

Gates MacBain Associates

STUDENT DISCIPLINARY PROCEDURE

1. SCOPE AND PURPOSE

The procedure applies to all learners of Gates MacBain Associates Ltd

The purpose of the procedure is to promote and maintain high standards of personal conduct amongst students and to ensure fair treatment for all students in relation to disciplinary action.

2. GENERAL PRINCIPLES

The need to implement the disciplinary procedure should be a rare occurrence and the formal procedure should not be used in circumstances where relatively minor problems can be resolved by a private word with the individual(s) concerned.

The disciplinary procedure relates to any behavior that is contrary to the maintenance of good order, discipline or safety within any areas of the centre's business. It also relates to standards of work and absence.

Any allegation of a disciplinary offence is to be dealt with as a matter of urgency and no disciplinary action taken until the case has been fully investigated. Written records are to be maintained at each stage of the proceedings.

Where a learner is under the age of eighteen years copies of all correspondence, originating from the college will be sent to the parents or guardians.

All copies of correspondence, originating from Gates MacBain Associates will be sent to the training provider or employer.

3. DEFINITIONS

Throughout this procedure the following terms are defined as:

Disciplinary Sanction:

A Disciplinary Sanction will be one of the following:

Stage 1 - Oral Warning
Stage 2 - Written Warning,
Stage 3 - Final Written Warning
Stage 4 - Exclusion.

Disciplinary Meeting:

A Disciplinary Meeting will consider issues of standard of work, conduct and repeated unauthorised absence. A Final Written Warning is the **maximum sanction** which can result from a Disciplinary Meeting.

Disciplinary Hearing:

A Disciplinary Hearing will consider issues of serious misconduct. It will also consider issues of standard of work, conduct and repeated unauthorised absence **where the anticipated sanction is exclusion.**

Disciplinary Appeal Hearing;

A Disciplinary Appeal Hearing will consider the outcomes of either Disciplinary Meetings or Hearings.

4. FORMAL PROCEDURE FOR UNSATISFACTORY STANDARD OF WORK, CONDUCT AND UNAUTHORISED ABSENCE

If the relevant staff member considers it to be necessary a Disciplinary Meeting will be held (a Disciplinary Meeting will always be held if the likely outcome is to be the issuing of a Final Written Warning). Where a Disciplinary Meeting is to be held the learner will be advised in writing of the nature of the complaint against him or her at least 3 working days before the meeting. In the event that the student concerned is under the age of 18 years, the

parent/guardian will be informed of the Disciplinary Meeting and the allegation made against the student.

At any Disciplinary Meeting, the learner will be given an opportunity to state his or her case and will have the right to be accompanied and represented. Failure of the learner to attend the meeting will not delay or affect the discussion of the case.

Stage 1 – Oral warning

If the standard of work or conduct does not meet acceptable standards or if short-term absence is of concern, the learner will normally be given a formal ORAL WARNING.

The ORAL WARNING will:

- Be given by his or her Personal Tutor or equivalent
- Advise the student in writing of the reason for the warning, the improvement required and the time limit within which such improvement must be achieved, that it is the first stage of the formal disciplinary procedure and that he or she has a right to appeal.
- Be placed on the candidates file.

Stage 2 - Written Warning

If, despite having been given a formal oral warning the learner commits a further offence of misconduct or his or her work performance remains unsatisfactory, or he or she continues to have a poor attendance record, the student will be given A WRITTEN WARNING.

The WRITTEN WARNING will:

- Be given by a Director of Gates MacBain Associates
- Give details of the complaint against the learner, the improvement required and the time limit within which such improvement must be achieved.
- Advise the learner of the right to appeal.
- Be placed on the student's personal file.

Note: If a learner's unsatisfactory work standard, conduct or attendance is considered sufficiently serious, a learner can be issued with a written warning ***without previously having been given an oral warning.***

Stage 3 - Final Written Warning

If, despite having been given a written warning the learner commits a further offence of misconduct or his or her work performance remains unsatisfactory, or he or she continues to have a poor attendance record, the learner will be given A FINAL WRITTEN WARNING.

The FINAL WRITTEN WARNING will:

- Be given to the learner by a Company Director
- Give details of the complaint against the learner, the improvement required and the time limit within which such improvement must be achieved.
- Advise the learner of the right to appeal.
- Be placed on the learner's personal file.

Note: If a learner's unsatisfactory work standard, conduct or attendance, is considered sufficiently serious, a student can be issued with a final written warning ***without previously having been given a written warning or an oral warning.***

Stage 4 – Exclusion

If, despite having been given a final written warning the student commits a further offence of misconduct or his or her work performance remains unsatisfactory, or he or she continues to have a poor attendance record, the student will be given A NOTICE OF PROPOSED EXCLUSION.

The NOTICE OF PROPOSED EXCLUSION will:

- Be in writing, will specify the reasons for the proposed exclusion and the date until which the proposed exclusion will be effective.

Upon being given notice of proposed exclusion, the student shall have the right to make representations at a Disciplinary Hearing (including oral representation, in mitigation, for which purpose he or she may be accompanied).

At the end of the Hearing the learner will be advised of the outcome, his or her right to appeal, and will be sent written confirmation of the decision within 7 working days of the Hearing.

5. FORMAL PROCEDURE FOR SERIOUS MISCONDUCT

Any allegation of serious misconduct is to be immediately reported to a Company Director who will appoint an Investigating Officer to enquire into the facts of the case as soon as is reasonably practicable. The Investigating Officer will not subsequently be either wholly or partly responsible for determining the disciplinary sanction.

The Investigating Officer may decide that there is no need to resort to a formal procedure and that it is sufficient to talk the matter over with the student or simply issue a reprimand. The Investigating Officer will determine whether the allegations potentially constitute Serious Misconduct.

If the Investigating Officer decides that the formal procedure is required a Disciplinary Hearing will be established.

The Disciplinary Hearing will normally be arranged within 14 working days of suspension and the student will be given at least 3 working days notice of the Hearing. He or she will have the right to attend, be heard and to be accompanied or represented

The student will have the right to appeal

The following offences are examples which are normally regarded as grounds for exclusion:

- Assault on a student or member of staff
- Bringing illegal substances onto the premises
- Abusive behaviour
- Vandalism
- Theft of GMA or personal property
- Behaviour which infringes the GMA Equal Opportunities Policy
- Refusal to carry out reasonable instructions or to comply with centre rules
- Behaviour considered to be damaging to the Centre's reputation.

The examples above are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

6. RIGHT TO APPEAL. The Learner will have the right to appeal at all stages of the procedure, this can be done through the GMA Appeals Procedure, the Centre Co-ordinator should be the first point of contact in this case.