

LMETB FET

Disciplinary Policy for Further Education and Training (FET) Learners

Arna chomhchistiú ag Rialtas na hÉireann agus ag an Aontas Eorpach
Co-funded by the Government of Ireland and the European Union.



Rialtas na hÉireann
Government of Ireland



Arna chomhchistiú ag
an Aontas Eorpach
Co-funded by the
European Union

SOLAS
learning works

POLICY VERSION CONTROL

Policy Title	FET Disciplinary Policy for Further Education and Training (FET) Learners
Policy Reference No.	23/06
Version Number	1
Version Author	LMETB Quality Assurance
Version Update History	Version 1 - Procedure reviewed, changes made and approved by the QAGMC 14/06/23
Document Owner	LMETB Quality Assurance
Approved By	QAGMC
Date Approved	14/06/2023
Noted By	LMETB Board
Date Noted	29/09/2023
Review Due Date	4 years from above date Policy will be updated within that timeframe if needed

LMETB	Disciplinary Policy & Procedures for Further Education and Training (FET) Learners
Purpose	The dual purpose of this policy is to provide a framework, enabling teaching staff and FET Management, to maintain satisfactory standards in work and conduct, while providing Learners' access to a procedure whereby alleged failures to comply with standards may be fairly and sensitively addressed.
Scope	This procedure applies to all learners registered with LMETB's Further Education and Training programmes.
Contents	<ol style="list-style-type: none"> 1. General Principles 2. Informal Stage 3. Formal Stage 4. Gross Misconduct
Contextual Guidelines	QQI Core Guidelines No. 9.2 Learner information
Related Policy	Governance, Oversight and Quality Framework Learner Contract-Code of Behaviour
Audience & Communication	All learners, staff and stakeholders.
Policy Owner & Implementation	LMETB Quality Assurance Sub Committee
Key Implementation Mechanisms	FET Centre Co-ordinators
Revision History & Commencement Date & Date of Next Review	<p>Commencement Date: Date LMETB board noted</p> <p>Date of next review: 4 years</p>

Disciplinary Policy & Procedure for Further Education and Training (FET) College/FET Centre Learners

1. General Principles

Matters of discipline shall be dealt with in accordance with the general principles of natural justice and fairness and in a manner that protects the dignity of the learner concerned. In this regard, the following principles shall apply:

- Every effort will be made by all parties to resolve issues at the informal stage.
- Details of any allegations or complaints are put to the learner concerned.
- The learner will be advised in writing, in advance of a disciplinary meeting, of the precise nature of the matters concerned and will be given copies of all relevant documentation.
- The learner concerned is given the opportunity to respond fully to any such allegations or complaints.
- That the learner concerned has the right to examine and challenge all evidence available and to call witnesses on his/her behalf if required.
- The learner concerned is given the opportunity to be accompanied during the procedure by a parent or guardian (if under 18 years of age) or by an appropriate representative.
- The learner concerned has the right to a fair and impartial determination of the issues concerned, taking into account any other relevant or appropriate evidence, factors, or circumstances. [Data Protection Act 2018 \(irishstatutebook.ie\)](#)
- Any disciplinary action arising should be reasonable and proportionate.
- There may be occasions where a learner's work, conduct or other such issue is satisfactory throughout the review period only to lapse soon thereafter. Where such a pattern emerges, the learner's previous conduct and pattern of behaviour may be considered as a whole in any future disciplinary proceedings.
- Access to personal information held by LMETB will be made in accordance with LMETB's data protection policy (specifically with respect to the LMETB's access procedure) and with the principles and requirements of the Data Protection Acts.
- That all matters relating to the disciplinary procedure are strictly confidential to the parties and their representatives.

- Nothing however shall prevent management from holding a disciplinary meeting/hearing and imposing a disciplinary sanction/s at a more advanced stage of the procedure appropriate to the nature of the conduct / behaviour.

While it is anticipated that learners will co-operate fully with this disciplinary procedure, any failure to co-operate will not prevent the processing of a complaint to conclusion.

In the case of suspected or alleged gross misconduct, immediate precautionary suspension may apply pending an immediate investigation.

2. Informal Stage

Where the educator has a concern in respect of a learner a meeting is to be arranged to discuss the issues of concern. The learner should be verbally informed that this discussion(s) is taking place within the informal stage of the disciplinary procedure. The Subject Tutor will discuss with the learner:

- Any unsatisfactory performance or conduct and inform him/her of the improvements required.
- Possible methods of correction and an indication of acceptable time scale for such correction.
- Any support that might be provided to the learner.
- That unless the necessary improvement is made within a reasonable period, the matter will proceed to the formal disciplinary procedure.

3. Formal Stage

Stage 1 – Formal

Warning

Where unsatisfactory performance or conduct has not improved through the informal procedure, the matter shall be referred to the FET Centre Co-ordinator/Deputy Principal/Director. A meeting is to be arranged with the learner to discuss the issues of concern. The learner should be informed in writing that this discussion/s is taking place within the formal stage of the disciplinary procedure. If not already provided, the learner concerned should be given a copy of the LMETB disciplinary procedure and be advised to familiarise him/herself with the various stages of the procedure that may be invoked and the range of sanctions available. The FET Centre Co-ordinator will discuss with the learner:

- Any unsatisfactory performance or conduct and inform him/her of the improvements required.
- Having considered all matters, the FET Centre Co-ordinator will decide on whether a verbal warning is warranted. Correspondence confirming the decision (whether to issue a verbal warning or not), will be sent to the learner as soon as possible from the stage 1 meeting.
- Where a verbal warning is issued, it should state the improvement required, the timescale for improvement, and any support that might be provided to the learner. It should also state that the warning constitutes the first stage of the disciplinary procedures and failure to improve may result in progression to stage 2 (or higher as may be appropriate) of the disciplinary procedure.

If in the opinion of the FET Centre Co-ordinator there is no basis for issuing a verbal warning then s/he may decide that no further action should be taken in relation to the issue. This decision will also be communicated to the learner. A record of the Verbal Warning will be retained in the learner's file in accordance with LMETB Data Retention Schedule for Centres.

Stage 2 – Formal Written Warning

Where unsatisfactory performance or conduct has not improved, the matter shall be referred to the FET Centre Coordinator who shall review the file and determine an appropriate course of action which will be communicated in writing. This communication will also inform the learner that the matter is now at Stage 2 of the disciplinary procedure. Where deemed necessary, a meeting may be arranged with the learner to discuss the issues of concern. The FET Centre Co-ordinator will discuss with the learner:

- Any unsatisfactory performance or conduct and inform him/her of the improvements required.
- Having considered all matters, the FET Centre Co-ordinator will decide if a formal written warning is warranted. Correspondence confirming the decision, will be sent to the learner as soon as possible.
- Where the FET Centre Co-ordinator issues a formal written warning, it should state the improvement required, the timescale for improvement, any support that might be provided to the learner. It should also state that the warning constitutes the second stage of the disciplinary procedures and failure to improve may result in progression to stage 3 (or higher as may be appropriate) of the disciplinary procedure.
- If in the opinion of the FET Centre co-ordinator, there is no basis for issuing a written warning then s/he may decide that no further action should be taken in relation to the issue. This decision will also be communicated to the learner.

- A record of the Formal Written Warning will be retained in the learner's file in accordance with LMETB Data Retention Schedule for Centres.

Stage 3 – Suspension / Termination of place

Where unsatisfactory performance or conduct has not improved, or the behaviour is such to cause immediate concern in respect of the learner's presence on the course and/or in centre/programme, the FET Centre Co-ordinator may suspend the learner's position on the course for a period of time. In such instances, the FET Centre Co-ordinator will notify the learner in writing of the duration of the suspension and whether the matter is being progressed to the relevant Board of Management (BOM) for consideration.

Where unsatisfactory performance or conduct has not improved, or there is a case of alleged gross misconduct, the matter shall be referred to the relevant BOM for consideration.

- The FET Centre Co-ordinator will inform the learner in writing that issues of concern will be brought before the relevant BOM and that it is the FET Centre co-ordinator's intention to make a recommendation to the BOM that the learner's place on the programme is to be terminated.
- The FET Centre Co-ordinator shall draw up a statement of facts for the BOM, a copy of which is to be forwarded to the learner.
- A meeting of the BOM shall be convened, as soon as practical after the FET Centre Co-ordinator notifies the learner of the intention to make a recommendation to the BOM that the learner's place on the programme is terminated.
- The BOM shall review the matters presented and allow appropriate representations to be made by the learner and the FET Centre Co-ordinator to enable the Board to reach a decision.
- If in the opinion of the BOM there is no basis for a termination of the learner's place on the programme, however there are concerns in respect of performance or conduct, the Board may consider alternative sanctions available under the procedure.
- The decision of the BOM shall be communicated in writing outlining the rationale for the Board's decision.
- If the board decide there is a basis for the learner's termination on their programme, the board will recommend a period of time for the termination to commence and cease. The learner will not be able to attend any other

programmes at the FET Centre or College until the recommended termination period is finished.

- The decision of the Board may be appealed to the FET Director of Louth Meath Education and Training Board.

A record of the suspension and/or termination of the learner's place on the programme will be retained in the Learner's file in accordance with LMETB Data Retention Schedule for Centres.

* In case of no BOM in existence at centre level, referral can be to Adult Education Officer (AEO)/ Area Training Manager.

Stage 4 – Appeal Process

Where a learner appeals the decision of a Board of Management to expel:

the following procedure shall apply:

- the learner shall set out in writing to the Director of Further Education and Training (FET) the rationale for the appeal enclosing a copy of the decision of the Board.
- The FET Centre co-ordinator shall be requested to forward the statement of facts as presented to the Board.
- A meeting with the learner and the FET Centre Co-ordinator shall be convened as soon as practical on receipt of the appeal.
- The Director of FET shall review the matters presented, allow representations to be made by the learner and the FET Centre Co-ordinator.
- If, in the opinion of the Director of FET, there is no basis for termination of the learner's place on the programme of study, however there are concerns in respect of performance or conduct, they may consider alternative sanctions available under the procedure.
- The decision of the Director of FET shall be communicated in writing outlining the rationale for their decision.
- The decision of the Director of FET shall be final.

A record of the Suspension and/or Termination of place will be retained in the learner's file in accordance with LMETB Data Retention Schedule for Centres.

Gross Misconduct

Gross misconduct is a serious breach of centre/programme rules and procedures or of recognised and accepted standards and behaviour which results in a breakdown of the

relationship of trust and confidence between Management / Staff and the learner. Gross misconduct if proven, will justify disciplinary action set out in this document including where appropriate, termination of place on the programme, without recourse to giving an informal verbal, formal verbal and formal written warning.

In all cases of alleged gross misconduct an investigation will be carried out. The learner may be suspended, pending the outcome of such an investigation. Suspension is a precautionary measure and not a disciplinary sanction.

- Where a complaint is raised which may be considered as gross misconduct, the FET Centre co-ordinator shall designate to a Deputy (the Assistant Co-ordinator/Assistant Manager/Deputy Principal) to investigate the matter.
- On completion of an investigation, the Deputy shall furnish the FET Centre Co-ordinator with a report of the findings of fact with a recommendation as to whether there is a case to answer or not.
- The FET Centre Co-ordinator on consideration of the report shall make a decision on the appropriate intervention required, which may include referral to the disciplinary procedure referenced in stage 3 and including termination of place on the course.

Examples of gross misconduct include, but are not limited to:

- Breach of the terms of Child Protection Guidelines/Procedures
- Theft, fraud, embezzlement, misappropriation of funds
- Deliberate falsification of data (manual or automated)
- Serious/gross negligence which causes unacceptable loss, damage or injury
- Refusal to comply with legitimate instructions resulting in serious consequences
- Incapability through alcohol or being under the influence of illegal drugs or misuse of prescribed medication; possession and/or sale of illegal drugs.
- Serious breach of health & safety rules
- Serious abuse/misuse of LMETB's property/equipment/materials
- Deliberate damage to LMETB property
- Serious bullying, inappropriate behaviour, sexual harassment, or harassment against a staff member, student/learner, parent/guardian, or party with whom LMETB FET centre conducts business
- Violent/threatening/disruptive behaviour
- Serious breaches of LMETB email, internet, ICT telephone policies
- Manual or automated posting or circulation of offensive, obscene or indecent messages whether by email, text, social networking sites or any other form of communications' device; downloading/disseminating pornographic material
- Persistent non- attendance