



Wessex Schools Training Partnership

## Disciplinary Policy

October 2021

Claire Porter October 2021 – review June 2022

### Introduction

This WSTP disciplinary policy applies to trainee teachers. Disciplinary matters relating to mentors and other school based staff will be dealt with by the relevant school using the school policy. Disciplinary matters relating to SCITT employed staff will be dealt with using the SCITT Complaints and Appeals Procedure Policy.

The SCITT is committed to being fair and reasonable and it takes this commitment seriously. It recognises that instances may arise in which schools are dissatisfied with the conduct of a trainee and that in such cases there is a need for a formal procedure through which the issues can be identified without delay and appropriate action taken in a consistent and non-discriminatory manner. The day-to-day supervision of the trainee is part of the normal management process and is outside the formal procedure for dealing with breaches of discipline. There is likely to be less recourse to the SCITT formal procedure if deficiencies in a trainees conduct are brought to his/her attention at the earliest possible stage by his/her mentor or WSTP School Rep and the trainee responds positively to the advice. The SCITT intends that informal measures are adopted wherever possible.

The object of the formal procedure is to provide a framework to deal with trainees whose standard of conduct continues to fall short of that required by the SCITT after any informal action. It is also designed to encourage a trainee whose standard of conduct is unsatisfactory, to improve.

This policy requires that:

- Trainees and staff are to raise and deal with matters promptly and consistently
- Necessary investigation is carried out
- The SCITT Director informs trainees and gives them the opportunity to put their case before decisions are made
- Trainees are able to be accompanied at all formal meetings
- The SCITT always considers its obligations under the Equality Act 2010
- The trainee is made aware of any issues as they arise
- The SCITT always allows for a fair process to be followed
- The SCITT obtains clear and documented evidence from placement providers

Judgements will be made in relation to the evidence that will rely on the burden of proof. The burden of proof lies with the provider and the standard applied is the balance of probability (civil standard).

- The trainee will be made aware of allegations against them
- The trainee will have seen all evidence against them
- Both parties will be heard
- Reasonable notice of a hearing will be given
- Panels will be free of any perception of bias

- The trainee may select who accompanies them but the SCITT reserves the right to raise objections where there is a clear conflict of interest
- Historic evidence may only be submitted where clear relevance can be proved

## Scope

1. Where a trainee's failure to perform satisfactorily relates to his/her capability, rather than conduct, this will be dealt with through the SCITT support plan procedures as detailed in the SCITT handbook and SCITT 'Guide to supporting trainees who are experiencing difficulties.' This may culminate in a Suitability to Practise Panel – see SCITT policy, 'Trainee suitability to practise.'
2. Where misconduct relates to a child protection issue, local authority Child Protection Procedures (the SET Procedures) must be followed. Advice will be sought through the lead school and/or the Designated Safeguarding Lead for the SCITT.

## Trade Union Officials

No disciplinary action will be taken against any trainee in respect of alleged misconduct that arises until the trainee has had the opportunity to discuss the matter with a trade union representative.

## Trainee Conduct

All trainees are expected to conduct themselves with due regard to their legal responsibilities as adults and as guests in a placement school. Complaints against trainees may be instigated by staff, other trainees or wider members of the schools and SCITT community. Examples of disciplinary matters include the following reasons:

- Irregular attendance
- Persistent lateness
- Failure to complete assignments
- Inability to meet deadlines
- Unfair practice such as plagiarism, cheating or undue collaboration with regard to assignments
- Withholding evidence of past or present criminal convictions or cautions
- Misappropriation of funds or assets of the WSTP or its partner institutions
- Placing her/himself, pupils or colleagues at risk by not conforming to Health & Safety procedures
- Unprofessional behaviour in terms of conduct, language or dress
- Violence, child abuse, alcohol or drug abuse, criminal activities, racial or sexual harassment whether in or out of school
- Preventing, obstruction or disrupting the teaching and learning within educational institutions or the delivery of teaching and learning to trainees by WSTP
- Deliberately or recklessly misusing or damaging any resources or property belonging to the SCITT or its partner institutions
- False or malicious complaints made about other trainees and/or SCITT personnel / in school mentors etc.

The above are examples and are not exhaustive. Each case will be dealt with individually and on its own merits. If any of the above occurs within a school, then the Headteacher has the authority to withdraw the offer of a placement within the institution and will inform the SCITT Director immediately.

## Roles and Responsibilities

1. It is the responsibility of The SCITT Director to:

- Define and communicate disciplinary rules;
- Ensure that systems are in place for the proper induction of new trainees, day to day management and performance management of trainees to ensure that minor deficiencies in conduct are dealt with effectively without recourse to the formal procedure;
- Ensure that appropriate disciplinary procedures are in place, are monitored and reviewed regularly and are implemented in a fair and consistent manner;
- Ensure that, where necessary, disciplinary procedures are carried out promptly and fairly;
- Ensure that trainees are aware of disciplinary rules and procedures and deal with any minor deficiencies in conduct at the earliest stage through normal day to day supervision;
- Suspend trainees where appropriate;
- Establish, where appropriate, disciplinary and disciplinary appeals committees.

2. It is the responsibility of the SCITT Director and the Office Manager to:

- Ensure that appropriate pre-enrolment checks are carried out;
- Ensure that trainees are aware of disciplinary rules and procedures and deal with any minor deficiencies in conduct at the earliest stage through normal day to day supervision;

3. The disciplinary procedures will be operated by the Strategic Management Committee

- The SCITT Director will lead on the investigation.
- All appeals will be heard by the SMC Disciplinary / Dismissal Appeal Committee.

4. It is the responsibility of all trainees to:

- Be aware of and comply with general rules and procedures referred to in the course handbook;
- Comply with the SCITT's disciplinary and other procedures and to co-operate with the processes contained therein.

## Procedures:

### Investigations

Complaints are to be communicated to the Director using the 'Recording Concerns' Form in the first instance. (See Appendix A)

In the event of a complaint regarding a trainee being received, the SCITT Director will inform the Chairman and arrange to interview the trainee without delay and to initiate all necessary enquiries. The SCITT Director will conduct such investigations as they consider necessary. The purpose of the investigation is to gather sufficient information to determine whether or not the matter needs to be pursued formally as a disciplinary hearing. Where appropriate the trainee will be given ample opportunity to state his/her case and the investigation may involve interviewing witnesses, other relevant parties and taking statements. All reasonable effort will be made to complete the investigation without delay. Formal disciplinary action will not be taken against a trainee without prior investigation, other than in exceptional circumstances.

If the matter is not found to be proven, it shall be dismissed and no record of the case will be retained. If, following the investigation, the matter is established, the disciplinary procedure will be invoked.

Where a trainee admits an allegation, or it is of a less serious nature, it may not be necessary for SCITT Director to carry out a lengthy investigation. Any hearing in these circumstances would be to consider the allegation, the trainee's admittance and any mitigation they wish to put forward.

If offered by the SMC, it will be open to a trainee to accept a proposed disciplinary sanction without being subject to the full normal procedure. This is called an 'agreed outcome'.

In certain circumstances, the SCITT Director may conclude that formal disciplinary action is not necessary but that professional advice should be given to the trainee. This will be in the form of a letter of expectation that will be placed on the trainee's file indefinitely.

### Suspension

Suspension may be effected normally only where:

- There is a risk to others within the school;
- The allegations are so serious that dismissal from the course would be a possible outcome
- Allowing the trainee to remain in school or attend lectures could hinder the investigatory process.

Where appropriate, suspension will only be applied after alternative measures have been carefully considered. Only the chairman and the Director have the power to suspend a trainee.

A suspension can only be ended by the SCITT Director or the SMC. During a period of suspension, the trainee will receive his/her bursary payment. Where a trainee falls sick during a period of suspension, the normal arrangements will apply. The trainee's WSTP School Representative will be a contact point during the suspension for school business issues.

### Disciplinary Hearings

If after investigation, the SCITT Director considers that a formal sanction or dismissal is appropriate, s/he will refer the matter to a formal hearing. Disciplinary hearings will be carried out without undue delay. The trainee will be given at least fourteen days' notice (unless otherwise agreed by mutual consent), in writing, of the date, time and place of any disciplinary hearing. When given this notice, the trainee will be:

- Informed of the nature and details of the alleged misconduct;
- Informed of his/her right to be accompanied at the hearing by a representative and of his/her right to call witnesses;
- Supplied with a copy of the SCITT Director's written report which is to be considered at the hearing, including any witness statements;
- Given an indication of the possible disciplinary penalty which could be imposed if the allegations were found to be substantiated;
- Informed who will conduct the hearing and those to be called;
- Given a copy of the SCITT's disciplinary procedure.

Not later than three working days before the hearing the trainee:

- Must supply the name and status of his/her representative;
- Must supply the names of any witnesses\* s/he intends to call and an outline of the evidence they will give;
- May submit a written statement or other supporting written evidence if s/he wishes, either direct or through his/her representative.

At the hearing the trainee and/or his/her representative and the person presenting the case may:

- Address those conducting the hearing;

- Be questioned by the other party and by those hearing the case, on the statements made by them and on any evidence they have submitted;
- Question the other party on any relevant aspect of his/her evidence.
- An opportunity will be given at the end of the process for both parties to make a summary statement of their case. The trainee or his/her representative will have the right to speak last;

Trainees are required to take all reasonable steps to attend hearings. Hearings may be rearranged once where either party or their representatives are unable to attend for a reason that was not reasonably foreseeable. Where a trainee or apprentice fails to provide a good reason for non-attendance, those hearing the case will make a decision about whether or not to proceed.

The Trainee Teacher will be informed in writing of the nature of the concern and the date of the disciplinary meeting. Normally ten days' notice will be given of the meeting. The Trainee Teacher will be encouraged to arrange to be accompanied by a friend or colleague of their choice. The Trainee Teacher will be able to call witnesses in support of their case at an appropriate time during the meeting.

#### Representation

1. A trainee is entitled to be accompanied by a union/professional association representative, colleague, friend or other appropriate person, at all formal meetings, hearings and appeals. The trainee must make his/her own arrangements for this.
2. Such representatives should make themselves available to accompany the trainee concerned within a reasonable period of time. If however, the trainee's chosen companion is not available, for a reason that was not reasonably foreseeable, at the time proposed for any meeting or hearing, one alternative date will be set, normally no later than five working days from the original date.
3. The SCITT reserves the right to veto a representative's attendance if a conflict of interest can be proven.

#### Possible Outcomes of a Hearing

Where those hearing a formal disciplinary case conclude that there is sufficient evidence to support the allegation(s), they may apply an appropriate sanction, including dismissal. Any decision of the hearing will satisfy the test of reasonableness in all the circumstances and any sanctions will be proportionate to the nature of the misconduct. The following mitigating circumstances will be considered:

- The trainee's disciplinary and general record;
- Any explanation or mitigation put forward by the trainee;
- Any other relevant factors.

Depending on the circumstances, disciplinary action could take the following forms:

- Written warning e.g. where there has been a failure to conform to standards
- Final written warning e.g. where there is further misconduct or the misconduct is considered to be sufficiently serious.
- Removal from the course with notice e.g. where conduct has failed to improve following previous warning(s).
- Summary removal from the course e.g. where an act of gross misconduct has been committed.

Warnings will set out the:

- Nature of the misconduct and expectations of future conduct
- Length of the warning
- Consequences of future misconduct.

#### Notification of outcome of disciplinary hearing

1. Where possible the decision of the hearing will be notified verbally to the trainee at the end of the hearing. In any case the trainee will be issued with a written notification of the outcome within five working days of the hearing;
2. In case of removal from the course, the letter will contain notice, where appropriate, of removal. This may be rescinded subsequently on appeal.
3. Trainees will be asked to sign a copy of such notifications to confirm that they have received and understood them.

### Appeals

A trainee has a right of appeal against any disciplinary sanction reached at a disciplinary hearing, including an extension of the time limit for written warnings. A trainee or apprentice may forego his/her right to appeal. Notice of any appeal must be given in writing to the SCITT Director within five working days of the written notification to the trainee of the outcome of the disciplinary hearing, clearly stating the grounds upon which the appeal is made. These may be, for example:

- On procedural grounds,
- Against the severity of the disciplinary action, or
- Where the trainee considers that there has been an error of judgement on a point of fact.

All appeals will be heard by the SMC's Disciplinary / Dismissal Appeal Committee. The decision of this group is final, subject to the trainee's rights at law. The appellant will be given at least fourteen days' notice (unless otherwise mutually agreed) of the appeal hearing in writing. An appeal hearing will normally be a re-hearing and the procedure will be as for the original hearing.

New evidence, provided it is relevant to the original allegation(s), can be introduced at the appeal stage by either party. All parties' papers must be submitted to the other party and the Appeals Committee at least 3 working days before the appeal hearing. The outcome of the appeal will be notified as for the original hearing, except in that there is no further right of appeal within these procedures.

There can be no appeals in matters of academic judgement to the SCITT. Appeals to do with course content specific to the PGCE assignments will be subject to investigation under CCCU's Academic Appeals procedures. Such an appeal must be made within 14 days of the decision of the Disciplinary Panel.

### Records

1. Notes of hearings and meetings with the trainee will be taken and shared with him/her.
2. Details of any formal disciplinary action, including any warnings will be retained on the trainee's personal file.
3. Letters of expectation are not disciplinary sanctions and will remain on the personal file for the duration of the course.
4. If an investigation or hearing concludes that an allegation is totally unsubstantiated, all records will be removed from the trainee's personal file. The only exception would be where the allegation relates to safeguarding issues.
5. Details of any ongoing disciplinary action and/or sanctions, and in the case of safeguarding matters, expired warnings, will be referred to in a trainee reference requested of The SCITT

Director. Only such information as has been discussed with the trainee will be referred to.

### Grievances

If a trainee raises a grievance during the course of the disciplinary procedure, related to the case, the grievance will normally be dealt with as part of the formal disciplinary hearing/appeal process. If appropriate, given the nature of the grievance, the disciplinary process may be temporarily suspended in order to deal with the grievance.

Trainees can find details of acceptable and unacceptable conduct in the SCITT code of conduct, and the SCITT safeguarding policy.

### Absenteeism

Please refer to the SCITT's absence policy.

Appendix A – Reporting form

Part 1 to be completed by the reporting staff member

Trainee Name	DOB:	A placement School	Mentor
Subject		WSTP REP	

Date	Information/ Details of concerns	Reported by (print name and sign)

Trainee Account	
Other relevant information. Previous concerns, personal circumstances, etc.	

Part 2 Completed by the SCITT	
Advice sought	
Action taken	
Outcome	
Should a cause for concern be commenced?	
If yes, why?	
Should disciplinary procedures be invoked?	

If yes why?

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Signed

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Printed name

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Appendix B SCITT Procedure Checklist

SCITT Procedure checklist

Trainee Name		WSTP Rep	
Contact number		School placement	
Email		School mentor	
Initial concern raised by;		Date of concern	
Date concern communicated to Director		Date WSTP communicated to Chairman	
Date communicated to the trainee			

What is the nature of this breach of code of conduct? Detail the initial concerns that have led to this situation.			
Has the Trainees conduct been brought to their attention? Please give details of who contacted the trainee and the date of the initial contact with them.			
What actions have been taken to gather evidence to support this breach of code of conduct? Please give details of persons responsible and dates of any investigation.			
Give details of the formal meeting between the Director/ Senior leadership team/ chairman and the trainee.			
What was the trainee's response to the allegation(s)?			
Detail and agreed mitigating circumstances that have been agreed as having led to this breach of conduct and which are considered to be outside of the norm for this trainee.			
Agreed outcome			
Investigation commissioned		Verbal warning	
Letter of expectation		Summary dismissal	
No further action		Referred to the lead school (when SCITT Director is involved)	

Verbal warning & letter of expectation (informal)	Investigation agreed to be unnecessary with trainee	Date
	trainee has been given the opportunity to submit mitigating circumstances	
	Investigation agreed to be necessary with trainee	

	Professional dialogue including verbal warning held	
	Letter of expectation written and sent	
	Gross misconduct (move immediately to disciplinary panel)	
Investigation	Start Date:	
	End Date:	
	trainee provided with investigation summary and relevant evidence	
	Investigating officer appointed	
	trainee informed of right to be accompanied to future meetings	
Action consideration	Investigative report considered by Chairman	
Outcomes pre-panel	Chairman recommendation - Full Disciplinary Panel	
	Chairman recommendation - Agreed Outcome	
	Chairman recommendation - immediate suspension	
Disciplinary Panel	Trainee informed and given the necessary paperwork	
Final Outcome	Agreed outcome	
	Re-sit with additional clarification of professional expectations.	
	Complaint dismissed	
	Dismissal	

Appendix C

Investigative report

Trainee Name		Investigation carried out by	
Allegation			
Investigation start date		Investigation end date	

Source - (School, trainee interview, minutes, emails, etc.)		Date	
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Details			
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Source - (School, trainee interview, minutes, emails, etc.)		Date	
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Details			
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Source - (School, trainee interview, minutes, emails, etc.)		Date	
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Details			
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Source - (School, trainee interview, minutes, emails, etc.)		Date	
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Details			
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Conclusions			
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Recommendations to the Chairman			
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