mean asking your own doctor for a medical report or by making whatever investigations are appropriate in the circumstances. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your ability to continue on the course at that time.
3. We retain discretion in respect of the capability procedures to take account of your circumstances and to vary the procedures accordingly. Depending on the individual circumstances of a given case, you may not be in receipt of any warnings before being withdrawn from the course but you will retain the right to a hearing and you will have the right to appeal.

B. Disciplinary Procedures:

The aim of our disciplinary rules and procedures is to encourage improvement in individual conduct or performance. We reserve the right to amend these rules and procedures where appropriate.

Principles:

- 1.** The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated. On some occasions temporary suspension from the course may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind but is a neutral act.
- 2.** Students will be informed in writing of what is alleged and will be given the opportunity to state their case at a disciplinary hearing. Other than for an "off the record" informal reprimand, students have the statutory right to be accompanied at all stages of the formal disciplinary process, including appeals, by a fellow student or nominated adult.
- 3.** Students have the right to appeal against formal disciplinary/capability action. If you wish to exercise this right you should apply, normally in writing within 5 working days of the disciplinary outcome, to the Operations Manager, giving details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances. The result of the appeal will be made known to you in writing, normally within 5 working days after the hearing. This is the final stage of the appeal process.

In addition to the specific examples of rules shown below, a breach of other specific conditions, procedures etc. that are contained within this statement or that have otherwise been made known to you, will also result in this disciplinary procedure being used.

Rules concerning unsatisfactory conduct or misconduct:

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- a. failure to abide by our health and safety/Safeguarding rules and procedures;
- b. smoking/vaping in designated non smoking areas;
- c. consumption of alcohol on the premises or displaying signs of inappropriate alcohol consumption or abuse (this includes 'smelling of drink');
- d. persistent absenteeism and/or lateness
- e. unsatisfactory standards or output of work;
- f. rudeness towards other students, staff, visitors or members of the public; objectionable or insulting behaviour, harassment, bullying or bad language, racist, homophobic or sexist behaviour, incitement to hatred on grounds of faith, ethnicity, age, disability, sexual orientation or race;
- g. failure to devote the whole of your time, attention and abilities to your course during your normal classroom hours;
- h. unacceptable or unauthorised use of E-mail, Internet, social media web sites ;
- i. failure to carry out all reasonable instructions or follow our rules and procedures;
- j. unauthorised use or negligent damage or loss of our property;
- k. failure to report immediately any damage to property or premises caused by you;

Serious Misconduct:

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.

Gross Misconduct:

Occurrences of gross misconduct are very rare because the penalty is course withdrawal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:

- a. theft or fraud;
- b. physical violence or bullying, racist or sexist behaviour;
- c. deliberate damage to property;
- d. deliberate acts of unlawful discrimination or harassment;
- e. possession, or being under the influence, of illegal drugs at work;
- f. carrying offensive or dangerous weapons at work;
- g. breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person;
- i. incitement to violence, grooming of young or vulnerable people

Actions:

1. Disciplinary action taken against you will normally be based on the following:

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
UNSATISFACTORY CONDUCT	Formal verbal warning	Written warning	Final written warning	Course Withdrawal
MISCONDUCT	Written warning	Final written warning	Course withdrawal	
SERIOUS MISCONDUCT	Final written warning	Course withdrawal		
GROSS MISCONDUCT	Course Withdrawal			

2. In all cases, warnings will be issued for misconduct, irrespective of the precise matters concerned and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to course withdrawal if the warnings are not heeded.
3. A verbal warning will normally be disregarded for disciplinary purposes after a 3 month period. A written warning will normally be disregarded for disciplinary purposes after a 6 month period. A final written warning will normally be disregarded for disciplinary purposes after a 12 month period.
4. We reserve the right to allow third parties to chair any formal hearings.

C. Grievance Procedures:

1. It is important that if you feel dissatisfied with any matter relating to your course you should have an effective means by which such a grievance can be aired and, where appropriate, resolved.
2. Nothing in this procedure is intended to prevent you from informally raising any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should normally do so in writing from the outset.
3. If you feel aggrieved at any matter relating to your course you should first raise the matter with your tutor, either verbally or in writing, explaining fully the nature and extent of your grievance. If your grievance is related to your tutor then you should inform the Operations Manager. You will then be invited to a meeting at which your grievance will be investigated fully. You will be notified of the decision, in writing, normally within ten working days of the meeting, including your right of appeal.
4. If you wish to appeal you must inform the Operations Manager in writing, within five working days. You will then be invited to a further meeting.
5. Following the appeal meeting you will be informed of the final decision, which will be confirmed in writing.
6. We reserve the right to allow third parties to chair any formal hearings.

D. Appeals:

1. You have the right to lodge an appeal in respect of any capability/disciplinary action taken against you.
2. If you wish to exercise this right you should apply either verbally or in writing to the Operations Manager.
3. Because of the size of our organisation, the Operations Manager will take the initial action and give the decision. Any appeal will be heard by one of the Directors or by an external and neutral panel convened for the purpose.
4. If you are appealing on the grounds that you have not committed the offence, it may be necessary for the person conducting the appeal to have a complete re-hearing so that there can be a reappraisal of all matters before a decision is made to grant or refuse the appeal.
5. You may be accompanied at the appeal hearing by a fellow student or adult of your choice and the result of the appeal will be made known to you in writing, normally within five working days after the hearing. This is the final stage of the appeal process.
6. We reserve the right to allow third parties to chair any formal hearings.