



**SEMESTER: LEARNING & DEVELOPMENT LTD  
APPRENTICESHIP STUDENTS  
DISCIPLINARY POLICY**

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**AMENDMENT HISTORY**

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## 1. Scope

This policy applies to Semester: Learning & Development LTD apprenticeship students studying at levels 3-7, and relates to general conduct. Semester: Learning & Development LTD has a separate policy relating to academic misconduct, which should be read in conjunction with this policy

## 2. Aims and Purpose

- Semester: Learning & Development LTD aims to promote and develop consistently high standards of conduct and behaviour for its students, to prepare them for their professional and personal life, both during and after completion of their apprenticeship programme.
- It is Semester: Learning & Development LTD's ambition that its high expectations of apprenticeship students will provide a foundation for a teaching and learning environment and experience that is conducive to learners achieving their potential, supported by an ethos of encouragement, and acknowledgment of both professional and academic achievements.
- Semester: Learning & Development LTD anticipates that most of its apprenticeship students will understand and appreciate the importance and significance of adopting and demonstrating professional standards at all times during their apprenticeship, both during workplace and non-workplace learning, and during life in general. However, Semester: Learning & Development LTD also accepts that at times some apprenticeship students may, intentionally or unintentionally, not adopt and demonstrate the required professional standards of conduct.
- Wherever appropriate, Semester: Learning & Development LTD will attempt to resolve these issues without resorting to formal disciplinary processes. Where possible, Semester: Learning & Development LTD staff will attempt to deal with unacceptable conduct issues through informal processes. Where this is not possible, Semester: Learning & Development LTD staff will deal with the matter in accordance with this policy and procedures.

## 3. Roles and Responsibilities

### All Staff

All members of Semester: Learning & Development LTD staff are expected to challenge inappropriate behaviour of an informal nature. More serious misconduct, necessitating formal action, should be reported to the Personal Tutor for whom the student has enrolled with.

All formal proceedings should only be dealt with by the Personal Tutors or Apprenticeship Assessors and must be recorded centrally on ProMonitor. This will ensure that a consistent and systematic approach is maintained at all times. All details of students recommended for exclusion are retained by the office of the Managing Director.

Types of unacceptable behaviour are listed further on and in Appendix A, and there will obviously be varying degrees of seriousness within the definition. This list is not exhaustive. In all instances, where a student's standard of work or behaviour is not satisfactory, it is the responsibility of the individual member of staff to identify at what stage the procedure should be applied. If the wellbeing of the student is considered a potential cause for misconduct at any stage in this process, a referral to the Wellbeing Team is required prior to continuing with formal procedures.

### Teaching Staff and Instructors

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All teaching staff can issue a cause for concern which can be for any matter (not just disciplinary). The cause for concern should be documented on ProMonitor under the disciplinary/comments section. All staff attached to the student can see this information and are to add comments on the student's progress to improve the cause for concern. Concerns should be shared with parent/carers and employer as and when appropriate.

### **Personal Tutors and Apprenticeship Assessor**

A Stage 1 disciplinary can be issued by any member of teaching staff via the comments feature in ProMonitor. However, the student's Personal Tutor or Apprenticeship Assessor as applicable is responsible for conducting the disciplinary meeting with the student and set a review date. A member of the Wellbeing Team may also be present if appropriate. The Personal Tutor or Apprenticeship Assessor is also required to attend disciplinary meetings and reviews where possible and appropriate at higher stages in the disciplinary process

### **Learning Managers and Apprenticeship Managers**

Again any member of teaching staff can issue a Stage 2 disciplinary via the comments feature in ProMonitor. However, it is the Learning Manager, Apprenticeship Manager (and Personal Tutor or Apprenticeship Assessor where possible/appropriate) who shall conduct the disciplinary meeting and set a review date. A member of the Wellbeing Team may also be present if appropriate and the student's parent/carer and employer may also be notified/invited to attend if necessary

### **Directors of Learning/Heads and Director of Learning for Apprenticeships**

In the event of serious misconduct the Learning Manager or Apprenticeships Manager will initiate Stage 3 disciplinary procedures, i.e. a Stage 3 Disciplinary Hearing and record on ProMonitor. In the event of alleged gross misconduct the Learning Manager (with approval from the Managing Director) can authorise a temporary suspension (see note below on exclusion) of up to 7 working days. In the event of gross misconduct a Director of Learning/Head or Director of Learning for Apprenticeships will convene a Stage 3 Disciplinary Hearing and will either: • Issue a Written Warning • Issue a Final Written Warning • Authorise a temporary suspension (max 10 working days) • Or recommend that the student is permanently excluded.

### **Managing Director**

In the event of a student being recommended for exclusion by a Disciplinary Hearing, the Managing Director will convene a Stage 4 Exclusion Panel and may either: • Issue a permanent exclusion • Issue a written or final written warning or • Issue an appropriate sanction

### **Disciplinary Hearings, Exclusion Panels and Appeals**

Evidence must be provided to the Chair of the panel, 5 days prior to the disciplinary hearing. At any disciplinary hearing, exclusion panel or appeal, the Chair will open proceedings by introducing those present, explaining their roles. The Chair will then explain the procedure and state the possible outcomes. The case against a student will then be made by the appropriate curriculum staff member. The student will then state their case outlining the issues from their perspective. The Chair will then take questions in turn from the curriculum staff and the student or their representative.

When all relevant issues have been explored the Chair will ask for any final comments from the panel, the student and their representatives and any others present. The Chair will close the hearing and inform the student that a decision will be taken shortly and that they will be notified in writing within 5 working days.

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## **Appeals (Stage 5)**

A student may appeal the decision of the Exclusion Panel (Stage 4). Appeals should be sent in writing to the Managing Director within 5 working days of the student being informed of the outcome of the panel. The grounds for appeal must be clearly stated. At the appeal stage the Managing Director's decision is final.

### **4. Expected Conduct**

Semester: Learning & Development LTD communicates its conduct expectations of learners through its Apprenticeship Student Conduct Expectations document, and Terms and Conditions of Contract – Apprenticeship Programmes. Non-compliance with the Apprenticeship Student Conduct Expectations document will be either:

- Minor misconduct;
- Major misconduct.

### **5. Minor Misconduct**

Where failure to observe the Apprenticeship Student Conduct Expectations document has occurred, but is not of a sufficiently serious nature or is not a recurring issue, it shall be treated as and dealt with as misconduct. Examples of behaviour which would be considered as misconduct include:

- unauthorised absence, which includes any absence that has not been authorised;
- persistent lateness without acceptable reason;
- insufficient participation and engagement in virtual learning environment (VLE) activity;
- failure to participate in a scheduled progress review/tutorial;
- talking at inappropriate times during face-to-face learning sessions;
- failure to participate fully in workshop tasks and activities;
- consuming food or beverages other than water during face-to-face learning sessions;
- swearing or use of offensive or derogatory language;
- inappropriate use of mobile phones, laptops and/or other electronic devices;
- conduct that disrupts or improperly interferes with the teaching, learning, research administrative or other activities of Semester: Learning & Development LTD;
- not submitting coursework for formative or summative assessment;
- minor incidents that undermine the British values of democracy, the rule of law, individual liberty and mutual respect and tolerance;
- making repeated and/or unfounded false, malicious and vexatious complaints or appeals;
- misuse of programme materials or infringement of Semester: Learning & Development LTD's Intellectual Property Rights;
- revealing confidential information without permission;
- breach of other Semester: Learning & Development policies and regulations not covered by the above.

### **6. Major Misconduct**

Where failure to observe the Apprenticeship Student Conduct Expectations document is deemed of a sufficiently serious nature, it shall be treated as major misconduct. Examples of behaviour which would be considered as major misconduct include:

- physical, sexual, or racial assault, harassment, or violent;
- indecent and/or abusive behaviour directed at other students, members of staff, visitors and any other person connected with Semester: Learning & Development LTD apprenticeship programme delivery (for any reason, including on the grounds of race, sexuality, gender or gender identity);
- behaviour that brings Semester: Learning & Development LTD's name into disrepute;
- harassment, bullying or abusive behaviour through any form of electronic communication or on social media;
- theft of, damage to, or unauthorised use of property or systems belonging to Semester: Learning & Development LTD, third-party learning delivery venues, other students, members of staff or visitors;
- possession, sale, or use of illegal drugs on or in the local vicinity of Semester: Learning & Development LTD property, and whilst at or in the local vicinity of third-party learning delivery venues or whilst on Semester: Learning & Development organised activities;
- being under the influence of alcohol or illegal drugs on or in the local vicinity of Semester: Learning & Development LTD property, whilst at or in the local vicinity of third-party learning delivery venues or whilst on Semester: Learning & Development LTD organised activities;
- incidents other than minor incidents that undermine the British values of democracy, the rule of law, individual liberty and mutual respect and tolerance;
- the organisation of, or glorification of, criminal activity;
- the organisation of, or glorification of terrorism or extremist behaviour;
- hate speech;
- repeated incidents of conduct/behaviour initially classified and dealt with as 'misconduct';
- providing untrue or misleading information as part of the admissions process. This could include false information on previous qualifications you have obtained, or not supplying correct documentary evidence of previous qualifications;
- other serious fraud, deception or dishonesty.

Additionally;

- **You are expected to attend all sessions. One unauthorised absence would trigger a stage one disciplinary.**
- **Arriving late for three or more sessions without an acceptable reason, such as public transport delays, would constitute persistent lateness.**

## 7. Liaison with Employers and Parents

Where the conduct of an apprenticeship student results in a Stage 2 or higher action under the Apprenticeship Student Disciplinary Policy, the student's employer shall be informed. In addition, where the student is aged under 19, or where the student is a 19-24 year old care leaver, the student's parent/guardian shall be informed.

## 8. Liaison with External Agencies

If after investigation the behaviour is deemed as serious criminal behaviour or activity (i.e. theft, racism, and homophobia, physical or verbal abuse, threats of radicalisation or violent/non-violent acts of extremism) then the investigation may be passed over to the Police and/or other appropriate external agencies.

Action taken under the Apprenticeship Student Disciplinary Policy may be deferred until the police action, criminal proceedings and/or civil proceedings against the student have been concluded. The student will be notified.

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## 9. Disciplinary Process

A summary of the process and procedures can also be found in Appendix A of this document.

### Minor Misconduct

In the event that minor disciplinary action is required the member of staff shall make a discretionary decision regarding the most appropriate immediate course of action, taking into account the principles of this policy. This must be followed up on with an appropriate ProMonitor record.

#### 9.1 Stage One

In the first instance, the student will normally receive a formal verbal warning. A Stage One form will be completed and a copy provided to the student, the student's Apprenticeship Coordinator and employer.

#### 9.2 Stage Two

In the second instance, or in more serious cases of disciplinary matters, a Stage 2 disciplinary meeting is held. The outcomes of the Stage 2 disciplinary meeting will be sent to the student, the employer and, where relevant, the parent/guardian. The letter will detail the actions arising from the meeting and the consequences of not meeting those actions. Records will be kept on the student's file and a further breach of this policy will result in disciplinary action being taken to Stage 3.

#### 9.3 Stage Three

Final Disciplinary Should further improvements not be made, and in the most serious cases of disciplinary matters, the student will be invited to a Stage 3 disciplinary meeting with a member of Semester: Learning & Development LTD's Senior Leadership Team (SLT) who will consider the case and make recommendations for further actions. The outcomes of the Stage 3 disciplinary meeting will be sent to the student, the employer and, where applicable, the student's parent/guardian. The letter will detail the actions arising from the meeting and the consequences of not meeting those actions. This may be the final written warning, and failure to comply with conditions set out in the letter and/or any further breaches of the Apprenticeship Student Disciplinary Policy could result in temporary exclusion or the termination of study by the Managing Director.

## 10. Potential Sanctions/Outcomes

One or more of a combination of the following sanctions may be issued as a result of a disciplinary offence:

- i) Written pledge from the student to improve conduct for a defined a period.
- ii) A formal apology by the student to an individual or individuals.
- iii) First Written Warning – usually the letter following Stage 2, detailing the actions arising from the Stage 2 meeting and the consequences of not meeting those actions.
- iv) Final Written Warning – usually the letter following Stage 3, detailing the actions arising from the meeting and the consequences of not meeting those actions
- v) Payment for the cost of repairing damage or replacing damaged item(s) as appropriate, in the case of damage to property or any other situation involving financial loss.
- vi) Temporary exclusion for a fixed period of time by the Managing Director. The terms will be notified to the student in writing, and may include a requirement that the student shall have no contact with a named person or persons.

- vii) Termination of study by the Managing Director.

In determining the appropriate sanction, factors including the following will be taken into account

- i) the degree of remorse shown by the student
- ii) efforts shown by the student to resolve and remedy the situation
- iii) the extent of any harm caused to others
- iv) the level of impact on others
- v) the level of intentionality shown

## 11. Suspension

In dealing with allegations of gross misconduct, suspension (max 10 days) may be used to remove a student or students from a potentially difficult or dangerous situation while an investigation is carried out. Students can only be suspended by either a Director of Learning/Head or a member of the Semester: Learning & Development LTD's Senior Leadership Team. NB Where students are suspended care must be taken to ensure that all parties are treated equally. In personal disputes it is usually necessary to suspend both parties unless one can be reasonably certain that the offence was either unprovoked or that the victim's innocence has been clearly established.

## 12. Formal Procedure – Principles

### Recorded

All aspects of the formal process will be recorded on the student's personal record on ProMonitor. The following information relates to the period of time that the college shall retain information on students who have been referred as part of this process. It is the responsibility of the chair of meetings to notify Information Services in the event of permanent exclusion.

| Outcome  | Minimum Duration               | Notes   |
|--|--------------------------------|---|
| Referral Interview Written warning             | Study Programme(s)<br>Duration |   |
| Final Written Warning /<br>Temporary Exclusion | 2 Years                        | May be referred to in any application that the student may make to Semester: Learning & Development LTD for any future course of study  |
| Permanent Exclusion                            | 5 Years                        | A block on applications from excluded students is placed on the Semester: Learning & Development LTD's Management Information System. Excluded students may, after writing to and meeting with the Managing Director, the student may be permitted to apply for a further course in the college. Such permission will be at the Managing Director's discretion. |

### **Confidentiality**

Some aspects of discussions may be confidential or inappropriate to share amongst a wider audience. The person completing the records on ProMonitor should be sensitive to this and only include information as appropriate, or retain a separate record of confidential discussions.

### **Action-planned**

In all cases, the referral should identify the action that is required by the student to reach the agreed target(s) for improvement.

### **Additional Support**

Staff should always consider a student's needs in terms of their mental health, Special Education Needs, Educational Health Care Plans or Looked After status to determine whether any additional support that may be required to aid the student's progress.

### **Reviewed**

All referrals must be reviewed to ensure achievement of the target(s). This should be between 1-4 weeks as appropriate with a follow up review if necessary.

### **Supportive**

Referrals should be seen as supportive. The referral process is intended to identify what Semester: Learning & Development can do to support the student in improving their conduct/attitude.

### **Failure to attend a meeting**

If a student has had reasonable written notification of the need to attend a meeting but fails to do so, it is at the discretion of the Personal Tutor/Apprenticeship Assessor or Learning Manager/Apprenticeship Manager (Stage 1 and 2) or Chair (Stage 3).

## **13. Rights to Representation**

Apprenticeship students have the right to representation, as set out in the Apprenticeship Student Disciplinary Procedure

## **14. Right of Appeal**

Any decision to impose a sanction as a result of a disciplinary offence is subject to the student's right of appeal.. A decision to exclude or terminate a student's study is subject to the student's right of appeal under the Semester: Learning & Development LTD's Code of Practice: Complaints and Appeals. Students wishing to appeal against any other sanction imposed under the Apprenticeship Student Disciplinary Policy may submit an appeal as per the terms outlined in Section 3.1 of the Apprenticeship Student Disciplinary Procedure.

## **15. Related documents**

- Acceptable Use of IT Policy

- Apprenticeship Student Conduct Expectations
- Apprenticeship Student Disciplinary Procedure
- Apprenticeship Students- Terms and Conditions Contract
- Code of Practice: Disability and Additional Needs
- Data Protection Policy
- Equality, Diversity and Inclusion Statement
- E-Safety Policy
- Faith Policy
- Health and Safety Policy
- PREVENT Policy
- Semester: Learning & Development LTD's Code of Practice: Complaints and
- Semester: Learning & Development LTD's, Vision and Values
- Safeguarding & Child Protection Policy
- Student Anti-Bullying and Harassment Policy

## Appendix A: Apprenticeship Student Disciplinary Process

|  | Cause for Concern (Minor Misconduct)   | Stage 1 (General Misconduct)   | Stage 2 (Serious Misconduct)  | Stage 3 (Gross Misconduct)   |
|--|--|--|---|--|
| Examples (but not exhaustive)              | <p>Unsatisfactory low level behaviour</p> <p>Unsatisfactory standards of work</p> <p>Unsatisfactory attendance and/or punctuality</p> <p>Inappropriate use of mobile phones or other technologies</p> <p>Failure to meet assessment deadlines</p> <p>Failure to wear student ID/lanyards</p> | <p>General unsatisfactory and thoughtless behaviour / disruption</p> <p>Act irresponsible and putting self or others at risk</p> <p>Consistent failure to complete or hand in work on time</p> <p>Repeated poor attendance and/or punctuality</p>          | <p>Repeated general misconduct and thoughtless behaviour</p> <p>Failure to complete course work or major assignments</p> <p>Refusing to wear student ID/disclose their identity when reasonably requested for it or giving incorrect information</p> <p>Swearing or verbal abuse directed at students or staff</p>                        | <p>Repeated misconduct -</p> <p>Plagiarism or copying large sections from publications and / or other student's work and submitting it for assessment</p> <p>- Serious breaches of Health and Safety regulations including damaging equipment and driving recklessly on or around College grounds</p> <p>Physical abuse or threat of physical abuse</p> <p>Harassment or discriminatory behaviour</p> <p>Promoting or engaging in extremist behaviour/activity</p> |
| Person responsible for issuing             | Any member of staff  | Any member of teaching staff to issue a Stage 1 disciplinary via comments feature in ProMonitor (FAO: Personal Tutor/Apprenticeship Assessor)  | Any member of teaching staff to issue a Stage 2 disciplinary via comments feature in ProMonitor (FAO: Personal Tutor/Apprenticeship Assessor)   | Any member of teaching staff to issue a Stage 3 disciplinary via comments feature in ProMonitor and telephone contact Director of Learning/Head or Director of Learning for Apprenticeships  |
| Person(s) conducting/attending the meeting | <p>Record on ProMonitor using comments feature as cause for concern and set CSMART targets as appropriate (FAO: Personal Tutor/Apprenticeship Assessor)</p> <p>Set review date (if required)</p> <p>Parental/carer/employer contact(if required)</p> <p>FAO Wellbeing Team if applicable</p> | <p>Record Stage 1 meeting on ProMonitor (FAO: all relevant staff including Learning Manager)</p> <p>Set CSMART Targets as appropriate • Set review date</p> <p>Parental/carer/employer contact(if appropriate)</p> <p>FAO Wellbeing Team if applicable</p> | <p>Record Stage 2 meeting on ProMonitor (FAO: All relevant staff, including Director of Learning/Head /Director of Learning for Apprenticeships)</p> <p>Set CSMART Targets as appropriate</p> <p>Set review date</p> <p>Send Written Warning Parental/carer/employer contact (if appropriate)</p> <p>FAO Wellbeing Team if applicable</p> | <p>Temporary Exclusion (if required)</p> <p>PREVENT Referral (if required)</p> <p>Record Stage 3 meeting on ProMonitor (FAO: All relevant staff)</p> <p>Set review date</p> <p>Send Written Warning • Recommendation for permanent exclusion (if required)</p> <p>Parental/carer/employer contact (if appropriate)</p> <p>FAO Wellbeing Team if applicable</p>   |
| Next stage                                 | Referral to Stage 1 for persistent, repeated minor misconduct  | Referral to Stage 2 for persistent, repeated general misconduct  | Referral to Stage 3 for persistent, repeated serious misconduct   | Referral to Stage 4 for persistent, repeated gross misconduct  |
| Review Duration                            | 1-4 WEEKS  | 1-4 WEEKS  | 1-4 WEEKS   | 1-4 WEEKS  |

|                |   |
|----------------|---|
| <b>Level 4</b> | <b>If at Stage 3 it is recommended a student be permanently excluded then this will be referred to the Exclusion Panel chaired by the Managing Director</b> |
| <b>Level 5</b> | <b>A student may appeal the outcome of Stage 4 to the Managing Director</b>   |