



## Quality Assurance Handbook PART A1

### **POLICY No.10: Personal Mitigating Circumstance and Disciplinary Policy**

#### 10. Purpose of Policy

Policy No.10 sets out FIT's requirements for managing personal mitigating circumstances (PMC) and broader disciplinary actions should programme regulations and procedures not be adhered to by an enrolled apprentice.

##### 10.1 Policy Scope

This policy applies to all active and enrolled tech apprentices and is closely aligned to the *Code of Conduct Policy*, providing appropriate disciplinary actions regarding possible breaches of the code of conduct.

##### 10.2 Overarching Considerations

Apprentices are responsible for their own actions, behaviours, and decision-making. Nonetheless, FIT imposes expected minimum standards of conduct from all Apprentices to ensure a respectful environment conducive to learning, skills acquisition, and development.

The functioning of a work-based learning programme in the form of a statutory apprenticeship provides for the active participation of several leading stakeholders, all with the Apprentice's best interests in mind. PMC procedures ensure that an Apprentice can notify given occurrences that could otherwise be deemed by FIT as breaches of the code of conduct, providing a need-to-know awareness that an issue is presenting that is inhibiting an Apprentice from making the expected and anticipated progression. When an Apprentice does not adequately engage with their tutor and FIT to notify an issue presenting through the PMC procedure, disciplinary procedures/actions may apply.

##### 10.3 Policy Statement

FIT considers a PMC to be a recognisably severe or significant event affecting an Apprentice's health or personal life beyond their control and anticipated to occur within the period of active enrolment in

a tech apprenticeship programme. The events are sufficiently severe enough in nature to result in an Apprentice being unable to attend (in person or virtually), complete, or submit an assessment on time.

The criteria that FIT applies to submitted PMCs are not exhaustive. In all cases, it is the responsibility of the Apprentice to keep their employer informed of any issue regarding attendance. FIT's PMC criteria include:

1. The Apprentice demonstrating that they could not have averted the circumstance presenting, which was unforeseen.
2. The PMC noting a significant negative impact on an Apprentice's capacity to submit or attend off-the-job classes, the workplace, or an assessment event within required deadlines.
3. Usually, the circumstance presenting will coincide with the timing of the PMC request.

The confidential nature of the information provided by Apprentices in support of an application for consideration of PMC will be respected by FIT, tutors, and delivering partners in compliance with General Data Protection Regulations (GDPR). Aligned confidential information will only be shared with the relevant individuals on a need-to-know basis, all of whom are required to keep applications securely to avoid unauthorised access or other information security breaches.

FIT reserves the right to notify an employer of any drop in apprentice attendance in off-the-job programme elements, notwithstanding the nature of a case put forward for a PMC request. In the first instance, an Apprentice should notify their off-the-job tutor and employer of a PMC request. In most cases, the tutor/delivering partner can sanction the PMC request where necessary in consultation with the FIT Registrar, providing a timeline or plan to assist in the Apprentice's progression on the programme.

In cases where an Apprentice anticipates any prolonged absence from training, the PMC request should be furnished to the FIT Registrar utilising the PMC form. The Registrar will confirm receipt of the application and engage the People, Analytics and Wellbeing Officer to assist in supporting the Apprentice through a period of an active PMC in place, where appropriate. In addition, the Registrar will notify the apprentice promptly regarding the status and outcome of the PMC application when initially submitted. FIT is cognisant of the time-bound nature of these matters and provides an efficient approval process where possible. Apprentices should review the PMC Procedure in preparation to notify a PMC request.

FIT advises Apprentices that at any juncture and notwithstanding an application for a PMC, they are welcome to contact the People, Analytics and Wellbeing Officer to discuss mental health, wellbeing or possible supports that they may require to assist with navigating a personal issue. FIT believes in providing a supported environment where tangible support is rendered by the appropriate FIT staff member promptly.

#### 10.3.1 Instigating Disciplinary Proceedings

FIT recognises that the employer is responsible for managing the employer/employee relationship in the context of an apprenticeship. However, through FIT's remit of national coordination of the programmes, a leading part of FIT's responsibility is to monitor Apprentices' progress, provide support where necessary, and follow up on cases of a possible breach of the code of conduct.

Any suspected breach of the Code of Conduct Policy may be considered a disciplinary matter and be subject to disciplinary action as outlined in this policy. FIT reserves the right to apportion appropriate sanctions where misconduct allegations are upheld.

In instances where an Apprentice does not utilise the PMC procedure or actively engages with their tutor, FIT, or employer when an issue of progression or conduct presents, FIT may move to provide an informal warning to the Apprentice. If rectification does not occur, the FIT Registrar issues a formal warning. Should an occurrence or a possible breach of the code of conduct not rectify the Registrar will refer the situation to a Disciplinary Committee to sanction the apprentice. The Disciplinary Committee will comprise the Director of Academic Affairs and Programme Development, Registrar, and a representative of the apprentice's employer. Sanction from the Disciplinary Committee can lead to an academic termination from the programme, possibly leading to a termination of employment as this employer/employee relationship is based on the coemption of a Tech Apprenticeship programme.

Should an item of a criminal nature arise through the investigation of a matter relating to a possible breach of the Code of Conduct, FIT reserves the right to report said matter to the Gardaí or other authorities as deemed appropriate. Like the related Code of Conduct Policy, this policy is based on a principle of natural justice, which means that anonymous reports of a breach of conduct or anonymous complaints will not be considered by FIT, and all parties have the right of response to any allegation.

#### 10.3.2 Apprentice Suspension from active off-the-job Training

Upon receipt of a severe allegation regarding a potential breach of the Code of Conduct, FIT reserves the right to suspend an Apprentice from the off-the-job elements of the programme. In all such cases, the FIT investigation will follow promptly after the matter is raised. Disciplinary procedures are internal to FIT and will not involve including dialogue with or between legal representation from either

party. Once FIT informs an Apprentice that disciplinary proceedings have commenced, the Apprentice may be requested to attend a meeting to discuss the matter. In such instances, FIT will advise the Apprentice of their rights.

### 10.3.3 Allegations of a Breach of the Code of Conduct

The Registrar will process all instances of notification of misconduct/potential breaches of the code of conduct by an Apprentice. In the cases where both an informal warning and formal warning have been previously furnished by the Registrar or in instances of severe misconduct allegations, the Registrar will convene a sitting of the Disciplinary Committee. This process will follow an inability to address the matter presenting informally or in the cases of suspected academic misconduct/impropriety that are of a serious nature. Once the Registrar processes the details of a presenting case, they will conduct a preliminary investigation; the Registrar will note the outcome of this process to the Disciplinary Committee, who will progress a further investigation of the matter.

### 10.3.4 Investigation Stage

As noted in *Section 10.3.3*, the Registrar will investigate the matter and come to a preliminary outcome finding that no offense has occurred or note the admission of the offense by the Apprentice. In addition, the Registrar can also find that the evidence suggests a breach of the code of conduct/offense may have occurred. Where the Registrar finds no offense has occurred, all matter records will be destroyed and not retained in the Apprentice record. In instances where the apprentice admits a breach of the code of conduct, the Registrar will forward the case to the Disciplinary Committee to apply an appropriate sanction in cases of a potential major offense. Steps in the Registrar's investigation include but are not limited to:

1. The Registrar will notify the Apprentice that they have been informed of a potentially serious breach of the code of conduct and are commencing an investigation into the matter.
2. The Registrar will collect evidence which may take the form of documents and interviews with appropriate stakeholders. Evidence collected by the Registrar will be provided to the apprentice for their review and consideration.
3. The Registrar will provide this evidence to the Disciplinary Committee.
4. If the Apprentice does not/fails to respond, the investigation will proceed without their response.

### 10.3.5 Sanctions for Breaches of the Code of Conduct

The Disciplinary Committee will convene to review cases of a significant breach of the code of conduct following receipt of the evidence for the Registrar. Any individual named in a complaint or process that identified the potential breach of the code of conduct or with a pre-existing relationship with the Apprentice cannot form membership of the Disciplinary Committee.

If the Disciplinary Committee requires to speak with the Apprentice, the Apprentice may be accompanied by a friend or family member. However, this accompanying person cannot be a legal representative. In cases of non-resolution at the investigation stage of proceedings, the Disciplinary Committee must determine, on the balance of probability, whether an offense has occurred and the appropriate sanction to be applied if applicable. Sanctions may include repeating assessment elements of the programme, referral to Tech Apprenticeship support services, and academic termination from a programme in extreme cases. An Apprentice may appeal the decision of the Disciplinary Committee on the grounds of an irregularity in the process.

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