

# ABSENCE, DISCIPLINARY AND EXCLUSION POLICY & PROCEDURE

## 1) Introduction

Engineering Trust Training (ETT) expects all apprentices (you), in learning with us, to be committed to completing your programme, attending all aspects required of you, behaving and communicating with respect for others and property.

This policy and procedure should be read in conjunction with our Apprentice Code of Contact given to you within your 'Welcome to your Apprenticeship' document.

## 2) Scope

- a) ETT aims to develop you and encourage improvement, whilst at the same time, having the necessary policy and procedure in place to set standards of performance and behaviour.
- b) You have a responsibility to familiarise yourself with the provisions set out in this document to understand how they would apply to you in any disciplinary situation.
- c) ETT will monitor your work, to ensure that you are meeting our expectations and those of your Employer. As part of this, ETT will involve your Employer in their approach to managing your conduct and performance in all aspects of your programme and employment.

## 3) Absence

- a) If you are unable to attend work, TESA or college for any reason you must telephone your Training Officer on each affected day.

### b) Acceptable Absence

- i) The following would be acceptable reasons to be absent from your employer or college
  - Sickness or injury. Self-certified up to 7 days. Certification by your GP is required for more than 7 days.
  - Public duty e.g. jury service etc.
  - Any employer authorised absence which is not detrimental to the successful completion of your training. We encourage you to plan holiday in the shutdown weeks of TESA or the college you are attending in order to not miss days.
  - Any employer driven absence due to furlough.
  - Any educational institutions inability to deliver.
- ii) ETT actions if your absence is confirmed as acceptable:
  - Where an absence of 3 weeks or less is due to an acceptable reason, the time will be credited (if needed) to the end of your apprenticeship.
  - Where an absence of greater than 3 weeks occurs which is due to an acceptable reason you may be considered for a 'break in learning' to give you time to recover. You will be able to resume training once you have returned to work and your 'Planned End Date' will be correspondingly adjusted.
  - You and your employer will be kept fully informed regarding any 'Planned End Date' changes and any arrangements in terms of 'break in learning'. ETT will continue to provide training and assessment services to you until completion of your apprenticeship and any relevant qualifications.

### c) Unacceptable Absence

- i) This will apply if you are absent from your place of work, TESA or college for a reason that falls outside of those listed above.
- ii) Each case will be reviewed on its own merits. Any absence that falls outside those listed above, where mitigation cannot be established, will result in disciplinary action.

- iii) When an absence of any duration occurs which is deemed to be unacceptable, the Disciplinary Procedure set out in this document will be invoked. In such cases, you and your employer will be fully briefed on how the procedure operates, its purpose and the possible consequences which could ultimately mean exclusion from your apprenticeship programme.

#### 4) TESA Strikes

- a) If attending TESA, Strikes are given against you for...
- i) poor punctuality (at the start of the day and at the start or individual lectures)
  - ii) wearing unacceptable clothing
  - iii) parking in an unauthorised place (anywhere in the car park outside TESA)
  - iv) being unprepared for a session (not have the correct equipment)
  - v) late submission of work
  - vi) low level poor behaviour or disruption including use of a mobile phone during a lecture
  - vii) low level breaches of Health & Safety procedures or compliance with risk assessments
  - viii) any other behaviour or actions deemed to fall below expectation.
- b) Strikes are recorded by ETT staff, and you will be informed at the time that one is going against you and why.
- c) Strikes are measured over a 4-month 'period' and will be included in the report sent to your employer.
- i) Period 1 – September to December
  - ii) Period 2 – January to April
  - iii) Period 3 – May to August
- d) Your employer will be informed each time you reached 3 strikes.
- e) If you reach 9 strikes within a period, then an Informal Disciplinary Meeting will be arranged between you, your employer and ETT Staff to address your performance. ETT will deal with this informally (as described in 6)a below), will confirm the discussion and actions from the meeting in writing however it will not form part of any formal disciplinary process.
- f) If you require a second Informal Disciplinary Meeting within a period, then you will be moved to our Formal Disciplinary Process and further action taken (as described in 6b to 6g below).

#### 5) Misconduct and gross misconduct

- i) Examples of misconduct and gross misconduct are listed below. This is not an exhaustive nor exclusive list, but merely illustrative. The points are detailed with the aim of promoting consistency.
- ii) Misconduct examples (but are not limited to):
  - unauthorised absence from work or college
  - persistent lateness without sufficient cause, including taking unauthorised or excessive breaks
  - regular failure to follow absence notification rules
  - failure to obey a reasonable instruction
  - unsatisfactory standards or output of work
  - failure to devote the whole of your time, attention and abilities to your Employer or to your apprenticeship during work hours
  - unauthorised use or negligent damage or loss of our property
  - failure to report immediately any damage to property or premises caused by you
  - rudeness or offensive behaviour towards other ETT Staff, work colleagues, other learners, or other members of the public
  - minor breaches of health and safety rules

- minor or unintentional breaches of our academic malpractice and plagiarism policy
  - if attending TESA, falling foul of the Strike system.
- iii) Most cases involving misconduct will not normally warrant exclusion from your apprenticeship without previous warning.
- iv) Persistent misconduct may eventually lead to exclusion through the cumulative process.
- v) Some of the offences could warrant a first and/or final written warning without recourse to the preliminary stages of the procedure, depending on the circumstances of the case.
- vi) Gross misconduct examples (but are not limited to):
- threatening or violent behaviour/language towards ETT Staff, work colleagues, other learners, or other members of the public
  - carrying of dangerous, banned, or illegal items at your workplace, TESA or college
  - wilful damage to or the misuse of property or equipment
  - being incapable of adequately performing your work or learning duties because of the abuse of alcohol or drugs or similar substances. This includes the possession and/or supply of these substances
  - serious breaches of health and safety regulations endangering yourself, other employees, other apprentices or others
  - theft or fraud
  - accepting bribes or inducements in the course of employment or learning
  - acts of indecency
  - discrimination/harassment in the course of employment or learning whether in person or online (such as on the grounds of sex, marital status, disability, race, age, national origin, sexuality, religious or political affiliation) and abuse of the equal opportunity policy
  - breach of confidentiality, which includes data kept on manual and computer systems, covering both work-related information, learning information and sensitive data
  - negligence which causes or might cause unacceptable loss, damage or injury
  - misconduct outside work or learning which has a direct bearing on your employment and apprenticeship programme, including activities which result in adverse publicity to ourselves, or which cause us to lose faith in your integrity
  - serious insubordination, including deliberate disregard of instructions
  - intentional misuse of e-mail, internet or other electronic communication
  - serious or intentional breaches of our academic malpractice and plagiarism policy.
- vii) Note:
- Gross misconduct occurs where it is believed that you have behaved in a way that brings ETT or your Employer into disrepute and causes a loss of confidence in you and hence the relationship may be considered to have broken down.
  - Gross misconduct may also seriously threaten the wellbeing of other employees, learners or the public.
  - In cases of gross misconduct, the standard procedure of a sequence of warnings will not be appropriate.

## 6) Disciplinary Procedure

- a) ETT will, where possible, deal with cases of misconduct or unsatisfactory standards of work informally. It may be helpful to confirm in writing, so every-one agrees what has been discussed at any informal meetings. To be clear, this is informal support and not part of the formal disciplinary process. If this is the case you will also be provided with your own copy of any actions that are confirmed in writing, asking for you to check that this accurately covers the points agreed.

- b) There will, however, be situations where matters are more serious or where an informal approach has been tried but is not working. If informal action does not bring about an improvement, then the Formal Disciplinary Procedure will be taken.
- c) Principles of the formal stages of the approach
- i) The formal procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently. ETT will ensure:
    - no disciplinary action is taken until the matter has been fully investigated
    - you are advised of the nature of the issue/complaint and the arrangements for any formal investigation or formal meetings
    - you can state your case at every stage of the formal process and be represented or accompanied, if you wish, by a work colleague or representative (“companion”)
    - any decision taken will take in to account all mitigating circumstances. For example, any explanation or information provided by you, taking in to account your past performance and conduct whilst learning with ETT
    - you receive an explanation of the outcome and information about your right to appeal.
  - d) Formal Disciplinary Procedure
    - i) Investigation
      - When a disciplinary situation arises, the Head of Delivery will, as soon as reasonably practicable, carry out an investigation into the matter. This will involve your Employer if not already aware.
      - The investigation will be confined to establishing the facts and gathering any relevant documentation with allegations and complaints investigated thoroughly and promptly.
      - Where necessary, statements will be obtained from any relevant individuals.
      - An investigatory meeting with you may take place if considered appropriate.
      - During an investigation you will be advised of:
        - (a) the purpose of the investigation and the circumstances leading up to it
        - (b) that there is a possibility that the investigation could lead to disciplinary action
        - (c) the right of representation at any subsequent disciplinary hearing.
    - ii) Disciplinary Meeting & Notification
      - If, because of the investigation, it is decided that there is a disciplinary case to answer, you will be invited to attend a disciplinary meeting.
      - You will be informed of the nature of the complaint and where appropriate, will be provided with copies of any written evidence gathered during the investigation.
      - A disciplinary meeting will be arranged and conducted by the Head of Delivery. Other parties may attend the meeting such as your Training Officer, a representative from a subcontracted delivery partner and/or a representative from your Employer. You may be accompanied at the disciplinary hearing by a friend, family member or colleague if desired. You should make every effort to attend the disciplinary meeting.
      - If the matter concerns the Head of Delivery, the disciplinary meeting will be conducted by the Director of Delivery and Operations.
      - Where either party intends to call any relevant witnesses at the disciplinary meeting, advance notice of their intention to do so must be given.
      - You will be given the full opportunity at the disciplinary meeting to explain the matter and respond to the allegations.
      - If, in the judgement of the appropriate person, disciplinary action is warranted, you will be advised of the decision which will subsequently be confirmed in writing and will specify the details of:

- (a) the failure to meet the required standard
  - (b) any action required by you to remedy the situation
  - (c) the duration of the warning and the consequences of continued or subsequent failure to reach and sustain the required standard of conduct
  - (d) the right of appeal.
- e) Outcomes from the Formal Disciplinary Procedure
- i) An outcome decision may or may not involve a disciplinary meeting.
  - ii) Stage 1 - First Written Warning
    - In the case of more serious offences or under performance, a further offence or a repetition of earlier minor offences or a failure to improve you will be given a written warning. This will set out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period.
  - iii) Stage 2 – Final Written warning
    - In the case of a sufficiently serious offence or under performance, a further offence or a repetition of earlier offences or failure to improve you will be given a final written warning. This will set out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period. This may include a statement that any recurrence or non-improvement may lead to exclusion or to some other action short of exclusion.
  - iv) Stage 3 – Exclusion
    - This stage will normally result from your continued failure to act on previous warnings or an act of gross misconduct. In the case of gross misconduct, you will normally be excluded without notice.
- f) Exclusion
- i) Exclusion or ‘the removal of a learner’ from any ETT provision will not be a decision reached easily and will be the ultimate consequence of your unacceptable behaviour or performance.
  - ii) In such cases, the decision will be taken with your employer who will be fully briefed on what the exclusion from ETT provision means.
  - iii) Exclusion because of poor performance and progress towards your apprenticeship may or may not follow the Formal Disciplinary Procedure.
  - iv) Should your conduct or performance ultimately and unfortunately mean your permanent removal from any ETT provision, then that would mean the following:
    - You will cease to be an apprentice with ETT
    - ETT will cease to support you in any provision capacity
    - ETT will remove you from its agreement with the ESFA
    - ETT will archive your online electronic profile (OneFile) and prevent further access
    - ETT will where possible, signpost you to onward support
- g) Appeals Procedure
- i) You 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 ETT CEO unless directed otherwise when any sanction is issued.
  - ii) The appeal hearing will be convened as soon as is reasonably practicable.
  - iii) The appeal hearing will be held by the ETT CEO.
  - iv) Where new evidence arises prior to or during the appeal you will be given access to any relevant information or evidence and will have the opportunity to make representations.
  - v) You will have the right to be accompanied at any appeal hearing by a colleague, friend or other representative.

- vi) You will be informed in writing of the decision of the appeal hearing following the conclusion of the hearing. Such decision will be final.

## 7) Record Keeping

- a) A copy of all information within a Formal Disciplinary Procedure will be retained on your personal file but will be considered spent after the following periods:
  - i) First written warning after a period of 12 months
  - ii) Final written warning, after a period of 24 months

## 8) Special Categories

- a) Offences against the Law unrelated to learning or your employment.
  - i) You must inform us if they have been arrested or cautioned in respect of an offence.
  - ii) If you commit an offence against the law, unrelated to your learning or employment, you will not automatically be subject to disciplinary action, but if it is considered appropriate (e.g. due to an adverse impact on ETT's reputation), the matter should be investigated following the procedure within this document.
- b) Criminal Proceedings
  - i) If you commit an offence that leads to police proceedings a decision regarding if any disciplinary action should be taken by ETT can be reached without awaiting the outcome of any criminal proceedings.
  - ii) ETT will decide when to proceed with an investigation/disciplinary action, taking into account Police procedures.
- c) Alcohol or Drug Related Problems
  - i) If you have or are suspected of having an alcohol or drug related problem, help will be offered. Accurate, confidential records will be kept of instances of poor performance or other problems related to issues with alcohol or drugs.
  - ii) If suspected alcohol or drug misuse gives rise to misconduct, and you refuse help or help does not prove successful, disciplinary action may be taken.