

## Participant Discipline Policy

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## **Section 1: Overview**

### **1.1 Purpose and Scope**

- 1.1.1** Frontline aims to provide fair and consistent treatment for all participants, staff and visitors. It also has a duty to take reasonable steps to protect the learning environment from harm. To fulfil these, there, is a necessary expectation in relation to the participant conduct.
- 1.1.2** Frontline formally splits participant discipline into two broad areas, academic and non-academic. Academic discipline is detailed in the Lancaster University Manual of Academic Regulations and Procedures (MARP) and the Frontline policies that have been adopted for the partnership as detailed in the Frontline MARP supporting document. The below refers to non-academic discipline and the related procedures and penalties.
- 1.1.3** Frontline has the authority to prescribe rules of discipline. Where a participant falls short of expectations Frontline will take disciplinary action that is primarily corrective but also and as necessary reasonably punitive.
- 1.1.4** It is important that all members of the academic community behave in a polite and courteous way to everyone. This policy explains how Frontline deals with any concerns about a participant's behaviour.

### **1.2 Definitions**

- 1.2.1** **Discipline** means obeying the rules and professional standards of Frontline as an academic community.
- 1.2.2** **Behaviour** means the physical, verbal, social and mental conduct of members of the academic community as it affects themselves and others, including planned and unconscious or accidental actions.

## **Section 2: Policy and procedures**

### **2.1 General principles**

- 2.1.1** This policy applies to participants during the Summer Institute and attendance of recall days. Participants will be subject to the requirements and policies of the Local Authority; however, Frontline retains the right to consider discipline-related issues which arise while the participant is based on placement within the Local Authority. These are not legal

proceedings.

- 2.1.2 Frontline encourages a culture in which all members of our community feel empowered and confident to challenge and/or to report unacceptable behaviour.
- 2.1.3 Reports of possible breaches of these regulations may be reported by other participants, staff of Frontline and Lancaster University, the Local Authority or external sources such as members of the public. Where a third-party reports and provides contact information, they may be informed that the matter has been investigated and whether any action was taken. They will not be given the details of these actions.
- 2.1.4 Where it is ascertained that there is insufficient evidence, Frontline reserves the right not to pursue a reported breach.
- 2.1.5 Frontline will take a sensitive approach in enacting this policy and will ensure reasonable effort to maintain confidentiality.
- 2.1.6 Frontline will not tolerate frivolous or malicious reporting; participants or staff suspected of doing this will be subjected to an investigation of a breach under these regulations or the relevant staff policy.
- 2.1.7 Frontline expects disciplinary matters to be considered promptly and would expect procedures to begin within thirty days of the alleged incident. Frontline does reserve the right to consider cases under this policy at a later time, if reported later or after the date of the incident, particularly where they are of a serious nature.
- 2.1.8 Reasonable effort will be made to communicate these regulations and all participants are expected to be familiar with them. For the avoidance of doubt, ignorance of these regulations will not be deemed as an acceptable excuse.
- 2.1.9 An alleged breach of these regulations may call into question the participant's fitness to practise and as such the fitness to practise policy may be invoked. Where the alleged breach is investigated and determined under the Participant Discipline procedures and implications of fitness to practise emerge, the matter will be referred to the fitness to practise policy, which will take account of any previous investigations and determinations.

- 2.1.10** Frontline reserves the right to refer cases to the Police where it is considered they may constitute a criminal offence.
- 2.1.11** Any person required to act in any capacity under these regulations is subject to an ongoing duty to declare any conflict of interest. Where a conflict of interest is established, that person will be excused from the process. This acts to ensure that processes and decisions remain free of bias and are in line with principles of natural justice.
- 2.1.12** Participant's may be accompanied to a disciplinary meeting and are encouraged to make use of the advice services provided by the Students' Union. It is the normal expectation that in disciplinary meetings or hearings that participants will speak for themselves, and that those who accompany them will be there for support.
- 2.1.13** However, where a participant wishes to be represented, including legal representation, the participant must inform Frontline within 5 working days prior to the meeting or hearing. Frontline reserves the right to have the services of their own legal representative at the meeting or hearing.
- 2.1.14** A participant's failure, without good cause, to attend a meeting or hearing will not prevent the matter proceeding.
- 2.1.15** Decisions taken under this policy by a member of staff or panel shall be made on the basis of the balance of probability and take full account of the principles of natural justice, fairness and equity.
- 2.1.16** The participant will normally be provided with access to all the information gathered as part of the investigation process, although this may need to be restricted in light of information governance requirements (e.g. data protection, confidentiality of service users etc.) in which case amended information which gives sufficient detail to allow the participant to defend themselves without contravening the relevant information governance regulation would be provided.
- 2.1.17** Normally witness evidence will be considered through written statements. Exceptionally, and at the discretion of the Chair:
- Anonymised witness statements may be considered; and
  - Witnesses may be allowed to appear in person.

**2.1.18** Data related to these regulations, including outcomes of participant discipline processes, will be held centrally and will be subject to the constraints of the General Data Protection Regulation and legislation.

## **2.2 Breaches of Discipline**

**2.2.1** The expectation of Frontline is that all participants conduct themselves appropriately and in accordance with all relevant regulations and policies. However, where a participant does not, Frontline may consider this as a breach of the Participant Discipline Policy.

**2.2.2** Acts or omissions that may be considered as breaches under this policy include (this is not an exhaustive list):

- Unacceptable behaviour towards participants, staff or members of the public, including verbal or written abuse in any media; bullying of any kind, harassment as defined under the Equalities Act;
- Failure to respect the rights of others to freedom of speech;
- Misuse or unauthorised use of Frontline and/or Lancaster University property, facilities or name;
- Disruption, interference or obstruction of the academic, administrative and other activities of Frontline;
- Anti-social behaviour, including noise disruption;
- Failure to disclose name and other relevant details to an employee of Frontline where to do so would be a reasonable expectation;
- Failure to adhere to the policies and procedures of the Local Authority, in which the participant is based;
- Fraud, deception or dishonesty, including intentionally withholding information in relation to Frontline staff or participants and/or falsification of records or documentation within an application;
- Failure to declare a criminal conviction to Frontline, subject to the Rehabilitation of Offenders Act;
- Possessing, consuming or supplying controlled substances;
- Inappropriate behaviour relating to the excessive consumption of alcohol or other substances;
- Any acts or omissions that bring or have the potential to bring Frontline and/or Lancaster University into disrepute, or that damage or have the potential to damage its relationships with Local Authorities and communities;

- Any conduct that leads to a criminal investigation or constitutes a criminal offence;
- Failure to comply with any previously imposed requirement or penalty under these regulations, including failure to attend a disciplinary meeting or hearing.

**2.2.3** Where criminal or similar proceedings are underway, participants are obliged to inform Frontline of any progress and/or changes of status regarding the case. The Delivery Director will review the status and determine if any actions are required and/or may suspend the internal procedure.

**2.2.4** A decision by authorities not to pursue a criminal conviction and/or an acquittal in court does not preclude Frontline from pursuing outstanding matters of concern that have not been addressed.

## **2.3 Disciplinary Procedures**

**2.3.1** Reports of possible breaches of this policy may be reported by other participants, staff, members of Lancaster University or external sources such as visitors, members of the public and should be made in writing to [academic.support@thefrontline.org.uk](mailto:academic.support@thefrontline.org.uk)

**2.3.2** Frontline reserves the right not to pursue a reported breach in the light of insufficient evidence.

**2.3.3** Upon receipt of an alleged breach and throughout the investigatory process the matter may be referred to the Director of Delivery for the purpose of temporarily suspending the participant, if they deem that it is urgent and necessary to do so.

**2.3.4** Frontline will appoint an investigating officer to conduct an investigation into the matters raised. They reserve the right to confirm the parameters of the investigation and will normally contact the participant to gain their perspective of the incident and whether they accept or contest the allegation.

**2.3.5** Upon conclusion of the investigation the following could occur:

- Not proven, no further action;
- Referral to the Fitness to Practise Policy on the basis that the incident and outcome of the investigation shows concerns with the participants fitness to practise;

- Referral for a formal meeting to be held between the Participant and a Senior Member of Frontline staff; or
- Referral to a hearing held by the Participant Discipline Panel.

### **Formal Meeting**

**2.3.6** The matter may be referred to a formal meeting on the following conditions:

- The participant has accepted the allegation and has shown insight and learning to prevent further occurrences; and
- There is only one incident; and
- There is no risk of harm to the participant or others; and
- There are no safeguarding issues.

### **Participant Discipline Hearing**

**2.3.7** Matters that are not referred to the Fitness to Practise Policy or a formal meeting will be referred to a hearing held by the Participant Discipline Panel.

**2.3.8** The Participant Discipline Panel will be made of a minimum of 3 members of Frontline staff. Both academic and non-academic members of staff may be members.

### **Administration**

**2.3.9** The participant will be notified, normally via email, in no later than 10 working days before the formal meeting or hearing date and will be provided with the following:

- Confirmation of the allegation;
- The formal meeting or hearing date, time and location (participants will normally attend via skype);
- The right to be accompanied by a friend, colleague, Student Union representative or Union Representative, should they wish to do so;
- Provided with copies of the evidence which will be considered;
- A reminder to confirm that there is no automatic right to postpone and seek an alternative scheduled date and if the date is not convenient the participant has the right to provide written submissions (including any necessary evidence). In such cases friends, colleagues and representatives are not permitted to attend.

**2.3.10** If a participant fails to attend, without acceptable reasons, the formal meeting or hearing may proceed and be concluded in their absence.

**2.3.11** During the formal meeting or hearing a member of Frontline staff may be in attendance to provide evidence. The participant will be informed of the result of the investigation and be invited to provide any further response to the allegation, as necessary.

**2.3.12** A decision and penalty will be imposed based on the balance of probability and take full account of the principles of natural justice, fairness and equity.

**Penalties:**

The below details the available penalties that may be imposed singularly or in combination:

**2.3.13** The Senior Member of Frontline staff can impose the following penalties at or following the meeting:

- Not proven, no further action;
- Formal warning, which will be taken into consideration for any subsequent procedure;
- A requirement to pay for any damages or cleaning charges incurred;
- A ban from a communal area e.g. College bar;
- A confiscation of equipment or items causing unreasonable disturbance to others or damage to property;
- A requirement to submit a written apology to those affected;
- A requirement to undertake relevant training and/or development (with the participant paying the associated fee/charge);
- Referral to the Participant Discipline Panel, Fitness to Study Policy or Fitness to Practise (if during the meeting concerns are raised through the actions and comments displayed by the participant); or
- Any combination of the above.

**2.3.14** The Participant Discipline Panel can impose the following penalties at the hearing:

- Not proven, no further action;
- Formal warning, which will be taken into consideration for any subsequent procedure;
- A requirement to pay for any damages or cleaning charges incurred;
- A ban from a communal area e.g. College bar;
- A confiscation of equipment or items causing unreasonable disturbance to others or damage to property;
- A requirement to submit a written apology to those affected;



- A requirement to undertake relevant training and/or development (with the participant paying the associated fee/charge);
- A recommendation to Lancaster University’s Board of Discipline for an exclusion either permanently or for a period of time from the Frontline programme;
- Refer the matter to be considered under the Fitness to Practise Policy;
- Any combination of the above; or
- Any other penalty deemed appropriate and commensurate with the breach.

**2.3.15** The participant will be provided with the outcome, in writing, normally within 7 working days of the formal meeting or hearing. The letter will inform the participant of the available next steps.

**2.3.16** If a participant fails to comply or adhere to the imposed penalties Frontline may consider terminating their study or refer the matter back to a Participant Discipline Panel or refer to the matter to the Fitness to Practise Policy.

## **2.4 Lancaster University Board of Discipline**

**2.4.1** For any cases for which the Participant Discipline Panel recommend an exclusion, either permanently or for a period of time from the Frontline programme must be taken to the Lancaster University Board of Discipline for ratification of the recommendation.

**2.4.2** The participant will normally be advised verbally of the recommendation of the hearing at the conclusion of the panel’s deliberations. The participant will be sent a letter detailing the recommendation of the panel, including the rationale.

**2.4.3** The Board of Discipline will consider the recommendation of the Participant Discipline Panel together with minutes of the panel, details of the case and investigation and the response to the charge given by the participant at the panel hearing. The role of the Board of Discipline is to consider and ratify the recommendation made in respect of the participant’s progress. The Board must also confirm, to its satisfaction, that due process has been followed at the hearing and that all relevant information has been fully considered.

**2.4.4** The Board of Discipline will either:

- Ratify the recommendation of the Frontline Participant Discipline Panel that the participant should be excluded either permanently or for a period of time; or

- Fail to ratify the recommendation of the Frontline Participant Discipline Panel and request that the original Participant Discipline Panel hearing is reconvened.

**2.4.5** The participant will be informed of the decision of Lancaster University's Board of Discipline. The outcome will also state the available next steps and/or appeal process.

## **2.5 Next Steps**

**2.5.1** A participant may request a review of the decision of the Senior member of staff (this will be heard by the Participant Discipline Panel) if they have reasonable belief that there is:

- New evidence that could not reasonably have been made available prior to the meeting;
- A material procedural irregularity which, had it not occurred, may have significantly affected the decision, outcome or both;
- That the penalty was too severe, given the nature of the allegation or compared to outcomes on other participants in a similar position, or both.

**2.5.2** The participant may request a review of the decision of the Participant Discipline Panel (except for the exclusion decision, please note below), which will be reviewed by the Chief Programmes Officer (or nominated representative) where a participant can evidence that there is:

- New evidence that could not reasonably have been made available prior to the hearing;
- A material procedural irregularity which, had it not occurred, may have significantly affected the decision, outcome or both;
- That the penalty was too severe, given the nature of the allegation or compared to outcomes on other participants in a similar position, or both.

**2.5.3** An intention to request a review by the participant must be submitted in writing to Registry within 10 working days of the receipt of the outcome. A timeframe for production of evidence will then be arranged between Frontline and the participant.

**2.5.4** If valid procedural grounds have been determined then the necessary party/panel will consider the review.

**2.5.5** The decision of the Participant Discipline Panel and/or Chief Programmes Officer (or nominated representative) will be final and consist of one of the following decisions:

- The confirmation of the original decision(s); or
- The referral back to the meeting or hearing (if the process has not been followed and/or if new evidence is made available).

**2.5.6** In the case of a participant lodging an appeal against the decision of the Lancaster University Board of Discipline in relation to excluding them from the programme, they should submit a written request for an appeal with all the relevant details to the Director of Strategic Planning and Governance (or nominated representative) at Lancaster University within ten working days of the receiving the written decision. Full details of the Board of Discipline appeal process are available in the Lancaster University Student Discipline Regulations.

**2.5.7** If the participant appeals on the basis of the consequent termination of their contract of employment with the employing trust, then this will be dealt with by the relevant procedures within that trust.

### **Section 3: Relevant references**

#### **3.1 Frontline policies and documents**

**3.1.1** This policy should be read in conjunction with the following policies and guidance:

- Fitness to Practise Policy
- Fitness to Study Policy
- Academic Malpractice Policy
- Suitability for professional practice
- Lancaster University Sexual Misconduct Policy
- Lancaster University Dignity in Student Life Policy