



## Disciplinary Policy

### Introduction

CTSN SCITT is committed to running a programme that has the maximum positive impact for all staff and trainees. A trainee studying on a ITE programme is expected to conduct themselves at all times in an appropriate professional manner. On the rare occasions when conduct may not meet expectations, CTSN SCITT believes that it is in everyone's best interest to have disciplinary processes in place so that any shortfall in behaviour can be resolved at the earliest possible stage.

Disciplinary procedures are necessary so that trainees who do not meet the expectations required by the SCITT's Code of Conduct are treated reasonably, consistently and fairly in every case.

### What the SCITT expects from its Trainees

- To comply with the SCITT's and placement school's code of conduct, policies and procedures.
- To make the safeguarding and protection of children a priority, ensuring that their conduct at all times reflects the position of trust they occupy.
- To maintain effective and professional work and study relationships with colleagues, fellow trainees and SCITT staff, treating all with dignity and respect.
- To clarify expectations, behaviours and rules with their mentors if they are unsure.
- To co-operate if they are asked to be involved with a disciplinary case.
- To co-operate with those dealing with a potential disciplinary case concerning them.
- To treat those dealing with a disciplinary case with courtesy and respect at all times.

### What the Trainees can expect from CTSN SCITT

- To provide consistent, fair and reasonable treatment.
- To act promptly when potential disciplinary matters come to light.
- To deal with minor breaches of discipline informally.
- To investigate the relevant facts before taking action under the formal parts of this procedure.
- To advise trainees in writing at all stages of the formal procedure of the nature of the complaint and give them the opportunity to state their case, present any evidence, witnesses and mitigating factors before a decision is reached.
- To rearranged (on one occasion) a meeting if you, your union representative, family member or workplace colleague cannot attend a disciplinary hearing for a reason that was not reasonably foreseeable when the meeting was first arranged.
- Not to dismiss you for a first breach of disciplinary rules except in the case of actions that would be considered gross misconduct.
- To have the right of appeal against formal disciplinary action.
- To be treated with courtesy and respect at all times throughout your case.

- To be given reasonable notice of any disciplinary processes with meetings taking place at a reasonable time and location. All parties must take all reasonable steps to attend meetings punctually.
- To record all cases of disciplinary action taken under these procedures and to supply on request to you copies of any such records held which relate to you.

### CTSN SCITT Disciplinary Procedure has four main stages, as follows:

Stage 1: A concern is raised informally by a mentor, professional tutor, senior tutor, supporting teacher or CTSN SCITT Lead.

Stage 2: A concern about a trainee's conduct is raised in a formal meeting with the relevant CTSN SCITT Hub Lead (and, for salaried trainees, a suitable representative of the employing school's leadership team).

Stage 3: A serious issue or an escalated issue is dealt with by a member of the SCITT's Senior Leadership Team.

Stage 4: A disciplinary panel (made up of SCITT Senior Leadership Team) holds a hearing.

### Disciplinary issues

The majority of disciplinary procedures will be stage 1, at an informal level. These normally include first or minor occurrences that could include:

- Failure to meet the [Behaviour and attitude](#) aspects of the CTSN Trainee Code of Conduct.
- Failure to meet the [Professional responsibilities](#) aspects of the CTSN Trainee Code of Conduct.
- Failure to meet the [Training responsibilities](#) aspects of the CTSN Trainee Code of Conduct.

However, certain actions will commence at Stage 2 these may include:

- Any acts of dishonesty
- Failure to engage with Core training
- Failure to maintain a professional approach to all communications
- Repeatedly missing deadlines
- Failure to respond/engage to support plans
- Persistent informal disciplinary breaches

Gross misconduct will be dealt with at Stages 3 and 4. These include but are not limited to:

- Any acts of discrimination, indecency, harassment or bullying
- Any form of assault or physical violence
- Acts of abuse of drugs or alcohol
- Bringing the CTSN SCITT or placement schools into disrepute
- Corruption / Bribery

- Deliberate plagiarism
- Deliberate misuse of pupil, trainee or staff confidential personal information
- Downloading of inappropriate material from the internet
- Failure to inform the sponsoring school and the SCITT Director of a criminal conviction or caution after the submission of the DBS Enhanced Disclosure
- Inappropriate behaviour towards SCITT or school staff, fellow trainees, pupils/students or parents/carers

All safeguarding concerns would start at Stage 4

- Not acting in accordance with the document, Keeping Children safe in Education - part 1.
- Not ensuring the welfare and safeguarding of all children and young people.

### Right of representation

Trainees may bring a representative to any meeting held under this procedure. The representative may be either a trade union representative, a school member of staff or a fellow trainee. At meetings the representative can make representations or ask questions but cannot answer questions on behalf of the trainee. Meetings will not be unreasonably delayed due to the non-availability of a chosen representative.

### Stage 1: An informal meeting with the mentor, professional tutor, senior tutor, supporting teacher or CTSN SCITT Lead

Where possible and appropriate CTSN SCITT will deal with disciplinary matters informally. This will take the form of an informal meeting between the mentor, professional tutor, senior tutor, supporting teacher or CTSN SCITT Lead and the trainee to discuss a concern. The mentor, professional tutor or senior tutor will send a brief summary of the meeting to the relevant Hub administrator to be saved in the trainee's folder in MS Senior tutor Team. This is to ensure that any patterns of behaviour can be noted. Otherwise, if more than one informal conversations have taken place involving differing mentors, professional tutor, senior tutor, supporting teacher or CTSN SCITT Leads repeated misconduct may not be linked. The senior tutor will keep an overview to ensure the inappropriate actions / behaviours do not reoccur.

If the meeting does not resolve the issue(s) or the matter cannot be dealt with adequately informally, the mentor, professional tutor, senior tutor, or supporting teacher escalate the issue to the CTSN SCITT Lead who will start formal procedures.

### Stage 2: A formal meeting with the CTSN SCITT Lead

Within five working days [or as soon as practicable during school holidays] of receipt the disciplinary concern, the CTSN SCITT Lead will ensure the situation is investigated fully. The CTSN SCITT Lead may delegate responsibility for conducting the investigation to another member of staff. The aim is for a stage 2 disciplinary procedure to be dealt with within 14 working days of receiving the concern.

Once the investigation has been completed, the CTSN SCITT Lead will review all the information and write a letter to the trainee setting out the concern and invite them to a formal meeting to discuss the issue(s) that has been raised. [NB the trainee is permitted to invite a union representative, family

member or work place colleague to attend (but there is no right of legal representation) and is also permitted to defer one appointment.]

### Outcomes

During the meeting the CTSN SCITT Lead will evaluate all information presented, and is empowered to determine an outcome, as follows:

- a) Disciplinary action is not justified
- b) Misconduct has been proved

The Senior Leader will then apply one of the following:

- A Support Plan (1).
- A Support Plan (2) / Cause for Concern Report.
- Mitigating Circumstances (Appendix A).
- A written warning.
- Move to stage 3 or stage 4 of this policy.

The CTSN SCITT Lead will write to the trainee detailing the disciplinary decision including if any monitoring or review will be put in place and who will lead this process and explaining the trainee has the right to appeal if formal action has been taken.

If the disciplinary procedure is the result of a complaint, the complainant will be informed that the complaint will be pursued through disciplinary action. The SCITT disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.

The CTSN SCITT Lead will send the appropriate Hub administrator the documentation be saved in the trainee's folder in MS Senior tutor Team.

### Stage 3: A formal meeting with a member of the Senior Leadership Team

Within five working days [or as soon as practicable during school holidays] of receipt of the disciplinary concern, a designated member of the Senior Leadership Team will ensure the situation is investigated fully. This may include interview evidence from witnesses, documents and other material evidence. Investigations should be proportionate to the misconduct that has occurred and should take account of any admissions given by the trainee. The Senior Lead may delegate responsibility for conducting the investigation to another member of staff. The aim is for a stage 3 disciplinary procedure to be dealt with within 14 working days of receiving the concern.

Once the investigation has been completed, the Senior Leader will review all the information and write a letter to the trainee setting out the issue and invite them to a formal meeting to discuss the issue. NB the trainee is permitted to invite a union representative, family member or work place colleague to attend as well and is also permitted to defer one appointment. It would be advisable for the Senior Lead to have a member of the SCITT team (this may be an administrator) present. This is to ensure there is someone able to corroborate any reports from this meeting, and also to keep a note of the meeting

### Outcomes

The Senior Leader will evaluate all information presented, and is empowered to determine an outcome, as follows:

- a) Disciplinary action is not justified
- b) Misconduct has been proved

The Senior Leader will then apply one of the following:

- A support plan (1).
- A Support plan (2) / Cause for Concern Report
- Mitigating Circumstances (Appendix A)
- Written warning
- Final written warning
- An escalation to a full disciplinary panel

The member of the SCITT leadership team convening this (Stage 3) meeting may make recommendations to help the trainee re-establish acceptable behaviour or performance standards, either during the meeting or in writing after the meeting. The trainee will be informed of the outcome in writing, as soon as is reasonably practicable. The letter should include details of the disciplinary decision including if any monitoring or review is needed and explaining the trainee has the right to appeal any disciplinary actions.

If the disciplinary procedure is the result of a complaint, the complainant will be informed that the complaint will be pursued through disciplinary action. The SCITT disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.

The Senior Leader will send the appropriate Hub administrator the documentation be saved in the trainee's folder in MS Senior tutor Team.

#### Stage 4: A disciplinary panel

Due to the seriousness of these alleged actions a panel of three member of the Senior Leadership team (and including a Senior leader from the employing school for salaried trainees) will deal with Stage 4 disciplinary procedures.

Within five working days [or as soon as practicable during school holidays] of receipt of the disciplinary concern, an independent investigator will gather all the relevant details. This may include interview evidence from witnesses, documents and other material evidence. Investigations should be proportionate to the misconduct that has occurred and should take account of any admissions given by trainees. The aim is for a stage 4 disciplinary procedure to be dealt with within 14 working days of receiving the concern.

The investigator will present all relevant findings to the panel for their consideration.

The Panel will review all the information and either:

- write a letter to the trainee setting out the issue and invite them to a formal meeting to discuss the concern. NB the trainee is permitted to invite union representative, family member or workplace colleague to attend, and is also permitted to defer one appointment. A SCITT administrator will be present to take notes of the hearing's proceedings;
- or, if the decision is that there is no case to answer, trainees must be notified as soon as is practicable.

The trainee will be informed of the date and time of the disciplinary hearing and will be provided with full details of the allegations against them together with any evidence to be relied on at the disciplinary hearing, including any witness evidence, not less than ten working days prior to the hearing.

At the hearing the investigator will present their case, evidence and witnesses, and take questions from the trainee and the panel. The trainee will have the right to respond, by presenting their case, evidence and witnesses, and taking questions from the Investigator and the panel.

The trainee, and anyone accompanying them, must not make electronic recordings of any hearing conducted under this procedure unless as a reasonable adjustment under the Equality Act 2010, in which case advance notification should be given by the trainee.

If the trainee fails to attend a disciplinary hearing, due consideration should be given to the reasons for this. If a trainee unreasonably fails to attend a hearing, or persistently fails to attend a meeting, a decision may be made in their absence based upon the available evidence. Trainees must still be offered the right to appeal this decision.

## Outcomes

The panel will evaluate all information presented, and is empowered to determine an outcome, as follows:

- a) Disciplinary action is not justified.
- b) Misconduct has been proved.

The panel will then apply one of the following:

- A support plan (1).
- A Support plan (2) / Cause for Concern Report.
- Mitigating Circumstances (Appendix A).
- Written warning.
- Final written warning.
- Removal from the course (which, for salaried trainees, will also mean dismissal from post).

The panel may make recommendations to help the trainee re-establish acceptable behaviour or performance standards, either during the hearing or in writing after the hearing. The trainee will be informed of the outcome in writing, as soon as is reasonably practicable.

If the panel, at the end of the full disciplinary procedure, is satisfied that the trainee has committed a gross misconduct that precludes them from continuing with the course, the trainee will normally be removed from the course with immediate effect; in such cases, salaried trainees' contract of employment will be terminated.

The Panel will write to the trainee detailing the disciplinary decision including if any monitoring or review is needed and explaining the trainee has the right to appeal.

If the disciplinary procedure is the result of a complaint, the complainant will be informed that the complaint will be pursued through disciplinary action. The SCITT disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.

The Panel will send the appropriate Hub administrator the documentation be saved in the trainee's folder in MS Senior tutor Team.

## Raising an appeal

Following the outcome of the disciplinary the trainee may appeal within ten working days of receiving notification of the outcome of the disciplinary meeting. Appeals must be made in writing to the SCITT Director.

## Removal from the course

If no appeal is sought, after ten working days following a disciplinary panel decision, CTSN SCITT will invoke a suspension of studies; this may be an immediate suspension following concerns about safeguarding or welfare of students or staff.

If an appeal is requested, after five working days following an appeals panel decision, CTSN SCITT will invoke a suspension of studies.

If the trainee is in receipt of finance from Student Finance England a Change of Circumstances form will be submitted to SFE by CTSN SCITT.

If a trainee is removed from the course, they will be liable for fees as follows:

- Non-Salaried trainees: if payment of fees is via a student loan, then this will be in accordance with the requirements of SFE.
- Non-Salaried trainees: if a trainee is paying fees privately, they will have a tuition fee liability as follows:
  - Withdrawal from 1st September to 30th November – 25% Tuition Fee payment;
  - Withdrawal from 1st December to 31st January - 50% Tuition Fee payment;
  - Withdrawal from 1st February to 30th April – 75% Tuition Fee payment;
  - Withdrawal from 1st May to the end of the course – 100% Tuition Fee payment.

## Appeals Hearing

A panel will be made up of members of the CTSN ITT Strategic Board and will consider all appeals after Stage 4. An appeal meeting will be arranged as soon as reasonably practicable with at least three members of the Strategic Board who have not previously been involved.

The purpose of the appeal meeting is to consider the decision of the original panel. No new evidence can be introduced; the trainee would need to explain why the decision of the original panel was unreasonable or if the procedures of this policy had not been followed.

The investigator will present any evidence as necessary to the panel. The investigator should attend the appeal hearing in person, unless there are reasonable grounds not to do so or all parties agree that a written statement would be acceptable.

The SCITT will put in writing its response to the trainee's reasons for appeal. The SCITT will provide this within ten working (school) days. At the end of that period (whether or not the SCITT has responded) the Clerk will convene a meeting of the Appeal Panel.

The meeting of the Appeal Panel will be held as quickly as practicable given the need to find a date that is reasonably convenient for the trainee, the SCITT and the members of the Appeals Panel. Whenever possible, the meeting will be held within 15 school days of the end of the SCITT response time. The meeting is not a court case and will be held in private. Panel members, will be able to ask questions to the investigator, the SCITT and the trainee. The trainee will have the opportunity to make final comments to the Panel.

The Appeals Panel may:

- i. dismiss the appeal (and uphold the complaint) in whole or in part;
- ii. uphold the appeal (ie dismiss the original decision) in whole or in part and ask the disciplinary panel to reconsider its decision;
- iii. decide on any further action to be taken;
- iv. If appropriate, recommend changes to the SCITT so problems of a similar nature do not recur.

The decision of the Appeal Panel is binding and concludes the complaints procedures.

The Panel should issue a Completion of Procedures (CoP) Letter. This letter should set out clearly the issues that have been considered, the Panel's final decision and the deadline for bringing a complaint to the OIA, normally within ten working days of the appeal meeting.

If the trainee remains dissatisfied with the outcome, they should write to the Independent Adjudicators Office (see below for contact details).

## Office of Independent Adjudicators

If a complaint against disciplinary action cannot be resolved the trainee has the right to make a formal complaint to the OIA however, before a trainee can complain to the OIA, they must normally have first completed their provider's internal complaints or appeals procedures, in the case of disciplinary action the completion of the appeals process in this policy is considered a final conclusion and this cannot be separately challenged under the SCITT's complaints procedure. Once they have done so, the provider should issue a Completion of Procedures (CoP) Letter. This letter should set out clearly the issues that have been considered, the provider's final decision and the deadline for bringing a complaint to the OIA.

OIA

Second Floor

Abbey Gate

57-75 Kings Road

Reading, RG1 3AB

Telephone: 0118 959 9813

website: <http://www.oiahe.org.uk>

## Confidentiality

All correspondence, statements and records relating to individual proceedings are to be kept confidential, unless required to notify for a safeguarding concern or similar. Relevant details might be shared with placement schools, the DfE, Ofsted, or OIA, if requested.

## Record Keeping

A written record will be kept of all disciplinary matters that were resolved at the formal stage of this procedure. The SCITT reserves the right to record meetings. Records will contain details of whether the disciplinary matter was resolved at stage 2, stage 3 or proceeded to a stage 4 panel hearing. The

action taken by the partnership as a result of a disciplinary matter (regardless of whether they are upheld) will also be recorded.

### Other relevant Documents

The Disciplinary Process will usually be in relation to the SCITT's Code of Conduct. There may also be reference to:

- Absence Policy
- Attendance Policy
- Equality and Diversity Policy
- Safeguarding Policy
- Well-being Policy

This Disciplinary Policy will be reviewed biennially.

Review date: Summer Term 2023 (Currently being reviewed)

## Appendix A: Mitigating Circumstances Form

If you are facing short-term or long-term exceptional circumstances, you may submit a mitigating circumstance form to your Senior Tutor to request:

- A short break from the programme
- An extension to target / task / evidence bundle submissions deadlines

A break / extension can normally be granted for a period of up to two weeks.

Examples of exceptional circumstances include:

- illness of self or dependents;
- unanticipated changes in personal circumstances.

The following reasons would not normally be accepted as valid reasons:

- holiday arrangements;
- social commitments;
- normal work pressures;
- religious festivals;
- technical software, hardware, network or internet problems.

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#### Part I - to be completed by the Trainee

Please complete Part I of this form and email it to your Senior Tutor along with any supporting evidence.

You must continue to work on your target / task / evidence bundle submissions whilst waiting for a decision.

|   |  |      |  |
|---|--|------|--|
| Name  |  | Date |  |
| Signature   |  | Hub  |  |
| Request   |  |      |  |
| Reason for the request  |  |      |  |
| Documentary evidence to support the request                                       |  |      |  |
| If applicable, the name of the CTSN member with whom you have discussed this with |  |      |  |

Decisions will be made as quickly as possible, and you will be notified of the decision by your SCITT via email.

Part 2 - to be completed by the Programme team

|   |  |           |  |
|---|--|-----------|--|
| Date form received                        |  |           |  |
| Notes of discussions with CTSN colleagues |  |           |  |
| Outcome, with reasons                     |  |           |  |
| Action Plan                               |  |           |  |
| Date decision communicated to trainee     |  |           |  |
| Name                                      |  | Date      |  |
| Signature                                 |  | CTSN Role |  |