

Quality Procedures and Policies	LER-004	Issue Number	6
		Issue Date	April 2025
Learner Disciplinaries		Originator	Peter Hurlstone
		Amended by	Peter Hurlstone
		Approved by	Peter Hurlstone

1. Scope

Every learner must be aware that there are certain expectations of them whilst they are at SETA. Their behaviour, attitude and compliance with Health and Safety rules should be of a nature that will ensure that they and their colleagues can learn in a safe and secure workplace environment.

Should a learner step beyond the acceptable boundaries whilst at SETA, this procedure aims to ensure that they are dealt with in a professional and consistent manner. Some circumstances due to Learners' representation of SETA and their respective employers, may extend beyond SETA and exist external to the centre if reported and evidence is gathered.

2. Objective

Although Learners going through this disciplinary process may unwillingly be identified or labeled as being a problem, SETA will always take a positive stance. It is therefore SETA's aim to '*educate and fully support Learners on Disciplinaries via agreed identified actions to improve their behaviour*'.

3. Definitions

Learner

Any individual undergoing training and/or assessment at SETA with an Apprenticeship or Commercial based contract.

Misconduct - Stage 1 Verbal or Stage 2 written warning depending of severity

SETA recognises that the term 'misconduct' referring to unacceptable or improper behaviour whilst undergoing their training at SETA, which warrants a verbal warning. Typical within this category are those cases where a learner breaks SETA's rules, such as the flowing non-exhaustive list:

- *Frequent lateness*
- *Failure in attending lessons*
- *Using swear words and bad language*
- *Unpunctual or irregular attendance*
- *Failure to follow instructions set by SETA staff*
- *Frequent failure in wearing the correct PPE*
- *Committing nuisance on the premises*
- *Failure to use the iPad timekeeping system*
- *Leaving early without prior permission and agreement*
- *Entering or leaving SETA's premises except by an entrance provided for the purpose*
- *Failing to show proper consideration, courtesy or attention towards an individual connected to SETA*
- *Littering and not using the bins provided*
- *Smoking, vaping and the use of e-cigarettes in an area other than the designated Smoking area*
- *Persistently not wearing an identification Lanyard*

This list is not exhaustive.

Gross Misconduct - Stage 3 Final written warning or Stage 4 Suspension/withdrawal

Gross misconduct covers a long list of offences that Learners could commit whilst at SETA. This behaviour is unprofessional and unethical, falling short of regular standards in the typical workplace. Conduct this severe destroys the relationship between SETA and the Learner, and could warrant instant suspension and withdrawal from their Apprenticeship programme without notice.

SETA recognises the term 'gross misconduct' referring to the following:

- *Theft*
- *Fraud, including the use of the iPad timekeeping system for any other individual*
- *Physical violence, fighting or bullying*
- *Willful damage to SETA's property*
- *Serious misuse of an SETA's name or property*
- *Deliberately accessing internet sites that contain pornographic or other offensive material on SETA and own devices*
- *Misuse of confidential information*
- *Willful insubordination*
- *Discrimination, harassment or victimisation of an individual connected to SETA*
- *Discussing inappropriate or vulgar subject material*
- *Bringing SETA into serious disrepute*
- *Indulging in any act of sexual harassment of any individual at their workplace*
- *Persistently carrying out activities prohibited at SETA*
- *Offering or accepting bribes*
- *A serious breach of Health and Safety regulations*
- *A serious breach of confidence*
- *Causing loss, damage, or injury through serious negligence*
- *The incapability to work due to alcohol or illegal drug use*
- *Possession and consumption of alcohol, illegal drugs and other illegal substances*
- *Illegal gambling or betting on SETA's premises*
- *Supplying false documentation applicable to the Apprenticeship programme*
- *Any suspected activity which could indicate a risk under the HM Government Prevent Strategy*

This list is not exhaustive.

Verbal Warning

A verbal warnings is usually an informal warning, and is used to discipline Learners who have violated one or more of SETA's company policies, or have displayed unacceptable conduct in the workplace. These situations require immediate action and correspondence to let the Learner know that their behaviour is not meeting the SETA's standards. SETA recognises that this is usually the first step in the disciplinary process and gives the Learner a chance to improve their behaviours before more severe action takes place.

Verbal warnings are recorded in written format for future reference only. If the Learner does not improve their behaviour and SETA has taken additional action, records to show a pattern of behaviour exist.

Advice on conducting verbal warnings can be found in a 'Verbal Warning Best Practice' document **(Please See Annex A)**

Written Warning

A written warning is a formal document that states a Learners wrongdoing and follows a verbal warning when their behaviours do not improve.

Final Warning

A final written warning is an explanation by SETA, in writing, that there are serious conduct or behaviour issues that must be addressed by a Learner, where any recurrence of their identified issues are likely to result in the suspension from their Apprenticeship or training programme pending possible withdrawal or exclusion.

Exclusion from SETA

Exclusion refers to a Learners removal from a training programme at SETA.

Apprenticeship Programme Withdrawal

The term withdrawal refers to the ending of a Learners Apprenticeship programme and removal from all other associated programmes of study.

4. Procedure and Time Period for Improvement

SETA's process has 4 stages of disciplinary, all having timescales for improvement as follows:

Stage	Type of Disciplinary	Improvement Timescale
1	Verbal warning	1 Month (or less with the discretion of SETA)
2	Written warning	3 Months (or less with the discretion of SETA)
3	Final written warning	3 Months (or less with the discretion of SETA)
4	Exclusion from SETA	N/A

The 'Learner Disciplinary Form' (**Please See Annex B**), will be completed by the parties identified in the procedure flow chart (**Please see Annex C**), at all stages and will detail what has been found to be unsatisfactory, the consequences of continued poor behaviour, and will identify actions required. Stages 2 and above will remain in force until the review has been carried out on the agreed set date. If the actions have been met, there will be no further action required. If not, the next stage will be implemented.

Each stage has an improvement timescale assigned to it, which means that after the time has passed and there has been no repeat of the said poor behaviour, it will be revoked, and the process will start again from stage 1.

All disciplinaries will be conducted by at least two members of SETA staff for the purpose of security and transparency.

5. Suspension/Withdrawal

In the event that there is no improvement within the time specified, or if a further offence is committed with a Stage 3 Disciplinary having been implemented, Stage 4 will be implemented, and the Learner will be interviewed by the Chief Operating Officer and the Centre Compliance Manager in the presence of the Employer; the learner may be suspended from the Centre and withdrawn from their Apprenticeship programme.

A letter, signed by SETA's Chief Operating Officer, will be sent to the learner and the employer. It will detail all information and evidence gathered to justify the withdrawal.

6. Gross Misconduct

In the event of gross misconduct, Stage 4 will be implemented. SETA's Apprenticeship Services Manager and the Centre Compliance Manager will carry out a full investigation and decide what action is to be taken. If SETA is satisfied that the learner is guilty of gross misconduct, SETA is entitled to withdraw the Learner from their Apprenticeship with immediate effect.

A letter, signed by SETA's Chief Operating Officer, will be sent to the learner and the employer. It will detail all information and evidence gathered to justify the withdrawal.

7. The Right to Appeal

All Learners undergoing Stage 2 and higher disciplinary measures, have the right to appeal against a decision that SETA makes at a disciplinary meeting. In these cases, SETA will make every effort for the appeal to be dealt with by a different Manager to the individual, who has been involved in the process.

The assigned Manager will inform the Learner of the date and time of the Appeal Meeting. If the Learner feels they have a legitimate reason as to why they cannot attend the meeting on the proposed date, they must contact the assigned Manager to inform them of this fact immediately. The meeting may then be delayed to facilitate their attendance, if this is considered reasonable. The Learner will be entitled to be accompanied by an individual of their choosing, provided that are not part of the initial disciplinary in any way.

The appeal will be recorded on an 'Appeal Form' (**Please See Annex D**).

At the appeal meeting, the Learner will be given an opportunity to state their case. Their companion is permitted to put forward and summaries their case, respond on their behalf to views expressed in the meeting, ask questions and confer with them, but will not be entitled to answer questions directly on you're the Learners behalf.

The meeting will then be adjourned to allow the Manager to consider the facts and the decision will be confirmed in writing to all parties involved. The outcome will be communicated as soon as possible, taking into account the complexity of the issues raised in the appeal. The decision at this stage will be final.

SETA's decision at the appeal stage is final and there is no further right of appeal through SETA. The Centre Compliance Manager will however forward on details of any awarding body or organisation the individual may wish to contact to appeal through their channels as required.

8. Records

Pastoral Support Services will be forwarded on all paperwork completed against a disciplinary who will then store it in the Learners files on the secured Apprenticeships server for the duration of their Apprenticeship.

9. Review

This procedure will be reviewed annually by the Apprenticeship Services Manager and the Centre Compliance Manager.

Verbal Warnings

Best practices for issuing a verbal warning

Issuing verbal warnings productively takes some practice. Here are some tips that can help you know what to do and what not to do.

What to do

- *Conduct the disciplinary in a private room, away from other individuals*
- *At least two SETA staff members must be present.*
- *If identified staff are not available as per **Annex C**, a member of the management team will assist or decide who should be present*
- *Members of Pastoral Support or the Safeguarding team should not be involved in conducting the disciplinary*
- *Keep your tone professional. The individual will probably follow your lead. If you remain professional, then they likely will too*
- *Keep a record of the verbal warning by completing Stage 1 within a SETA 'Learner Disciplinary Form' and then hand it to Pastoral Support Services. If the individual doesn't improve Stage 2 is implemented as additional action, records will be available to show a pattern of behaviour*
- *Follow up with the individual at an agreed date after the verbal warning to check their progress*
- *Offer your help. Let the individual know you're willing to help them and answer any questions they have*
- *Be positive about the situation. Ask them if there are any adjustments that can be implemented to assist them improve their behaviour*
- *Stay calm. There's a chance the individual may become upset. In this situation, it's essential that you remain calm and assure them that you want them to succeed*
- *Stop the conversation if the individual becomes aggressive, abusive or angry to the extent that the situation will become worse if discussion continue. Stay calm, leave them and report to the Apprenticeship Services Manager and/or Centre Compliance Manager. They will decide the necessary step to take. Record the situation and facts in the form and hand it to them.*

What not to do:

- *Bring up other issues. Keep the situation fair to the individual by staying focused on the behaviour for which you're issuing the verbal warning*
- *Belittle the individual. Show your respect for them, and remind them of the potential they have and value they have to offer to their employer*
- *Ignore problematic behaviour. Even if you like the individual and would prefer not to issue a warning, it's important to address problematic behaviour to keep it from happening again in the future*
- *Lack consistency. Issue verbal warnings for the same behaviours from all individuals. If you give a verbal warning to one individual for failing to meet deadlines but ignore another individual's missed deadlines, you're treating them unfairly, which can create a negative culture*
- *Become unsettled, raise your voice, or use any derogatory or offensive language*

Learner Disciplinary Form

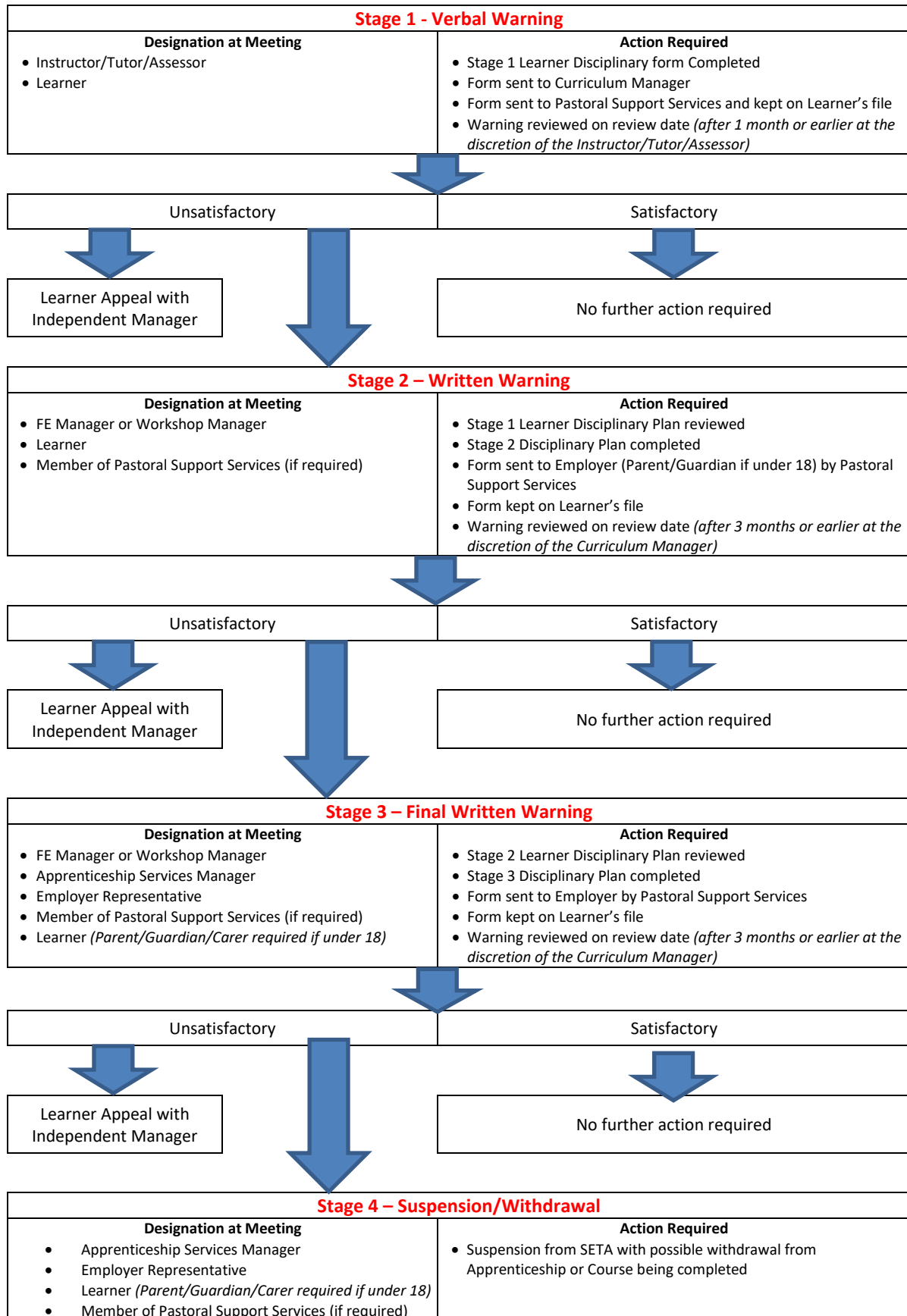
Names of SETA Staff Present					
Learner				Location	
Date		Time		Employer	
Stage <small>(Please Indicate)</small>		Stage 1 <i>Verbal Warning</i>		Stage 2 <i>Written Warning</i>	
				Stage 3 <i>Final Warning</i>	
				Stage 4 <i>Suspension/Withdrawal</i>	
Details of Disciplinary					
Action/s and Support Agreed				By Who?	
SETA Staff Signature			Learner Signature		
Print Name			<p style="text-align: center; margin: 0;"><u>Please Note</u></p> <p style="margin: 0;">By signing this agreement, all parties involved are agreeing that the information contained within this form is accurate and all necessary actions will be carried out</p>		

Review

Date					
Outcome					
Further Action required					
SETA Staff Signature		Learner Signature		<p style="text-align: center; margin: 0;"><u>Please Note</u></p> <p style="margin: 0;">By signing this review, all parties involved are in agreement.</p>	
Print Name					

Learner Disciplinary Flow Chart

This document is to be followed when a disciplinary with a Learner is necessary; any stage can be bypassed depending on the severity of the reason and discussion within the team



Learner Disciplinary Flow Chart

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- *Voice raising and any type of*
- *Unpunctual or irregular attendance*
- *Failure to follow instructions set by SETA staff*
- *Frequent failure in wearing the correct PPE*
- *Committing nuisance on the premises*
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Learner Disciplinary Appeal Form

Name of SETA Manager Completing Form			
Date		Learner	
Employer		Supporting Individual	
Other Individuals Present			

Details of Appeal		
Action/s and Support Agreed	By Who?	Target Date
SETA Manager Signature*	Learner Signature*	Supporting Individual Signature*
Date:	Date:	Date:
<p style="text-align: center;"><small>*Please Note</small></p> <p style="text-align: center;"><small>By signing this agreement, all parties involved are agreeing that the information contained within this form is accurate, consent is freely given for recording purposes and all necessary actions will be carried out</small></p>		