



# LEICESTER TIGERS *Foundation*

## DISCIPLINARY POLICY

### Policy statement

This disciplinary procedure covers students enrolled with the Leicester Tigers Foundation (**Foundation**), Education Programme. It may lead to a range of sanctions including dismissal. Its aim is to ensure that any student accused of an offence is fairly treated, with proper opportunities to put forward their point of view, to be represented and, in every case except those of gross misconduct, to receive warnings in time to remedy the error. Employed students are also subject to the disciplinary procedures of their employer.

### Information

The Foundation will ensure that every student will receive a copy of this procedure on joining the organisation and an explanation will be given during induction.

### Procedure

Minor faults will always be dealt with informally. The objective of the Foundation is to ensure that everybody behaves well and co-operates with others; not to find fault. This procedure does not deal with issues of incompetence.

### Stage 1 – Poor Performance Action Plan

Incidents of non-compliance will be recorded on an incident log. These logs will be passed by the tutor to the Education manager for further evaluation and record keeping. If there is a continuation or non-compliance, a meeting will be called with the learner, the tutor and other appropriate member(s) of staff. The outcome of this meeting will result in a poor performance action plan being devised to give the learner the opportunity to positively correct their behaviour. If there are further incidents, or if the learner fails to meet the agreed actions, the learner will be issued with a formal warning.

### Stage 2 – Verbal Warning

If there is a continuation of error following the issuing of a personal action plan or where learners appear to have committed a disciplinary offence it will be investigated by a tutor or other appropriate member of staff. The investigation will be sufficient to establish the facts. It will involve questioning the person accused of the breach and may include taking statements from witnesses. Unless there is a case for alleging gross misconduct, a learner whose conduct has been found to have fallen below acceptable standards will normally be given a verbal warning. It will be made clear that this is the first stage of a disciplinary procedure which might lead to dismissal. The nature of the fault will be made clear, as will the evidence which demonstrated it. A note will be made in the personal file of a learner given a verbal warning, which will be removed after six months satisfactory conduct.



# LEICESTER TIGERS

## Foundation

### Stage 3 – Written Warning

Where an offence which was the subject of a verbal warning is repeated, or where the offence is serious, it will be dealt with by issuing a written warning. Allegations of misconduct will be investigated; giving the person accused an opportunity to respond to evidence. In the case of serious allegations against a student which are held to be true, a senior manager of the Foundation will be involved in issuing a written warning. A written warning will clearly state:

- the nature of the fault
- the evidence which showed it to have occurred
- the improvement required
- the timescale for improvement
- the consequences of a failure to improve
- right of appeal
- signature of the person who has received the warning confirming acceptance

A copy of a written warning will be kept in the personal file of the learner concerned. A written warning will become invalid for disciplinary purposes after six months provided that the required improvement has been achieved.

### Stage 4 – Final Warning

Where misconduct is considered to be very serious, but not sufficiently so to be gross misconduct, a written warning may also be a final warning. Alternatively, where misconduct which was previously dealt with through issuing a written warning continues, a final warning may be given as the last step before dismissal. Any final warning will involve a senior manager of the Foundation and in cases involving employed students, the employer will always be informed. A final warning notice will always be given in writing, and will be placed in the personal file of the learner concerned. It will normally be considered spent after six months but, exceptionally and where the person concerned was informed so at the time when the final warning was issued, it may stand for longer.

### Stage 5 – Dismissal

Where misconduct continues after due warning in accordance with this procedure, the student concerned will be dismissed from the programme. In the case of employed students, the employer will be involved and the decision to dismiss will be taken by the Foundation Manager. Notice of dismissal will be given in writing, with reasons, the date of termination and notice of the right to appeal.



# LEICESTER TIGERS

## Foundation

### **Gross Misconduct**

In cases of alleged gross misconduct, a student will be suspended from attendance the Foundation immediately while the case is investigated. In the case of employed student, the employer will always be informed and suspension from work may also be required under the employer's disciplinary procedure. Suspension will normally be as brief as possible (up to 10 working days) and the person concerned will continue on full pay. If, on completion of an investigation involving the Foundation Manager, gross misconduct is proven, the student will be dismissed from the programme without notice. Examples of gross misconduct are as follows:

- theft, fraud, misrepresentation or falsification of records
- violence or assault
- sexual or racial abuse, harassment or bullying
- serious insubordination or refusal to obey legitimate instructions
- deliberate damage to premises or equipment
- abuse of alcohol or illegal drugs
- serious negligence leading to loss, damage or injury
- serious breaches of health and safety rules
- prolonged or repeated unauthorised absence
- misuse of computers and information technology (for example, internet access to pornography or other improper or illegal material).

### **Appeals**

A student may appeal against a disciplinary warning or sanction if the judgement is considered unfair; the punishment too severe; if procedural irregularity appears to have occurred; or new evidence which might alter the case has emerged. Students making an appeal should inform the Education Manager in writing within five working days of the issue of a warning or sanction, stating the grounds for appeal. Where there are sufficient grounds for appeal, appeals will be heard by the Education Manager and a senior member of the commissioning entity, giving the student concerned a full opportunity to state their case supported, if desired, by another person or witnesses. Disciplinary penalties or warnings will be reviewed in the light of appeals and a decision given in writing within five working days. Unless the sanction imposed has been dismissal, the decision of a properly conducted appeal is final.

Where an appeal is made against dismissal it will be heard by a Foundation Trustee and a decision will be issued in writing within five working days and will be final. When conducting an appeal, the following questions will be asked:

- was the reason for termination of training in line with the Foundation's policy?
- was the discipline procedure followed fully?
- was the student treated fairly and with respect during the process?
- was this outcome the same for other students in the same situation?



# LEICESTER TIGERS

## Foundation

### **Records**

Records of warnings, evidence and decisions made under this procedure will be held securely and confidentially; will be open to examination by the student concerned; and will be kept in compliance with the data protection act, 2018. Copies of warnings will be kept on file and logged on the Upshot system.

### **Disciplinary Meetings**

Disciplinary meetings, where appropriate, will involve no more than 3 other people besides the student. If more members of staff need input to the meeting, this will take place prior to ensure the student is not made to feel uncomfortable with too many other people/staff members present. The Foundation manager will communicate the views of other staff members at the meeting.

This policy was reviewed in Jan 23 by Sam Swift