

# **LRS Breach of Agreement & Disciplinary Procedure**

**April 2010**



## Contents

Contents .....	1
1. Introduction .....	3
1.1. Purpose .....	3
1.2. Audience.....	3
1.3. Scope .....	3
2. The breach and disciplinary process overview .....	4
3. Investigate the problem/issue .....	4
4. Take disciplinary action.....	5
4.1. Level 1 Informal Action .....	5
4.2. Level 2 Formal Action .....	5
4.3. Level 3 Suspension of Service .....	6
4.4. Holding an Improvement Meeting.....	6
5. Review and Monitor Improvement Plan .....	7
6. Appeals.....	7

# 1. Introduction

## 1.1. Purpose

This document explains MIAP's procedures for dealing with organisations that have breached the Organisation Agreement for the Learner Registration Service (LRS) or for a case of misconduct.

Organisations that have registered to use the LRS are expected to follow the rules within the Organisation Agreement and other guidance material issued by MIAP.

Developers that have built an interface are expected to follow the developers' responsibilities and other development guidance issued by MIAP.

It may sometimes be necessary to take disciplinary action against a Learner Registration Body (LRB) or a developer organisation that is not meeting the terms of the service agreement or is performing another activity that threatens the LRS data quality.

MIAP's procedures are not aimed at individual employees within an organisation. MIAP sees the organisation itself as being responsible for the behaviour of its employee's or contractors acting on behalf of the organisation. MIAP will only contact the nominated super user in regards to any problems and not individual employee's. It is at the discretion of the super user as to what action they need to take in regards to their own employees.

MIAP's intention with this procedure is to assist the organisation and provide it with the opportunity to improve their procedures and correct the problems that have led to the breach or disciplinary action. This is seen as both beneficial for MIAP and for the organisation in question.

## 1.2. Audience

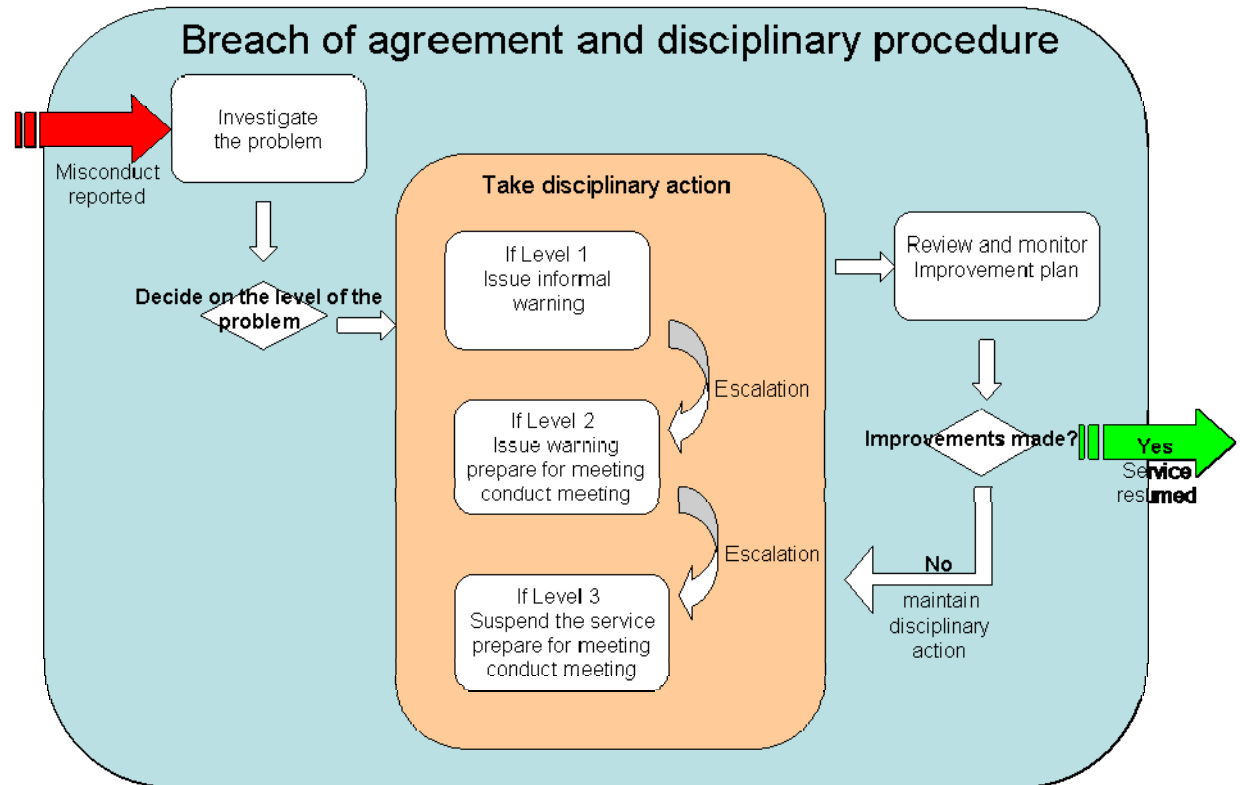
This document is intended for representatives of Learner Registration Bodies (LRBs) registered to use the LRS and developer organisations involved with the LRS.

## 1.3. Scope

This document only covers guidance on the procedures and processes relating to MIAP LRS.

## 2. The breach and disciplinary process overview

The following diagram is an overview of the process.



Details of what happens at each step is described in the following sections.

## 3. Investigate the problem/issue

When faced with a potential disciplinary matter, MIAP will carry out a full investigation before taking any action. MIAP will consider:

- the alleged breach of discipline, the circumstances and consequences of the breach
- the organisation, experience, length of service and disciplinary record
- the evidence of witnesses
- any recent changes to the service or the organisation
- any previous incidents
- whether the organisation has received appropriate guidance or training
- any mitigating circumstances

What counts as a disciplinary matter or misconduct varies depending on the type of business and the nature of the behaviour.

The types of behaviour which can lead to action include:

- Neglecting to maintain user administration and access security.
- Fraudulent organisation not legitimately allowed access.
- Improper use of service to register learners without attempting to search for existing ULN's.
- Neglecting to properly set data fields on the learner record (e.g. repeatedly using default or erroneous values).
- Inappropriate or slanderous language recorded in the service.
- Inadequate data checks and verification of learner before registering or changing details.
- Attempting to overload or bring down the service.
- Development of an unacceptable system interface to LRS
- Inappropriate use of the production service as a test or training environment.

The list is not meant to be exhaustive.

## **4. Take disciplinary action**

Once MIAP have investigated the problem and taken the factors into account, MIAP will review the evidence to determine whether there is:

- a case to answer, or whether the case is serious enough for higher level of action
- an alternative to disciplinary action, e.g. an informal chat or redeployment

In certain cases of very serious misconduct, it may be appropriate to bypass a level in order to deal with the matter quickly.

### **4.1. Level 1 Informal Action**

If an organisation's performance or conduct does not meet MIAP standards, MIAP will try to help that organisation to improve. MIAP will have an informal discussion with the super user of the organisation as soon as problems arise, explain the problem and agree actions with them.

If the organisation's poor conduct or performance persists, MIAP may have to take action at the next level.

### **4.2. Level 2 Formal Action**

In cases of misconduct, MIAP will contact your nominated super user within the organisation to explain the breach of agreement and disciplinary procedure and our reasons for going ahead with it. After this, MIAP could issue:

- a written warning, and sometimes a second written warning

- a final written warning, if necessary

After giving a warning, MIAP will allow the organisation time to improve their behaviour.

MIAP will propose a meeting with the organisation to agree an improvement plan. The improvement plan should include a realistic timescale for improvement, details of support to be given to the organisation – e.g. training – and a date for a review. Make notes of what you agree and use it as an agenda for the review.

If some improvement is evidenced but the problem has still not been rectified then MIAP can choose to issue a further warning, and carry out a further review - if performance still hasn't improved, MIAP will consider moving to the next stage.

MIAP will only move on to the next stage of the procedure if the previous warning has no effect.

If MIAP decides that the action needs to progress to the next level, this is the point at which the statutory suspension of service procedures begin to apply.

### **4.3. Level 3 Suspension of Service**

MIAP will give the organisation a written statement setting out the conduct that has resulted in the suspension of the service and informing the organisation of the right to appeal against the decision to suspend the service access.

It is MIAP's intention to seek improvement and to avoid suspension of service for an organisation. Once suspension is enforced MIAP will meet with the organisation to define an improvement plan and the conditions for removing the suspension of service. Suspension is the last resort action or only used in cases where the behaviour seriously threatens security or data quality of LRS.

### **4.4. Holding an Improvement Meeting**

MIAP will meet with the organisation to agree an improvement plan.

The improvement meeting will:

- explain that the meeting is to consider the problem, listen to the reason and determine an improvement plan
- explain how the meeting will be conducted
- describe the exact nature of the complaint and go through the evidence
- allow the organisations representatives to see any evidence if they have not already seen them
- give the organisation a chance to state their case and to respond to any allegations made
- ensure that all the facts relating to the complaint and any special circumstances are noted

- summarise the main points made by both parties and highlight any issues that need to be investigated further
- agree with MIAP and the organisation the improvement plan. This should include, actions to be taken, a realistic timescale for improvement, details of support to be given to the organisation – e.g. training - and a date for a review.

The meeting should be stopped if the organisation does not want to continue or further investigation seems necessary.

Following the meeting, MIAP will provide the organisation as soon as possible in writing the:

- Minutes of meeting
- The improvement plan
- the right of appeal and how this should be carried out - see the page in this guide on appeals.

After a meeting, you can move to monitoring or reviewing the improvement plan.

## **5. Review and Monitor Improvement Plan**

MIAP will review the actions stated in an Improvement plan or informally monitor future activity in LRS.

If some improvement is evidenced but the problem has still not been rectified then MIAP can choose to issue a further warning, and carry out a further review - if performance still hasn't improved, MIAP will consider moving to the next stage.

MIAP will only move on to the next stage of the procedure if the previous warning has no effect.

If some improvement is evidence then a revised improvement plan can be agreed with the organisation instead.

If MIAP decide that you have addressed all points originally raised then the case is resolved and in cases of suspended service this can lead to the reinstatement of the service for the organisation.

## **6. Appeals**

You can appeal the disciplinary decisions within 30 days.

If the organisation wishes to appeal they must inform MIAP Service Manager. A meeting must be held. The MIAP Service Manager must inform the organisation of their decision following the meeting.

Please refer to the Appeals procedures.

**MIAP**  
**Skills Funding Agency**  
**Cheylesmore House**  
**Quinton Road**  
**Coventry**  
**CV1**

**T: 0845 602 2589**  
**F: 024 7682 5681**  
**E: [lrsupport@miap.gov.uk](mailto:lrsupport@miap.gov.uk)**

**[www.miap.gov.uk](http://www.miap.gov.uk)**