

Draft LMETB RAA Disciplinary Policy for Further Education and Training (FET) Learners

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POLICY VERSION CONTROL

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LMETB	Disciplinary Policy & Procedures for RAA Apprentices
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 Apprentices and Apprentices' access to a procedure whereby alleged failures to comply with standards may be fairly and sensitively addressed.
Scope	This procedure applies to all apprentices registered with LMETB's Further Education and Training programmes, including the RAA Apprenticeship programme
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 Apprentice information
Related Policy	<p>Governance, Oversight and Quality Framework Apprentice</p> <p>SOLAS Apprenticeship Code of Practice for Employers and Apprentices</p>
Audience & Communication	All apprentices, staff and stakeholders.
Policy Owner & Implementation	LMETB Quality Assurance Sub Committee
Key Implementation Mechanisms	AMTCE Centre Manager/ National Programme Manager/Programme Leader in Collaborating Provider/Contracted Trainers/SOLAS Authorised Officer/QA Personnel

**Revision History &
Commencement Date & Date of
Next Review**

Commencement Date: Date LMETB board noted
Date of next review: 4 years from date of last
review

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

• General Principles

All Apprentices are expected to adhere to the Solas Apprenticeship Code of Practice for Employers and Apprentices ([Link to RAA File](#)). Failure to adhere to the relevant code of conduct and all 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 apprentice concerned. Throughout this policy the term apprentice also applies to apprentices. An Apprenticeship Handbook sets out a specific Code of Conduct for apprenticeships. In this regard, the following principles shall apply to all apprentices, which in this document includes RAA apprentices:

- 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 apprentice concerned.
- The apprentice 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 apprentice concerned is given the opportunity to respond fully to any such allegations or complaints.
- That the apprentice concerned has the right to examine and challenge all evidence available and to call witnesses on his/her behalf if required.
- The apprentice 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 apprentice 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 apprentice's work, conduct or other such issue is satisfactory throughout the review period only to lapse soon thereafter. Where such a pattern emerges, the apprentice's previous conduct and pattern of behaviour may be considered as a whole in any future disciplinary proceedings.
- Specific arrangements relating to the responsibilities of apprentices, employers, LMETB and other stakeholders can be found in a dedicated SOLAS publication, Solas Apprenticeship Code of Practice for Employers and Apprentices and this may also be referred to in Apprenticeship discipline matters.
- 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 FET 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 apprentices 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.

- **Informal Stage**

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

The Contracted Trainer/Instructor/Tutor will discuss with the apprentice:

- 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 apprentice. (Link to RAA file)
- That unless the necessary improvement is made within a reasonable period, the matter will proceed to the formal disciplinary procedure.

- **Formal Stage**

Stage 1 – Formal Warning

Where unsatisfactory performance or conduct has not improved through the informal procedure, the matter shall be referred to National Programme Manager for the Apprenticeship within LMETB as Coordinating Provider and the Apprenticeship Programme Leader within a Collaborating provider. The National Programme Manager must be informed of all disciplinary matters within collaborating providers. A meeting is to be arranged with the apprentice to discuss the issues of concern. The apprentice 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 apprentice 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 National Programme Manager in LMETB or the Programme Leader within a Collaborating Provider will discuss with the apprentice:

- 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 apprentice 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 apprentice. 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 [RAA National Programme Manager/Programme Leader](#), 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 apprentice](#). A record of the Verbal Warning will be retained in the apprentice'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 [RAA National Programme Manager](#) who shall review the file and determine an appropriate course of action which will be communicated in writing. This communication will also inform the apprentice that the matter is now at Stage 2 of the disciplinary procedure. Where deemed necessary, a meeting may be arranged with the apprentice to discuss the issues of concern. The [RAA National Programme Manager](#) will discuss with the apprentice:

- Any unsatisfactory performance or conduct and inform him/her of the improvements required.
- Having considered all matters, the [RAA National Programme Manager](#) will decide if a formal written warning is warranted. Correspondence confirming the decision, will be sent to the apprentice as soon as possible.
- Where the [RAA National Programme Manager](#) issues a formal written warning, it should state the improvement required, the timescale for improvement, any support that might be provided to the apprentice. 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 [RAA National Programme Manager](#) 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 apprentice.
- A record of the Formal Written Warning will be retained in the apprentice'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 apprentice's presence on the course and/or in centre/programme, the RAA National Programme Manager may suspend the apprentice's position on the course for a period of time. In such instances, they will notify the apprentice in writing of the duration of the suspension and whether the matter is being progressed to the National Programme Board which sits within LMETB 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 National Programme Board.

- The National Programme Manager will inform the apprentice in writing that issues of concern will be brought before the National Programme Board and that the intention is to make a recommendation to the NPB that the apprentice's place on the programme is to be terminated.
- The NPM shall draw up a statement of facts a copy of which is to be forwarded to the apprentice.
- A meeting of the NPB shall be convened, as soon as practical after the NPM notifies the apprentice of the intention to make a recommendation to the NPB that the apprentice's place on the programme is terminated.
- The NPB shall review the matters presented and allow appropriate representations to be made by the apprentice and the NPM to enable the NPB to reach a decision.
- If in the opinion of the NPB there is no basis for a termination of the apprentice'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 NPB shall be communicated in writing outlining the rationale for the Board's decision.
- If the NPB decides there is a basis for the apprentices' termination on their programme, the NPB will recommend a period of time for the termination to commence and cease. The apprentice 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 NPB Board may be appealed to the FET Director of LMETB. A record of the suspension and/or termination of the apprentice's place on the programme will be retained in the Apprentice's file in accordance with LMETB Data Retention Schedule for Centres.
- Apprentices on the New Post 16 Apprenticeship programme must be aware that if they do not achieve the required standard, or if the apprentice breaches this Code of Practice and the programme is terminated, the CSG reserves the right to refuse a further application from the apprentice.

Stage 4 – Appeal Process

Where an apprentice appeals the decision of the **NPB** to expel:

the following procedure shall apply:

- the apprentice 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 **NPB** shall be requested to forward the statement of facts.
- A meeting with the apprentice and the **National Programme Manager** 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 apprentice and the **National Programme Manager**. If, in the opinion of the Director of FET, there is no basis for termination of the apprentice'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 apprentice'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 apprentice. 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 apprentice 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 **National Programme Manager** shall designate to a Deputy, this is the **Programme Leader, or designated staff member to investigate** the matter.
- On completion of an investigation, the **Programme Leader or designated staff member shall furnish** the **NPM** with a report of the findings of fact with a recommendation as to whether there is a case to answer or not.
- The **NPM** 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 the apprentice's 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/Coordinating Provider ETB property/equipment/materials
- Deliberate damage to LMETB/Coordinating Provider ETB property
- Serious bullying, inappropriate behaviour, sexual harassment, or harassment against a staff member, student/apprentice, parent/guardian, or party with whom the LMETB/Coordinating Provider ETB conducts business
- Violent/threatening/disruptive behaviour
- Serious breaches of LMETB/Coordinating Provider ETB 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