

DISCIPLINARY POLICY & PROCEDURE

1) Summary

This policy clarifies the position relating to learners who are registered with the ESFA Apprenticeship scheme through the Engineering Trust Training (ETT) and who are subject to the ETT Learner Disciplinary procedure because of their unacceptable behaviour.

The policy sets out to make clear the parameters of unacceptable behaviour by a learner and are not limited to just those detailed in the policy but include any such behaviour deemed by a member of ETT staff as unacceptable.

The policy sets out the actions to be taken when a learner's behaviour is deemed to be unacceptable and this procedure is invoked. In such cases the learner and their employer will be fully briefed on how the procedure operates, its purpose and the possible consequences which could ultimately mean the exclusion of the learner from any ETT provision. Please refer to the ETT Learner Absence, Exclusion and Withdrawal Policy for what that would mean should a learner be at risk of exclusion.

Emphasis will always be place on how our policies and procedures can and hopefully will help the learner to succeed in gaining their qualification.

2) Principles

- a) ETT will endeavour to work with the learner, their employer and any educational institution the learner might be attending for an appropriate outcome that is proportionate to the behaviour, should a case for disciplinary action be decided upon.
- b) This policy and procedure operates alongside any formal disciplinary procedure that a learner's employer and any educational institution the learner might attend may have.

3) Unacceptable Behaviour

- a) Whilst a learner is engaged with ETT provision they are expected to conduct their behaviour in a positive, professional manner and as such ETT considers but are not limited to the following examples of unacceptable behaviour:
 - i) **SAFETY** - This includes any action done deliberately, recklessly or carelessly which could injure or interfere with any learner (including themselves), member of ETT staff, ETT property or provision. This could also result in prosecution from a third party.
 - ii) **SAFEGUARDING** - This includes any action done deliberately, recklessly or carelessly which could harm, interfere or offend any learner (including themselves), member of ETT staff, ETT property or provision. Also see the ETT Safeguarding Policy and Procedure. Examples might be but are not limited to:
 - Any act of physical abuse
 - Any act of sexual abuse
 - Any act of verbal abuse
 - Any act of mental abuse
 - Any act of financial abuse
 - iii) **CONDUCT** - This includes any action done deliberately, recklessly or carelessly which could disrupt, harm or offend any learner (including themselves), member of ETT staff, ETT property or provision. Typical examples might be but are not limited to:
 - Inappropriate use of language
 - The use of abusive and/or offensive language or gestures
 - Threats of any nature

- Unacceptable timekeeping and/or attendance
 - iv) **ATTITUDE** - This includes any action done deliberately, recklessly or carelessly which could interrupt or disrupt any learner (including themselves), member of ETT staff, ETT property or provision. Typical examples might be but are not limited to:
 - A clearly demonstrated lack of interest
 - A failure to engage with provision or delivery
 - A clear lack of effort on the learner's part to meet actions/targets agreed
 - A clear lack of willingness to work with ETT staff
 - v) **COMMUNICATION** - This includes any action done deliberately, recklessly or carelessly which could disrupt, harm or offend any learner (including themselves), member of ETT staff, ETT property or provision. Typical examples might be but are not limited to:
 - The inappropriate use of Social Media
 - The breaching of any rules governed by the General Data Protection Regulation (GDPR)
 - The inappropriate use of language (Verbal or physical)
 - Any communication deemed inappropriate or of negative context by ETT staff
 - vi) **LEARNING** - This includes any action done deliberately, recklessly or carelessly which could disrupt, harm or interfere with any learner (including themselves), member of ETT staff, ETT property or provision. Typical examples might be but are not limited to:
 - Any plagiarism (copying) of work produced by someone else
 - Any work produced fraudulently by a learner
 - Any editing of work that is not their own
 - Consistent failure to meet the standards of work required
 - vii) **RESPONSIBILITY** - This includes any action done deliberately, recklessly or carelessly which could disrupt, harm or interfere with any learner (including themselves), member of ETT staff, ETT property or provision. Typical examples might be but are not limited to:
 - The promotion or incitement of acts of Terrorism
 - The failure to treat people of any background fairly
 - A consistent lack of initiative shown
 - Demonstrates a consistent lack of motivation
 - Fails to take responsibility for their own learning
- 4) Gross Misconduct / Immediate Exclusion**
- a) No learner will be excluded for a first breach of discipline except in the case of gross misconduct or professional negligence when the penalty will be immediate exclusion.
 - b) Typical examples of gross misconduct might be but are not limited to:
 - i) The obtaining and/or use of property that is not their own
 - ii) The physical assault of another person
 - iii) Any communication considered offensive
 - iv) The sale, distribution or use of banned substances
 - c) Should a learner's actions be deemed gross misconduct by a member of ETT staff then that conduct will be investigated by ETT and where appropriate, the learner's employer and any educational institution that might be involved.
 - d) Whilst the investigation is carried out the learner will be suspended from ETT provision pending permanent exclusion.

- e) Should the investigation find that there is indeed a case of gross misconduct, the disciplinary procedure would then be followed and thus the immediate exclusion of the learner from any ETT provision.

5) Appeals Procedure

- a) A Learner may appeal against a disciplinary decision within five working days of receipt of the written decision. Such appeals are to be made in writing to the Chief Executive, unless directed otherwise when any sanction is issued.
- b) The appeal hearing will be convened as soon as is reasonably practicable and will include the employer.
- c) Where new evidence arises prior to or during the appeal the Learner will be given access to any relevant information or evidence and will have the opportunity to make representations.
- d) The Learner will have the right to be accompanied at any appeal hearing by a colleague or trade union representative.
- e) The Learner will be informed in writing of the decision of the appeal hearing following the conclusion of the hearing. Such decision will be final.