

# The Chesterfield College Group

## Student/Apprentice Disciplinary Policy



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| <b>Family:</b>                 | Teaching, Learning and Assessment                    |
| <b>Reference Code:</b>         | TLA03  |
| <b>Manager Responsible:</b>    | Assistant Principal Student Experience and Wellbeing |
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| <b>Impact Assessment status</b> | In preparing the Policy, any potential disproportionate impact it might have upon individuals with protected characteristics, as defined in the Equality Act 2010, have been carefully considered. It is the conclusion of the College Group that the Policy does not adversely impact on individuals with any of the protected characteristics. |
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## Aim

The Student/Apprentice Disciplinary Policy provides a framework for managing behaviour that may prevent students/apprentices or others from feeling safe within the learning environment and/or where this affects their ability to learn effectively in a respectful and inclusive environment. It aims to ensure that all instances of student/apprentice misconduct are dealt with fairly, consistently, and transparently, and that any perceived barriers to success and progression do not go unsupported or unchallenged.

The Chesterfield College learning community has a duty of care to all students/apprentices and, as part of its response to any perceived misconduct, will consider and explore all identified support and learning needs as a priority. As part of establishing core values and setting out expectations around codes of conduct, the College is demonstrating commitment to its mission: Inspiring Futures, Changing Lives, and helping to create good citizens who are employment ready.

## Scope

This policy should be followed in all cases of student/apprentice misconduct regardless of study programme or learning environment. Where appropriate there may be other formal procedures that run concurrently with this policy and procedures, for example where there has been misconduct in the workplace for an apprentice, or where higher-level study is delivered in collaboration with Higher Education partners.

Where gross misconduct has occurred a student or apprentice may be immediately suspended pending a stage 3 disciplinary hearing at the discretion of the relevant Assistant Principal/Head of Learning and/or the Security Team. In exceptional circumstances a student/apprentice may be immediately withdrawn without a formal stage 3 disciplinary hearing following extreme cases of gross misconduct. This may include, for example, being in possession of a weapon, a witnessed physical assault, or evidence of drug dealing. This must be approved by the Principal or Deputy in their absence.

The policy applies to poor performance and alleged misconduct in relation to all contexts of student/apprentice learning and engagement, including whilst taking part in educational trips and visits, whilst representing the College in an employment setting, and whilst engaged in online activities, including communication via online platforms. The policy applies to any other misconduct by the student/apprentice which may bring the College into disrepute.

This policy should be read in conjunction with the Student/Apprentice Disciplinary Procedures, which provides clear information and communication resources to enable all formal disciplinary processes to be followed fairly, consistently, and within stated timeframes.

This policy and associated operating procedures apply to Chesterfield College, which includes Learning Unlimited, and to our subsidiary companies; Training Services 2000 Ltd (LU Derby), Learning Unlimited ATA Ltd, Recruit Unlimited Ltd and Chesterfield College Enterprises Ltd.

## Policy Statements

### Students/Apprentices

All students/apprentices have the right to be accompanied at formal stages of the Disciplinary Procedure by a friend/representative or parent(s)/guardian(s)/carer(s). For this purpose, a

friend/representative may be a Student Union representative or a willing member of College staff of the student/apprentice's choosing, but may not be a solicitor or barrister, or a legally qualified representative. Those with English as their second language will be supported to ensure that they have appropriate representation and/or adjustments to the Disciplinary Procedures to meet their needs and enable them to fully engage in the process.

### **Young and vulnerable students/apprentices**

The parent(s)/guardian(s)/carer(s) of students/apprentices aged under 18, and those who have an Education Health and Care Plan (EHCP) because of their Special Educational Needs and Disabilities (SEND) status, must be kept fully informed through all stages of the process. They should also be invited to support the student/apprentice at any formal meetings, including at a stage 3 panel hearing. The SEND Team will be informed of any stage 2 and 3 disciplinary proceedings in respect of a student/apprentice with an EHCP for them to communicate as appropriate with the Local Authority. Reasonable adjustments will need to be considered for any students/apprentices that consider themselves to have SEND to enable them to fully engage in the process and understand the required outcomes and possible sanctions. This will be led by the SEND Team who will also act in an advisory capacity to the stage 3 panel in relation to SEND support within the context of the disciplinary issues.

The parent(s)/guardian(s)/carer(s) of students/apprentices aged under 18 and known to the Safeguarding Team through their risk, Child in Need, Child Protection, Early Help, or Looked After Child status must be kept fully informed through all stages of the process. They should also be invited to support the student/apprentice at any formal meetings, including at a stage 3 panel hearing. The Safeguarding Team will be informed of any stage 2 and 3 disciplinary proceedings in respect of a child known to safeguarding for them to communicate as appropriate with external organisations, including the Local Authority, and will act in an advisory capacity to the stage 3 panel within the context of the disciplinary issues, sharing sensitive information on a need-to-know basis.

Where a student/apprentice of any age is experiencing mental ill health, they should be allowed to name an advocate to support them through the process and receive appropriate communication in relation to this.

### **Employers**

Employers should be kept informed of formal stages of disciplinary for apprentices, aiming to work collaboratively with the College to support the apprentice to make the required improvements. College disciplinary procedures will be followed where there is an issue in a learning context. Any issues with the apprentice as an employee should be dealt with through the company's own disciplinary procedures for staff and employers should ensure that the Work Based Tutor is fully informed for appropriate College action to be taken.

### **Timings**

All timings stated in the Student/Apprentice Disciplinary Procedures, with the exception of the time allowed for lodging an appeal, may be varied if it is not practicable to adhere to them. All parties should try as far as is practicable to work within the stated timeframes. Any variation will be notified to those concerned in writing.

A disciplinary record will stay with the student/apprentice for the duration of their enrolment and may be used to inform future applications and admissions processes.

## **Data Protection**

The Student/Apprentice Disciplinary Policy and associated Procedures will be managed in accordance with the College's duties under Data Protection legislation. Staff members are advised to consult the College's Data Protection Policy for further information. There are some circumstances (i.e., safeguarding of young or vulnerable students/apprentices) where sensitive personal data may be disclosed without the consent of the student/apprentice if it is in their best interests. No disclosure of sensitive personal data may be made without reference to the College's Data Protection Officer.

## **Criminal Activity**

If any criminal activity is suspected the College may involve the Police and such activities may result in criminal prosecution. The College will escalate the disciplinary immediately to stage 3, however will be guided by the Police in terms of continuation of formal disciplinary procedures so as not to obstruct any criminal investigation, and to reduce the risk of decisions being made without full consideration of all relevant information/evidence.

Where a student/apprentice is escorted from College premises by the Police or the Security Team in connection with suspected criminal activity at College, the student/apprentice will be immediately suspended from learning by the relevant Assistant Principal, Head of Learning, or the Security Team, and a letter confirming suspension will be sent to their home address informing them of the next stage. The student/apprentice will not be allowed to enter College premises until such time as the stage 3 panel hearing is to take place, which would usually be within 10 working days from suspension if not restricted by any external criminal investigation. The student/apprentice should expect to receive written confirmation of the date no less than 5 working days prior to the scheduled hearing. Involvement in criminal activity may be deemed significant enough to warrant immediate withdrawal without a formal stage 3 panel hearing where there is sufficient evidence regarding a case to answer, which should be approved by the College Principal or Deputy in their absence, as outlined in the 'Scope' section of this policy.

Whilst ever a criminal investigation restricts the student/apprentice disciplinary process from reaching a conclusion regarding continued learning, as appropriate and feasible a student/apprentice will be supported to continue to engage in their learning remotely, in order that they are not disadvantaged by lengthy external investigation proceedings. This should always be discussed and approved by the member of the Senior Leadership Team with direct responsibility for the area.

## **Definitions**

The following examples are given as a guide to staff to inform decisions around the instigation of disciplinary procedures and are not exhaustive. The College may discipline students/apprentices for misconduct whether committed on or off College premises.

### **Stage 1 Disciplinary**

- Attendance at College, work experience, or work placement.
- Punctuality at College, work experience, or work placement.
- Engagement in learning activities, including planned tutorials and meetings.
- Submitting work on time.
- Failure to bring and/or wear required equipment and clothing.
- Failure to meet agreed targets for improvement.
- Satisfactory completion of course, work experience, or work placement.

- Rowdiness/disruptive behaviour.
- Rudeness/impolite or inconsiderate behaviour.
- Eating/drinking in areas where this is not allowed, including in the classroom.
- Use of mobile phone in class.
- Disobeying College rules or non-compliance with reasonable staff requests, e.g., not displaying ID, not cooperating with safety procedures.
- Smoking outside of designated smoking areas, including the use of e-cigarettes.
- Misuse of email, the internet, or College resources.
- Disrespect for staff, other students/apprentices, or visitors.
- Causing a safety hazard.
- Bullying, including online bullying, or harassment.
- Lending ID card to another student/apprentice, or non-student/apprentice.

### Stage 2 Disciplinary

- Failure to meet the required standards or actions set out at stage 1.
- Verbal attacks/foul or abusive language.

### Stage 3 Disciplinary – Gross Misconduct

The College Group reserves the right to escalate any disciplinary proceedings straight to stage 3 in the event of acts of gross misconduct which include, but are not limited to:

- Assault or violence.
- Threatening behaviour or language.
- Discriminatory remarks or behaviour, e.g., racism, sexism.
- Inciting violence, hatred, or discrimination against other individuals or groups, particularly by reference to their ethnicity, religious belief, gender, sexual orientation, language, national origin, or immigration status.
- Racial or sexual harassment.
- Bullying or intimidation.
- Theft, robbery, or fraud.
- Vandalism or damage to property.
- Causing a serious safety hazard.
- Drunk or under the influence of legal or illegal substances.
- Involvement in any criminal activity.
- Possession, use, or supply of legal or illegal substances.
- Possession or use of a weapon or anything which is made, adapted, or intended to injure.
- Attempting to enter the College while suspended.
- Involvement in plagiarism/cheating.
- Bringing the College into disrepute.

Any of the examples given may result in an immediate suspension pending a stage 3 hearing and, in extreme cases of gross misconduct, immediate withdrawal may be enforced without a panel hearing subject to approval from the College Principal or Deputy in their absence. Suspension periods should not normally last longer than 2 weeks before the stage 3 panel hearing is arranged, working in line with the policy to convene a formal disciplinary panel within 10 working days of the incident or escalation to stage 3. The student/apprentice should expect to receive written confirmation of the date not less than 5 working days prior to the scheduled hearing.

## Implementation

The College recognises that many issues may affect a student/apprentice's ability to concentrate on achieving success with their studies. All staff working with students/apprentices have a duty of care to identify and respond to any concerns or support needs at any point during their learning journey. Any concerns and agreements with the student/apprentice about performance, behaviours, and any identified barriers to learning should be logged on the appropriate system, and include support interventions and action plans outlining expectations, improvement targets and expected timeframes for improvement.

Where a member of staff is concerned that the student/apprentice poses a risk to themselves or others whilst enrolled, they should review the Safeguarding Policy and Procedures for referral to Risk Assessment Panel or Fitness to Study Panel, agreeing with the Safeguarding Manager and Head of Learning the appropriate policy to be applied.

The stages of student/apprentice disciplinary are:

1. Stage 1 disciplinary.
2. Stage 2 disciplinary.
3. Stage 3 disciplinary.

Each of the stages 1 and 2 above are aimed at driving progression towards improvement and success and will have fluid timeframes based on individual student/apprentice needs and with the oversight of the Vocational Lead/Curriculum Lead/Curriculum Manager. This will allow all students/apprentices every opportunity to improve and to go on to succeed and achieve. An individual may however be escalated directly to stage 2 or 3 should there be an incident of misconduct or gross misconduct respectively.

Where, following escalation to stage 2, this has not resulted in the required improvement within the agreed timeframes, a student/apprentice will be escalated to stage 3 of the process.

For stage 3 disciplinarys, the student/apprentice should expect to receive written confirmation of the date no less than 5 working days prior to the scheduled hearing.

Employers should be kept informed regarding any disciplinary proceedings relating to apprentices so that support can be offered and any risk to placement is communicated effectively.

The hearing panel for stage 3 disciplinarys will consist of representation from:

- A member of the Senior Leadership Team (Chair).
- Two members of the College Management Team (CMT).

The Chair will be nominated by the appropriate Assistant Principal and the CMT members will not be from the area to which the student/apprentice is enrolled to enable impartiality.

The hearing will be arranged following the guidelines set out in the Student/Apprentice Disciplinary Procedures and may take place in the student/apprentice's absence if they fail to attend without reasonable excuse and having been given a reasonable opportunity to attend.

The Chair of any hearing may adjourn the panel at any time if required. Adjournments can be made with the permission of the Chair at the request of the student/apprentice, a panel member, or the presenting manager. Adjournments may be short to allow time for private discussion or to check a

piece of evidence or may result in the panel being reconvened to enable all parties to engage in the process effectively and for relevant information to be presented to inform any decisions. This will be determined and communicated by the Chair and reconvened meetings should usually take place within 2 working days.

Possible outcomes following the stage 3 panel hearing include:

- The student/apprentice continues their course with no sanctions if there is no case to answer.
- The student/apprentice receives a written warning but continues their course with a support and action plan in place, with agreement that they may be withdrawn with approval from the College Principal or Deputy in their absence, if the plan is not achieved following reasonable timeframes.
- The student/apprentice is withdrawn from learning with the approval of the College Principal or Deputy in their absence, which may include recommendations for alternative provision and conditions for future applications.

The student/apprentice may appeal the panel decision for stage 3 disciplinary following the guidance outlined in the College Disciplinary Procedures, and this should be explained to them as part of the panel hearing and in the hearing outcome letter. Grounds for appeal are:

- There is additional evidence available that could not have been made available at the time of the original hearing.
- There are grounds for mitigation of the sanction imposed that were not known about at the time of the original hearing.
- Proper procedures were not followed.
- The penalty is considered unreasonable in relation to the offence.

Where a student/apprentice appeals the outcome of a stage 3 disciplinary, they must cite one of the above reasons for the appeal in their notice of appeal within 5 working days. Evidence to support this reason must be provided alongside the notice of appeal. The College reserves the right to decline an appeal if no evidence is submitted to support the reason to appeal.

Appeal hearings will be held as soon as is reasonably practicable and usually within 20 working days of notice of appeal being received. The student/apprentice should expect to receive written confirmation of the date no less than 10 working days prior to the scheduled hearing.

Where the outcome of the stage 3 disciplinary results in a final written warning, should any conditions be broken/not adhered to by the student/apprentice, this could result in their immediate withdrawal, with approval from the College Principal or Deputy in their absence, which will be communicated by the appropriate member of the Senior Leadership Team. A stage 3 panel will not be reconvened in relation to the same incident following the issuing of a final written warning.

## **Communication Flow**

The policy will be readily available to staff and students/apprentices via the:

- College website.
- College intranet.
- Student/apprentice induction.
- Staff induction.

## **Monitoring**

The relevant Assistant Principal will be provided with an analysis of stage 3 hearings and the outcomes at the end of each term to ensure that the policy and procedures are being followed and implemented effectively. This analysis will be shared with Heads of Learning for them to cascade information in management team meetings and to enable them to be fully informed where specific issues are identified that may require further action.

## **Related Chesterfield College Group Policies and Documents**

- Safeguarding Policy and Procedures – GOV05
- Data Protection Policy and Procedures – INF03
- Student/Apprentice Disciplinary Procedures – TLA03P
- Fitness to Study Guidance – GOV13
- Behaviour Expectations Guidelines (Aspire Programme)