

Student and Apprentice Disciplinary Policy

Policy Family:	Teaching, Learning and Assessment
Reference Code:	TLA03
Issue Number:	8
Originator:	Assistant Principal Student Experience and Wellbeing
Responsible Manager:	Assistant Principal Student Experience and Wellbeing
Committee for Approval:	Standards and Performance
Approval Date:	18 March 2025
Issue Date:	19 March 2025
Review Due:	2026/27

Impact Assessment Status: 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.

Contents

Aim.....	3
Scope.....	3
Policy Statements.....	3
Implementation.....	8
Communication Flow.....	10
Monitoring.....	10
Related Chesterfield College Group Policies and Documents.....	10

Aim

The Student and Apprentice Disciplinary Policy provides a framework for managing behaviour where this might prevent students, apprentices, or others from feeling safe within the learning environment and/or where this affects their ability to learn effectively in a respectable and inclusive environment. It aims to ensure that all instances of student or 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 and apprentices and, as part of its response to 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 demonstrates commitment to its mission: Inspiring Futures, Changing Lives, and helps to create good citizens who are employment ready.

Scope

The policy should be followed in all cases of student or apprentice misconduct, regardless of study programme or learning environment. Where appropriate, there may be other formal procedures that run concurrently with this policy, 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.

The policy applies to poor performance and alleged misconduct in relation to all contexts of student and apprentice learning and engagement, including whilst taking part in educational trips and visits, whilst on work experience or industry placement, or whilst engaged in online activities, including communication via online platforms.

The policy does not normally apply to any incidents that take place outside of college which are not included in the student or apprentice's timetable. However, in exceptional circumstances and with the agreement of the Principal or Deputy Principal, the policy may be applied if the actions of the student or apprentice bring the college into disrepute.

The policy should be read in conjunction with the Student and Apprentice Disciplinary Procedures, which provide clear information related to processes to enable all aspects of the policy to be followed fairly, consistently, and within stated timeframes.

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

Policy Statements

Formal Disciplinary Meetings

All students and apprentices have the right to be accompanied at formal stages of the disciplinary process by a friend, representative, or parent(s)/guardian(s)/carer(s). For this purpose, this may not be a solicitor or barrister, or a legally qualified representative.

Students and apprentices with English as a second language will be supported to ensure that they have appropriate representation and adjustments to the disciplinary process to meet their needs and enable them to fully engage.

Young and Vulnerable Students and Apprentices

The parent(s)/guardian(s)/carer(s) of students and apprentices under the age of 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 disciplinary process. They should also be invited to support the student or apprentice at any formal meetings, including at a stage 3 disciplinary hearing.

The SEND Team will be informed of all stage 2 and stage 3 disciplinary hearings in respect of students and apprentices with an EHCP so that they can communicate as appropriate with the relevant Local Authority.

Reasonable adjustments will be considered for any student or apprentice who has declared a learning difficulty or disability 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 any stage 3 investigation and disciplinary hearing in relation to SEND within the context of disciplinary issues.

The parent(s)/guardian(s)/carer(s) of students and apprentices under the age of 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 disciplinary process. They should also be invited to support the student or apprentice at any formal meetings, including at a stage 3 disciplinary hearing. The Safeguarding Team will be informed of all stage 2 and stage 3 disciplinary hearings in respect of students and apprentices known to safeguarding so that they can communicate as appropriate with external organisations, including the relevant Local Authority. The Safeguarding Team will act in an advisory capacity to any stage 3 investigation and disciplinary hearing in relation to students and apprentices known to safeguarding within the context of disciplinary issues, sharing sensitive information on a need-to-know basis.

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

Employers

Employers of an apprentice should be kept informed at all formal stages of the disciplinary process, with the aim of working collaboratively with the college to support the apprentice to make any required improvements. The college's Student and Apprentice Disciplinary Policy will be followed where there is an issue within a learning context. Any issues within the workplace should be dealt with through the company's own staff disciplinary process, with the employer ensuring that the Work Based Tutor is fully informed so that appropriate action within the college can be taken.

Timings

All parties should try as far as is practicable to work within the timeframes stated within the Student and Apprentice Disciplinary Procedures, however these can be varied where it is not possible to adhere to them. Any variation will be notified in writing to those concerned, stating the reason(s) for the delay.

The following timeframes will apply to the stages of the disciplinary process and the subsequent warnings issued:

- Stage 1 – verbal warning accompanied by the actions to improve. The warning will be spent* after a period of 3 months.
- Stage 2 – written warning accompanied by the actions to improve. The warning will be spent* after a period of 6 months.
- Stage 3 – final written warning applied where a case to answer does not warrant a withdrawal. The warning will be spent* after a period of 12 months.

*The context surrounding a warning may be considered in any future disciplinary proceedings until such time as it is spent, which may result in escalation of the disciplinary process.

Data Protection

The Student and Apprentice Disciplinary Policy and associated Procedures will be managed in accordance with the college's duties under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Staff are advised to consult the college's Data Protection Policy for further information. There are some circumstances (i.e., safeguarding of a young or vulnerable student or apprentice) where sensitive personal data may be disclosed without the consent of the student or apprentice if it is in their best interests. No disclosure of sensitive personal data should 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. Where the Police are involved, the college will escalate the disciplinary immediately to stage 3 under gross misconduct and will liaise with the Police to ensure that any criminal investigation is not obstructed, and that all relevant information and evidence is considered as part of the investigation process.

If a student or apprentice remains in learning following a stage 3 disciplinary hearing, the Safeguarding Team and Curriculum Manager will monitor progress with any continued Police investigation and convene a Risk Assessment Panel hearing should there be a conviction. Please refer to the college's Safeguarding Policy and Procedures for further information.

Suspension

Where it is deemed that a student or apprentice poses a risk to themselves, others, the college, or the college's reputation, they will be suspended from learning for the period of the investigation (usually 5 working days). This will be reviewed once the investigation concludes

and, where there is a case to answer, may be extended until a panel hearing is convened (usually within 10 working days of the investigation conclusion). The student or apprentice should expect to receive written confirmation of the date of the panel hearing no later than 5 working days prior to the scheduled hearing.

Suspensions can only be applied when recommended by the relevant Director of School and approved by the Assistant Principal Student Experience and Wellbeing (or another member of the Senior Management Team in their absence). The relevant Curriculum Manager should ensure that appropriate work is set to be completed remotely during the period of suspension and that communication is maintained to offer appropriate support and guidance during this period. The Curriculum Manager should also manage suitable arrangements for access to exams and formal assessments during periods of suspension in agreement with the Assistant Principal Student Experience and Wellbeing.

Security Searches

As part of normal college security procedures, the Security Team carry out random and specific searches of persons, belongings, vehicles, and lockers. This is communicated to students and apprentices through enrolment forms, learning agreements, and via apprenticeship onboarding systems, where they sign to provide consent to be compliant with this process.

If something is found during a search to trigger the disciplinary process, this will be progressed according to the Student and Apprentice Disciplinary Procedures.

If a student or apprentice refuses a random search the reasons will be explored by the Curriculum Manager and the student or apprentice may be issued with a stage 2 disciplinary where conditions to comply will be set out and agreed. If a search is refused where the Security Team have specific cause for concern, the Security Team will work with the Curriculum Manager to send the student or apprentice home through a temporary suspension, and the Curriculum Manager will then instigate the formal stage 3 disciplinary process. Under these circumstances an investigation will not be required, and the stage 3 hearing will be convened in line with the associated procedures.

Criteria for a Stage 1 Disciplinary

The following examples are given as a guide to staff to inform decisions around the instigation of disciplinary proceedings and are not exhaustive:

- Poor attendance at college, work experience, or industry placement.
- Punctuality issues at college, work experience, or industry placement.
- Lack of engagement in learning activities, including planned tutorials and meetings.
- Regularly submitting work after agreed deadlines.
- Failure to bring and/or wear required equipment and clothing.
- Failure to meet agreed targets for improvement.
- Rowdiness or disruptive behaviour.
- Rudeness or inconsiderate behaviour.
- Eating or drinking in areas where this is not allowed, including in the classroom.
- Use of mobile phone in class when not directed by the tutor.

- Disobeying college rules or non-compliance with reasonable staff requests (e.g., not displaying college ID, not cooperating with safety procedures).
- Frequent smoking or vaping outside of designated smoking areas.
- Misuse of college resources, including the internet and email.
- Disrespect for staff, other students or apprentices, or visitors.
- Causing a safety hazard.

Criteria for a Stage 2 Disciplinary

The following examples are given as a guide to staff to inform decisions around the instigation of disciplinary proceedings and are not exhaustive:

- Failure to meet the required standards or actions set out at stage 1.
- Refusal of a random security search.
- Low-level verbal attacks/foul or abusive language/discriminatory language.
- Low-level bullying or harassment, including online bullying.
- Bringing drugs paraphernalia onto college premises.

Criteria for a Stage 3 Disciplinary

The following examples are given as a guide to staff to inform decisions around the instigation of disciplinary proceedings and are not exhaustive. The College Group reserves the right to escalate any disciplinary proceedings directly to stage 3 in the event of acts of gross misconduct.

- Assault or violence.
- Threatening behaviour or language.
- Inciting violence, hatred, or discriminating against other individuals or groups, particularly with reference to their protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.
- Sexual harassment.
- Persistent bullying or intimidation.
- Facilitating non-students to be onsite, including through the lending of college ID.
- Theft or fraud.
- Vandalism or damage to property.
- Causing a serious safety hazard.
- Under the influence of alcohol or non-prescribed legal or illegal substances.
- Possession, use, or supply of non-prescribed legal or illegal substances.
- Possession or use of a weapon or anything which is made, adapted, or intended to injure, including carrying knives or other articles for religious reasons where a risk assessment has restricted these items being brought onto college premises.
- Involvement in plagiarism or cheating.
- Bringing the college into disrepute.

In exceptional circumstances a student or 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 serious physical assault, or

evidence of drug dealing. This must be approved by the Principal or the Deputy Principal in their absence.

Implementation

The college recognises that many issues may affect a student or apprentice's ability to concentrate on achieving success with their studies. All staff working with students or apprentices have a duty of care to identify and respond to any concerns or support needs at any point during the learning journey. Any concerns and agreements with the student or apprentice about performance, behaviour, and 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 in line with the associated procedures.

Stages 1 and 2 of the disciplinary process are aimed at driving progression towards improvement and success.

If, following escalation to stage 2, there has been no required improvement within the agreed timeframe, a student or apprentice will be escalated to stage 3 of the disciplinary process. Following receipt of the stage 3 referral form, the Assistant Principal Student Experience and Wellbeing (or another member of the Senior Management Team in their absence) will review all disciplinary records to provide assurance that escalation through the stages of the disciplinary process have been applied thoroughly and fairly before instigating the arrangements for a stage 3 hearing. Investigation will not be required under these circumstances.

For stage 3 disciplinaries related to gross misconduct, the Curriculum Manager will submit a stage 3 referral form which will be reviewed by the Assistant Principal Student Experience and Wellbeing and an investigation period will commence (usually completed within 5 working days). Investigations will always be undertaken by a member of staff outside of the curriculum area, with the findings and recommendations presented to the Assistant Principal Student Experience and Wellbeing and Curriculum Manager at the end of the investigation period. Where a student or apprentice has had drugs confiscated whilst onsite, exceptional circumstances will be applied, and a stage 3 disciplinary hearing will be convened without an investigation being carried out.

Where it is agreed that there is no case to answer, this will be communicated to the student or apprentice by the Curriculum Manager, who will facilitate arrangements for the student or apprentice to re-engage in learning following any period of suspension applied.

Where it is agreed that there is a case to answer, depending on the seriousness, one of the following outcomes will be applied:

- A supportive meeting takes place led by the Curriculum Manager and including pastoral support representation, where conditions for remaining in learning will be set out and a final written warning issued. Failure to adhere to these conditions may result in withdrawal from the college.
- A formal stage 3 hearing is convened to hear the case from both the investigating manager and the student or apprentice.

Employers of apprentices should be kept informed as appropriate so that support can be offered and any risk to continued employment is communicated effectively.

A stage 3 hearing will be chaired by a Head or Director of department who is impartial to the area of study, with relevant members of college staff invited according to the recommendations of the investigating manager and Assistant Principal Student Experience and Wellbeing.

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

The chair of any hearing may adjourn the panel at any time if required. Adjournments may be short to allow time for private discussion or to check a piece of evidence. Adjournments may also result in the hearing 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. Reconvened meetings should usually take place within 2 working days.

Possible outcomes following a stage 3 hearing include:

- The student or apprentice is permitted to continue the course with a support and action plan in place, with agreement that they may be withdrawn (with approval from the Principal or Deputy Principal) if the plan is not achieved within reasonable timeframes. The student or apprentice will receive a final written warning.
- The student or apprentice is withdrawn from learning (with approval from the Principal or Deputy Principal), which may include recommendations for alternative provision and conditions on future applications to the college.

A stage 3 hearing will not be convened in relation to the same type of incident following the issuing of a final written warning. Instead, the Principal or Deputy Principal can approve the immediate withdrawal of the student or apprentice, which will be communicated to the relevant Director of School.

The student or apprentice may appeal a decision following a stage 3 disciplinary hearing in line with the guidance outlined in the Student and Apprentice Disciplinary Procedures, which should be explained to the student or apprentice as part of the 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 which 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 or apprentice appeals the outcome of a stage 3 disciplinary, they must cite one of the above reasons in their notice to appeal within 5 working days of the outcome. Evidence to support this must be provided alongside the notice to 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 15 working days of notice of appeal being received. The student or apprentice should expect to receive written confirmation of the date no less than 10 working days prior to the scheduled hearing.

Communication Flow

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

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

Monitoring

The Assistant Principal Student Experience and Wellbeing 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 Directors of Schools for them to cascade in management team meetings and to enable them to be fully informed where specific issues are identified that may require further action.

Quality assurance checks are in place throughout the disciplinary process, as outlined in this policy.

Related Chesterfield College Group Policies and Documents

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