Learner Disciplinary Procedure

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| HEADING | **SECTION CONTENT** |
| Background and Aims | Learners whose commitment, behaviour and/or progress falls below the workplace value expectations are liable to be disciplined.  Ellis Training Works operates a three-stage procedure, which, in general, will be followed for dealing with both unsatisfactory performance and behaviour. In exceptional circumstances, Ellis Training Works staff may deem it appropriate to forgo Stage 1 and/or Stage 2 and go straight to Stage 3.  In cases of suspected, alleged or actual gross misconduct, Ellis Training Works staff may suspend a Learner immediately whilst an investigation is carried out, which will be followed by a Stage 3 disciplinary meeting. |
| Stage One Disciplinary | In the first instance, the Learner will normally receive a formal verbal warning from the tutor, officer or assessor. The relevant tutor, officer or assessor will complete the Stage 1 Disciplinary process by conducting a meeting with the Learner, which forms the basis of the formal verbal warning. At this meeting targets will be set for the Learner to improve their commitment, behaviour and /or progress to ensure that they meet the workplace value expectations.  A record of the Stage 1 Disciplinary should be sent to the Learner and the Learner’s Company or Sponsor as relevant. The record should also be sent to parent(s), guardian(s) and carer(s) of 16-18 year old Learners.  The Record will be kept on the Learner’s file and a further breach of the Learner Code of Conduct will result in further disciplinary action being taken. If the Learner shows no improvement in their commitment, behaviour and /or progress, or they decline to accept the targets set for them, a Stage 2, Stage 3 or suspension meeting should be held as appropriate. |
| Stage Two Disciplinary | In the second instance, repeated or in more serious cases of disciplinary matters, a Learner is required to attend a Stage 2 Disciplinary meeting with the Managing Director who will consider the case and make recommendations for further actions.  Relevant tutors, officers, assessors and / or other staff will complete detailed reports prior to the Stage 2 Disciplinary meeting and submit to the Managing Director.  The Learner will be invited to a Stage 2 Disciplinary meeting by letter with a copy of the above tutor or assessor detailed report. 16-18 year old Learners should be accompanied by their parent(s), guardian(s), or carer(s). Learners should also be accompanied by their employer(s) or Sponsor if relevant. At this meeting further targets will be set for the Learner to improve their commitment, behaviour and/or progress to ensure that they meet the workplace value expectations.  Should a Learner not attend a planned Stage 2 Disciplinary, then the meeting will be held in their absence and decisions taken by Ellis Training Works staff based on the information available at the time of the meeting.  The Stage 2 Disciplinary will be recorded and the report sent to the Learner and the Learner’s Company or Sponsor as relevant. The record should also be sent to parent(s), guardian(s) and carer(s) of 16-18 year old Learners.  The Record will be kept on the Learner’s file and a further breach of the Learner Code of Conduct will result in further disciplinary action being taken. If the Learner shows no improvement in their commitment, behaviour and /or progress, or they decline to accept the targets set for them, a Stage 3 or suspension meeting should be held as appropriate. |
| Stage Three Final Disciplinary | Should further improvements not be made, or in the most serious cases of disciplinary matters, the Learner will be invited to a Stage 3 Disciplinary meeting with the Managing Director and other senior members of Ellis Training Works staff as relevant, who will consider the case and make recommendations for further actions. This could lead to exclusion from Ellis Training Works.  Relevant tutors, officers, assessors and / or other staff will complete detailed reports prior to the Stage 3 Disciplinary meeting and submit to the Managing Director.  The Learner will be invited to the Stage 3 disciplinary meeting by letter specifying the date and time of the meeting and a summary of the reason(s) leading to the disciplinary action being taken.  16-18 year old Learners should be accompanied by their parent(s), guardian(s), or carer(s). Learners should also be accompanied by their employer(s) or Sponsor if relevant.  Should a Learner not attend a planned Stage 3 Disciplinary meeting, then the meeting will be held in their absence and decisions taken by Ellis Training Works staff based on the information available at the time of the meeting.  The outcomes of the Stage 3 Disciplinary meeting shall be sent to the Learner, and the Learner’s Company or Sponsor as relevant. The record shall also be sent to parent(s), guardian(s) and carer(s) of 16-18 year old Learners. The Record will be kept on the Learner’s file. The letter will detail the actions arising from the meeting and the consequences of not meeting those actions. This will be the final written warning and any further breaches of the Learner Code of Conduct could result in permanent exclusion and withdrawal of the Learner from the course. |
| Suspension | In instances of suspected, alleged or actual gross misconduct, Ellis Training Works may suspend a Learner immediately. Suspension is a neutral act to allow a full investigation to be completed before a decision about a possible return to the training centre, or permanent exclusion is made. All suspensions will be recorded and immediately reported to: -   * The parent(s), guardian(s) and carer(s) of 16-18 year old Learners. * The employer or sponsor if relevant.   A suspension period should not normally exceed 14 days. During the suspension period an investigation will be carried out and a Stage 3 meeting arranged where the permanency of the exclusion will be determined. (The Stage 3 meeting will follow the process above.) |
| Exclusion | Permanent exclusion can only be decided at a stage 3 meeting. Written confirmation of permanent exclusion must be sent within seven days of the date of the Stage 3 meeting. An excluded Learner will not be considered for re-enrolment at Ellis Training Works for a period of five years. |
| Right to Representation | At Stages 2 and 3 of the Disciplinary Procedure, all Learners have the right to be accompanied as outlined above. Legal representation is not permitted. |
| Right of Appeal | Learners have the right to appeal against any decision leading to exclusion within 10 working days of the date of the Stage 3 meeting. This must be made in writing to the Managing Director giving the nature of the appeal, and outlining any further information they would like to be taken into consideration relating to the disciplinary matter. |
| Discipline and Conduct | In all organisations there are rules of behaviour. The Code of Conduct is intended to enable all members of the Ellis Training Works community to work and study in a pleasant and safe environment. |
| Discretionary Arrangements | If the Learner has previously disclosed a mental health, emotional or behavioural difficulty it is necessary to access information on these difficulties before commencing with the disciplinary procedure.  Each case will be considered on a case-by-case basis taking into consideration any difficulties, but even if there is evidence that the Learner has mental health /emotional or behaviour needs, it may still be appropriate to invoke the disciplinary procedure because this in no way lessens the duty of care Ellis Training Works owes to other Learners and staff. |
| Review | This policy will be reviewed at least every two years by the Managing Director to ensure that it remains up to date and reflects the needs and practices of the organisation.  The policy may also be reviewed if legislation changes or if monitoring information suggests that policy or practices should be altered. |