

Disciplinary Policy

Policy Statement

The Company Disciplinary Procedure will be used only when necessary and as a last resort. Where possible, informal and/or formal counselling, and/or other good management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than castigatory but is aware of the fact that sanctions may have to be applied in some circumstances.

The purpose of the disciplinary policy and procedure is to set and maintain standards of conduct within Debut, and in doing so, ensure that everyone is treated fairly and consistently. It is designed to help and encourage all to achieve and maintain satisfactory standards of conduct.

For newly appointed employees who are in their probationary period, Debut retains the discretion to vary the procedure accordingly in respect of formal warnings, up to and including termination for a first breach of conduct rules. The disciplinary procedure is normally only used where other interventions have failed to produce the required improvement or when the conduct matter is sufficiently serious to require immediate formal action.

Responsibility and Authority

Debut Training Academy has ultimate responsibility for staff, learner and employees and will ensure that the arrangements for overseeing disciplinary matters are fair, effective, robust and reviewed on a regular basis. As such three senior members of staff have been designated as Disciplinary Management Personnel.

The designated complaints personnel are:

Helena Lungley
Teaching & Learning Lead
Tel: 01268 560552
Email: helena@debutacademy.com

Charlotte Hughes
Deputy Head Tutor
Tel: 01268 560552
Email: charlotte@debutacademy.com

Linda Edwards
Centre Manager
Tel: 01268 560552
Email: linda@debutacademy.com

Learner & Staff Behavioural Expectation

Please refer to the Learner and Staff Code of Conduct Policies for further guidance on these matters. Learners and Staff are advised of expectations regarding behaviour and conduct at Induction.

Suspension

Suspension is not a disciplinary action or assumption of guilt. The purpose of suspension is manifold and can be used when it is necessary to remove a learner or member of staff from the environment/workplace pending an investigation. For example, to allow time for a 'cooling down period' for both parties, for their own or others protection, or to prevent them influencing or being influenced by others or to prevent possible interference with evidence.

The suspension should last only as long as is necessary and should be reviewed at regular intervals by the suspending manager. The outcome of the review should confirm if the suspension should continue, be converted to other temporary working arrangements or be lifted.

The person suspended will receive written confirmation within 3 days of:

- The reason for suspension
- The date and time from which the suspension will operate
- The timescale of the ongoing investigation
- The right of appeal should the suspension last more than 7 days

There may be occasions when it is necessary to suspend an individual on full pay whilst investigations are being carried out. Careful consideration will be given before a decision to suspend is taken.

Temporary Working Arrangements

Where suspension is not necessary or proportionate, it may be appropriate to consider a temporary variation to working arrangements whilst the investigation is undertaken. This could include movement to a different class, team or partial reduction in some duties or partial attendance to some timetabled sessions.

Investigation

A disciplinary penalty must not be applied until the necessary facts have been established and a hearing convened to consider the allegations.

Counselling

Counselling is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. It may include a 'Cause for Concern' review meeting where parties attend and notes are taken. Where improvement is required, clear guidelines or an action plan will be given as to:

- What is expected in terms of improving shortcomings in conduct or performance
- The timescales for improvement
- When this will be reviewed
- That failure to improve may result in formal disciplinary action

If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

Procedure for Formal Investigation

1. Formal investigations should be carried out by the most appropriate person. All the relevant facts should be gathered promptly. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.
2. A report should be prepared which outlines the fact of the case. This should be submitted to Carla Hales who will decide whether further action is required. Where appropriate, this report may be made available to the individual and their representative.
3. In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by either Carla Hales, Helena Lungley or Kersti Harding who would be accompanied by another senior member of staff. The investigating member of staff will present their findings in the presence of individual who has been investigated. Witnesses can be called at this stage, and the individual may be allowed to question these witnesses. The individual has a right of representation at this hearing and where the individual is under the age of 18 it is suggested, and encouraged that they be accompanied by a parent/guardian.
4. Following the full presentation of the facts, and the opportunity afforded to the individual to state their side of the case, the hearing should be adjourned, and everyone except the Managerial staff member and the nominated senior member of staff. They would discuss the case and decide which of the following options was appropriate:
 - Take no further action against the individual
 - Recommend counselling for the individual
 - Proceed to a disciplinary hearing
5. All parties should then be brought back, and informed as to what option has been determined. Should the decision to be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria has been met:
 - The individual has been informed by letter that the investigation may turn into a disciplinary hearing, and that they had the right to representation.
 - The individual has been told in advance what the nature of the complaint is, and had time to consult with their representative.
 - All the facts have been produced at the investigatory hearing, and the Managerial Staff Member and senior member of staff are in a position to decide on disciplinary action.
 - The individual should be advised that the hearing would now become a formal disciplinary hearing, and invite them to say anything further in relation to the case.
6. It may be appropriate at this point to adjourn proceedings, whilst necessary arrangements are made for a representative to attend the hearing at the request of the individual.
7. Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require its continuance.

Criminal convictions and police involvement

The operation of the procedure is not necessarily delayed because an offence is under investigation by the police or because of any legal proceedings. The question in such cases is whether the employee's conduct warrants action because of its employment implications. If an employee is charged with, or convicted of a criminal offence, this will not necessarily in itself be reason for disciplinary action.

However, consideration will be given as to what effect the charge or conviction has on the employee's suitability to do their job, their relationship with the company, work colleagues, learners and other parties, and whether there is damage to the company's reputation. Equally, consideration must be given if a learner has been charged or convicted or under police investigation and whether this has a detrimental impact on their suitability to remain on their course and have close contact with other learners or damage to the company's reputation.

Disciplinary action can also take the form of verbal and written warnings as follows:

Verbal Warning

A verbal warning is appropriate when it is necessary for a Senior Staff member or Employer in charge to take action against a learner or employee for any minor failing or minor misconduct.

Although matters are generally dealt with verbally, an informal follow-up letter will be generated and presented to the person who the verbal warning is being given, in order that matters that have been raised are clearly defined and any expectations are reiterated. The Staff member will also advise the learner or employee that they will be monitored to ensure that any matters are resolved/improved and any actions placed on them are carried out. The verbal warning letter will also give a clear indication that if any matters are not resolved, ie a written warning or disciplinary may be the next course of action.

First Written Warning

A first written warning is appropriate when:

- A verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed
- An offence is of a more serious nature for which a written warning is more appropriate.
- The recurrence or accumulation of an offence(s), if left, will lead to more severe disciplinary action.

Final Written Warning

A final written warning is appropriate when:

- A learner or employee's offence is of a serious nature falling just short of one justifying dismissal.
- A Learner or employee persists in the misconduct which previously warranted a lesser warning.

Examples of Minor Misconduct

Below are listed examples of misconduct which may warrant either Verbal Warning for a First Written Warning. It is stressed, however, that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

Examples of Gross Misconduct

Listed below are examples of misconduct which may be considered to be Gross Misconduct. In most instances, dismissal is instant and the person involved will not have any final warning. It is stressed, however, that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a final warning or dismissal.

- Posting or uploading serious, discriminatory or criminal comments or images on the internet that offends our core values, brings Debut into disrepute or is considered widely unacceptable to other learners or employees
- Serious harassment, discrimination or bullying of other learners and any Debut staff member or customer, either generally on company premises or at a social or training event.
- Incompetence or failure to apply sound professional judgement
- Making false allegations of personal injury/accidents in the workplace
- Sleeping while on duty
- Failure to ensure Debut premises are left secure
- Gross indecent or immoral behaviour or serious acts of harassment
- Deliberate fraud
- Providing confidential Company information to competitors or unauthorised bodies without prior consent
- Rudeness towards clients/customers and objectionable behaviour including neglect of duties that could result in harm to others
- Unauthorised use of Company property, facilities, resources, selling or attempting to sell or promoting the sale of non-Company merchandise whilst on Company premises
- Theft, including unauthorised possession of Company property without consent
- Breaches of confidentiality, prejudicial to the interest of the Company
- Being unfit for duties because of the misuse/consumption of drugs or alcohol or supply of illicit drugs
- Refusal to carry out a management instruction which are within the individuals capabilities and which would be seen to be in the interests of the Company
- Breach of confidentiality or security procedures including breaches of the Data Protection Act, breach of the Home Office counter-terrorism PREVENT strategy
- Physical assault, breach of the peace or verbal abuse
- Sexual harassment
- False declaration of qualifications, prior employment or professional registration
- Wilful damage of the Company's property
- Disregard of Health & Safety precautions including but not limited to hygiene, fire, and food safety, and trading standards.
- Taking company information that does not belong to them. This could be manuals, exams, personal records, customer contact information, information about company finances.
- Any forms of violence or serious threatening behaviour

Minor Misconduct

- Persistent lateness or poor time keeping (whether it is to class or returning from a scheduled rest/refreshment break)
- Inadequate academic/work performance or productivity
- Violations of plagiarism

- Absent from college for extended periods, including going absent from class, without valid reason or notification or authorisation by tutor or other member of staff
- Smoking within unauthorised areas
- Failure to work in accordance with prescribed procedures
- Showing disrespect and/or rudeness in any way to any member of staff, learner, visitor
- Incompetence that may cause an injury to themselves or another person
- Unreasonable standards of dress or personal hygiene
- Failure to observe any company policies or regulations
- Abusive language
- Threatening behaviour
- Bullying & Harassment (whether directly or indirectly)
- Posting or uploading negative or discriminatory comments about another person or Debut on any form of social media
- Actions that result in a formal complaint by a learner, visitor, staff member or person associated with a learner

Dismissal

Dismissal is appropriate when:

- A learner or employee's behaviour is considered to be Gross Misconduct.
- A learner or employee's misconduct has persisted, exhausting all other lines of disciplinary procedure.

Discretionary Arrangements/Equality & Diversity

If the learner/staff member has previously disclosed a mental health, emotional or behavioural difficulty it is necessary to access information on these difficulties before commencing with any appropriate counselling or disciplinary procedure.

If their difficulties are the primary cause of poor discipline and the incident is not of a serious nature, then alternative options can be considered, e.g., putting in place a behaviour plan linked to the disciplinary procedure before the procedure is implemented.

Each case will be considered on a case-by-case basis taking into consideration any difficulties, but even if there is evidence that the student 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 the College owes to other learners and staff.

Appeals

An employee or learner has the right to appeal against any formal disciplinary sanctions issued. Please observe the guidelines within the Access to Fair Assessment & Appeals Policy.

Linked Policies

Please refer to Debut's linked policies below for additional information regarding Disciplinary standards:

- Apprenticeship Expectation Policy
- Access to Fair Assessment & Appeals Policy
- Anti-Bullying, Harassment & Victimisation Policy

- Academic Work Completion & Plagiarism Policy
- Anti-Bribery & Anti-Fraud Policy
- Banned Substances Policy
- Code of Conduct – Staff Policy
- Code of Conduct – Learner Policy
- Complaints Policy
- Counselling Policy
- Confidentiality & Disclosure Policy
- Dress Code – Staff Policy
- Dress Code – Learner Policy
- Employer (Work Based) Support & Expectation Policy
- Equal Opportunities & Inclusion Policy
- Grievance Policy
- Health & Safety Policy
- Learner Charter Policy
- Learner Positive Behaviour Management Policy
- Learner Safeguarding & Safeguarding Vulnerable Adults Policy
- Right to Search Policy
- Smoke Free Policy
- Staff Confidentiality Policy
- Security of Premises Policy
- Teaching & Learning Policy
- Whistle Blowing Policy

Policy Revision

Issue 03 - Updated February 2017

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ANNEX E

Stage 1 and 2 Disciplinary Criteria

The table below shows criteria associated with minor and gross misconduct

Academic Performance STAGE 1 Minor	Cat A Attendance & Punctuality	Cat B Inadequate Academic Progress			
Disciplinary Procedures STAGE 1	Cat A Possession or use of offensive weapons of any kind	Cat A Use of offensive or abusive language	Cat B Possession, use or sale of illegal substances	Cat G Failure to comply with instructions	Cat H Possession or consumption of alcohol without authorisation

Disciplinary Procedures STAGE 2 Gross	Cat C Aggression towards staff	Cat D Aggression towards other learners	Cat E Bullying, Harassment towards staff or learners	Cat F Breaches of H&S, damage to or theft of equipment belonging to college, staff or learners	
	Cat I Misuse of IT	Cat J Bringing the college into disrepute	Cat K Academic Offenses., eg Plagiarism (FE/Adult learners only)		