National Specialist SCITTs

National Mathematics and Physics SCITT

National Modern Languages SCITT

Disciplinary Policy

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The accredited provider for both the National Mathematics and Physics SCITT and the National Modern Languages SCITT, is Chorus Education Trust operating as National Specialist SCITTs.

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National Specialist SCITTs — EXCELLENCE IN SUBJECT-SPECIFIC TEACHER TRAINING | Chorus Education Trust | National Modern Languages — SCHOOL CENTRED INITIAL TEACHER TRAINING | National Mathematics & Physics — SCHOOL CENTRED INITIAL TEACHER TRAINING

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1. Introduction

1.1 The SCITT, has a responsibility to ensure that trainees following a programme of study leading to a professional qualification which is registrable with the statutory regulatory body are suitable to enter the profession.

1.2 This policy and procedure explain the procedure that the SCITT will follow in investigating disciplinary concerns about a trainee.

1.3 The Department for Education sets out a clear baseline of expectations for the professional practice and conduct of teachers from the point of qualifications in The Teachers' Standards, which were introduced in September 2012. The Teachers' Standards are used to assess all trainees working towards Qualified Teacher Status (QTS) and all those completing the statutory induction period. They should also be used to assess the performance of all teachers subject to the ***Education (School Teachers Appraisal) England Regulations 2012***. The Teachers' Standards should in conjunction with the ***Teacher misconduct: disciplinary procedures*** determine ultimately whether a trainee is fit to practise upon qualification as well as when studying.

1.4 This policy and procedure will also make due reference to the following documents where appropriate when conducting a disciplinary investigation**:**

- SCITT ***Trainee Contract*** between Chorus Education Trust and the Trainee
- SCITT ***Trainee's Code of Conduct***
- SCITT ***Cause for Concern Policy***
- SCITT ***Fitness to Practise Policy***
- Chorus Education Trust ***Code of Conduct***.

2. Definition of Working Days & Calendar Days

2.1 For the purposes of the SCITT and this document a 'working day' will be defined as Monday to Friday excluding Bank Holidays and religious festivals. School holidays, except for Bank Holidays or religious festivals, will also count as 'working days. Calendar Days will be defined as every day in the year.

3. Preamble

3.1 Trainees must, at all points within the training, demonstrate consistently high standards of personal and professional conduct, as set out in the preamble to the Teachers' Standards and Part 2 of the Teachers' Standards.

3.2 All members of the SCITT and staff in Hub and partnership schools have a duty to inform the SCITT Director if they believe a trainee's attitude, or personal or professional conduct does not meet these high standards. The SCITT Director, acting with the agreement of a member of the SCITT Strategic Board, has the right to suspend a trainee from training, with immediate effect, if their

attitude, or professional or personal conduct falls seriously short of any of the requirements in any part of the Teachers' Standards or is in breach of the requirements set out in in this policy.

3.3 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 a partnership school's and the SCITT community. Examples of disciplinary matters include the following reasons:

a) Irregular attendance

b) Persistent lateness

c) Failure to complete documentation on the SCITT online assessment platform or other SCITT assessed assignments

d) Inability to meet deadlines

e) Unfair practice such as plagiarism, cheating or undue collaboration with regard to assignments

f) Withholding evidence of past or present criminal convictions or cautions

g) Misappropriation of funds or assets of the SCITT or its partner institutions

h) Placing themselves, pupils or colleagues at risk by not conforming to Health & Safety procedures

i) Unprofessional behaviour in terms of conduct, language or dress

j) Violence, child abuse, alcohol or drug abuse, criminal activities, racial or sexual abuse

k) Bullying, harassment, whether in or out of school

l) Preventing, obstruction or disrupting the teaching and learning in school or during training sessions

m) Deliberately or recklessly misusing or damaging any resources or property belonging to the SCITT or its partner institutions.

3.4 The above are examples and are not exhaustive and further examples are detailed within the documents listed in section 1.4. 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. In the event of a complaint regarding a trainee being received, the SCITT Director will inform the Hub Lead Teachers' Committee and make arrangements to interview the trainee with their chosen representative without delay in line with this policy.

3.5 The day-to-day supervision of trainees 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 formal procedure if deficiencies in a trainee's conduct are brought to their attention at the earliest possible stage by their immediate trainer in the course of that person's normal duties. The Hub Lead Teachers' Committee intend that informal measures are adopted wherever possible.

3.6 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 Trainee's Codes of Conduct*** and other associated standards. Where possible and/or appropriate, issues will be dealt with informally, in consultation with any other personnel and/or schools concerned. However, the

SCITT will always reserve their right to invoke formal disciplinary action following investigation as the circumstances dictate.

3.7 This procedure accords with employment and education legislation and takes due account of the Chorus Education Trust's ***disciplinary procedures*** and ***code of conduct***. In essence, this requires that:

Trainees and trainers raise and deal with matters promptly

- The trainee is informed and given the opportunity to put forward their explanation of events before decisions are made
- Trainees can be accompanied at all formal meetings including investigation meetings.

3.8 This procedure is applicable to all trainees. While the principles of reasonableness and natural justice reflected in the procedure will apply, it may be necessary to foreshorten the procedure, its processes, and relevant timescales in keeping with the nature of their contract.

3.9 The SCITT Director is responsible for ensuring that appropriate pre-course checks are carried out.

3.10 It is the responsibility of all trainees to:

- Sign and comply with rules and procedures referred to in the ***Codes of Conduct Annexes A & B*** of the ***Trainee Contract***.
- Comply with ***SCITT disciplinary*** and other procedures and to co-operate with the processes contained therein.

4. Investigations

4.1 Where a trainee's conduct is called into question, the SCITT Director will initiate such investigations, as they may consider necessary. The purpose of the investigation is to gather sufficient information to determine whether the matter needs to be pursued formally at a disciplinary hearing. The trainee will be given opportunities to state their case and the investigation may involve interviewing witnesses, other relevant parties and taking statements. HR advice may also be necessary at this stage.

4.2 All reasonable effort will be made to complete the investigation without delay.

4.3 If, following the investigation, the SCITT Director (or Investigating Manager) feels that disciplinary action is necessary they will arrange for this to be undertaken in accordance with the ***SCITT disciplinary procedures*** below.

4.4 Where a trainee admits an allegation, or it is of a less serious nature, it may not be necessary for the SCITT Director/Investigating Manager 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.

4.5 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'.

4.6 In certain circumstances, the SCITT Director/Investigating Manager 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.

5. Suspension

5.1 A suspension may be affected 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.

5.2 Where appropriate, a suspension will only be applied after alternative measures have been carefully considered. The suspension will be confirmed in writing.

5.3 Only the Chair of the SCITT Strategic Board or SCITT Director have the power to suspend a trainee.

5.4 During a period of suspension, the trainee will receive their bursary payment. Where a trainee falls sick during a period of suspension, the suspension will continue to apply.

5.5 The SCITT Administrative Manager will be a point of contact for the suspended trainee for SCITT/school business issues. Their role will not be to discuss the disciplinary process but to support the disciplinary process.

5.6 The trainee will have the right to be represented by a trade union, colleague, or friend.

6. Disciplinary Hearings

6.1 If after investigation, the SCITT Director /Investigating Manager considers that a formal sanction or dismissal is appropriate, they will refer the matter to a formal disciplinary hearing. Disciplinary hearings will be carried out without undue delay.

6.2 There will be three formal stages within the ***disciplinary procedures***. The stage at which disciplinary action will be considered will depend upon the seriousness of the disciplinary matter.

6.3 **Stage 1**: If at the end of the hearing the disciplinary action is upheld, a formal written warning will be issued to the trainee which will remain on their file for the duration of the course. The hearing at Stage 1 can be presented and ruled upon by either the invoking manager or SCITT Director. No decision will be taken until the trainee has had the opportunity to present their case.

6.4 **Stage 2**: If at the end of the hearing the disciplinary action is upheld, a final written warning will be issued to the trainee which will remain on their file for the duration of the course. The hearing at Stage 2 would be chaired by either the SCITT Director or the Chair of the SCITT Strategic Board. The invoking manager will present the case to either the SCITT Director or the chair of the SCITT Strategic Board. No decision will be taken until the trainee has had the opportunity to present their case.

6.5 **Stage 3:** At a Stage 3 hearing, removal from the course will be considered. Such a hearing would be chaired by either the SCITT Director or the Chair of the SCITT Strategic Board. The hearing panel will include both the SCITT Director and two or three members of the Strategic Board or the Hub Lead Teachers' committee. The panel constitution will reflect the need for objectivity at this stage. The invoking manager will present the case to the panel. No decision will be taken until the trainee has had the opportunity to present their case.

6.6 In serious cases or cases of gross misconduct, the SCITT Director has the right to move straight to Stage 3 without recourse to Stage 1 or Stage 2 or to invoke the ***SCITT Fitness to Practise Policy***. HR Advice may be appropriate within all these proceedings.

7. Right of Appeal

7.1 At all stages of the disciplinary process, the trainee has the right of appeal. Within Stage 1 and Stage 2, the SCITT Director or a member of the Appeals Committee (provided they did not sit or participate in the original hearing) could consider the appeal. At Stage 3 appeals, at least 3 members of the Appeals Committee will consider the appeal; these will be members who have not participated in the original hearing where the sanction was issued.

7.2 The trainee will be given at least five working days' notice, in writing, of the date, time and place of any disciplinary hearing. At Stage 3, they will be given at least ten working days' notice. When given this notice, the trainee will be:

- Informed of the nature and details of the alleged misconduct
- Informed of their right to be accompanied at the hearing by a representative and of their right to call witnesses
- Supplied with a copy of the investigation findings 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 Disciplinary Policy***.

7.3 No later than three working days before the hearing the trainee:

- Must supply the name and status of their representative
- Must supply the names of any witnesses they intend to call and an outline the evidence they will give
- May submit a written statement or other supporting written evidence if they wish, either direct or through their representative.

7.4 At the hearing, the trainee and/or their 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 their evidence.

7.5 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 their representative will have the right to speak last.

7.6 Trainees are required to take all reasonable steps to attend hearings. Hearings may be re-arranged once where either party or their representatives are unable to attend for a reason that was not reasonably foreseeable. Where a trainee fails to provide a good reason for non-attendance, those hearing the case will make a decision about whether or not to proceed without their attendance.

8. Possible Outcomes of a Hearing

8.1 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 removal from the course. 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.

8.2 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.

8.3 Warnings will set out the:

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

9. Notification of Outcome of Disciplinary Hearing

9.1 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.

9.2 In case of removal from the course, the letter will contain notice, where appropriate, of removal. This may be rescinded subsequently on appeal.

9.3 Trainees will be asked to acknowledge such notifications in writing to confirm that they have a received and understood them.

10. Appeals

10.1 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 may forego their right to appeal.

10.2 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
- Where the trainee considers there has been an error of judgement on a point of fact.

10.3 The appellant will be given at least five working days' notice 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.

10.4 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 three working days before the appeal hearing.

10.5 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.

11. Records

11.1 Notes of hearings and meetings with the trainee will be taken and shared with them.

11.2 Details of any formal disciplinary action, including any warnings will be retained on the trainee's personal file in line with the ***Data Protection Policy*** *and the* ***Records Retention Schedule***.

11.3 Letters of expectation are not disciplinary sanctions and will remain on the trainee's personal file for the duration of the course.

11.4 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.

11.5 Details of any ongoing disciplinary action and/or sanctions, and in the case of safeguarding matters, 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.

12. Completion of Procedures

At the conclusion of the SCITT procedures, which should take no longer than 90 calendar days, a trainee will be offered a ***Completion of Procedures letter*** signifying the end of the SCITT internal Appeals Procedure. A ***Completion of Procedures letter*** is required should the trainee wish to advance a complaint with the Office of the Independent Adjudicator regarding their appeal. The SCITT will usually only issue a ***Completion of Procedures letter*** once the SCITT appeals procedure has concluded and a final decision has been provided to the trainee. The ***Completion of Procedures letter*** will be issued within 28 calendar days of receiving the complaint as expected by the OIA.

13. Office of the Independent Adjudicator (OIA)

Trainees who have exhausted the SCITT's internal procedures for complaints or appeals may bring their complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE) within one calendar year of receiving a ***Completion of Procedures letter***. The OIAHE's website (at www.oiahe.org.uk) contains full information, and the OIAHE can be contacted at: OIA, Second Floor, Abbey Gate, 57 – 75 Kings Road, Reading, RG1 3AB, Tel: 0118 959 9813 email: enquiries@oiahe.org.uk. Anyone wishing to pursue a complaint through the OIAHE must complete a special Scheme Application Form, downloadable copies of which are available from the website.

14. 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, unless otherwise determined. If appropriate, given the nature of the grievance, the disciplinary process may be temporarily suspended in order to deal with the grievance.

If the trainee has failed to comply with the expectations within the '*Disciplinary Policy & Procedure*' requirements of the SCITT and the SCITT are no longer prepared to accept the trainee, the SCITT Director will confirm that the trainee should no longer attend the placement. In such circumstances, the PGCE Provider '*Student Fitness to Practice Regulations*' and /or Disciplinary procedures will be followed.

15. Publishing this Policy

This policy is available through the SCITT website and SCITT Intranet. A copy can also be requested via the SCITT office.

The Office of the Independent Adjudicator (OIA) runs an independent scheme to review student complaints. Chorus Education Trust operating as National Specialist SCITTs, and the accredited provider for the National Modern Languages (NML) SCITT and the National Mathematics and Physics (NMAP) SCITT, is a member of this scheme. If a trainee is unhappy with decisions made by the SCITT regarding this Policy, they may be able to ask the OIA to review this decision. More information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong can be found here: https://www.oiahe.org.uk/students.