

The Chesterfield College Group

Student/Apprentice Disciplinary Policy



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Manager Responsible:	Chief Operations Officer
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Impact Assessment status	In preparing the policy, any potential disproportionate impact it might have upon students/apprentices with protected characteristics, as defined in the Equality Act 2010, have been carefully considered. It is the conclusion of the Policy 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 where this 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 respectable 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 the Disciplinary Procedure, 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. Equally, in exceptional circumstances and at the discretion of the Chief Operations Officer and relevant Operations Director, a student/apprentice may be immediately withdrawn without a formal stage 3 disciplinary hearing if deemed appropriate following extreme cases of gross misconduct.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.

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 of vulnerable students/apprentices who have Learning Difficulties and/or Disabilities, 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. Reasonable adjustments will need to be considered for those students/apprentices that are disabled and/or declare a learning support need, to enable them to fully engage in the process and understand the required outcomes and possible sanctions. Equally, 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 and involved through formal stages of disciplinary for apprentices, and any escalation to formal stage 3 disciplinary should involve a representative manager of the College alongside the employer, and should follow the employer's usual disciplinary procedures.

Where an apprentice feels that they have grounds for appeal against a formal stage 3 disciplinary outcome, they should follow the employer appeals process as set out within their disciplinary policy. The appropriate College Operational Director will review the appeal and make decisions on behalf of the College regarding any continued enrolment and alternative placements.

Timings

All time periods 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 time periods. 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 the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act 2018. 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 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 relevant members of the Senior Leadership Team as outlined under 'Scope'.

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.

College definitions of poor performance, misconduct and gross misconduct informing the stages of disciplinary

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 - Poor performance in relation to:

- 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.

Stage 2 - Misconduct

Some of the examples below could also be deemed to be gross misconduct, dependant on the seriousness, and would therefore escalate directly to stage 3:

- Failure to meet the required standards or actions set out at stage 1;
- Rowdiness/disruptive behaviour;
- Rudeness/impolite or inconsiderate behaviour;
- Eating/drinking in areas where this is not allowed, including in the classroom;
- Use of mobile phones in class;
- Verbal attacks/foul or abusive language;
- Spitting;

- Disobeying College rules or non-compliance with reasonable staff requests i.e. not confirming and displaying ID, or not co-operating 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;
- Dangerous or irresponsible driving/parking on or around College premises;
- Causing a safety hazard;
- Bullying, including online bullying, or harassment.

Stage 3 - Gross Misconduct:

- Persistent failure to meet the required standards or actions set out at stage 2 in order to inform improvements;
- Assault or violence;
- Threatening behaviour or language;
- Discriminatory remarks or behaviour i.e. 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;
- Lending ID card to other student/apprentice or non-student/apprentice;
- Involvement in plagiarism/cheating;
- Bringing the College into disrepute.

Any of the examples given may result in a mutually agreed suspension (except when alleged criminal activity has taken place, then this may be enforced, as could immediate withdrawal) in order to protect those individuals involved. This will be agreed with the Curriculum Operations Manager/Work Based Learning Manager, Director of Operations, and, where appropriate, the Chief Operations Officer. Suspension periods up to stage 2 in the disciplinary process should not usually last longer than 2 weeks before the student/apprentice is allowed to return to their usual learning environment, or the process is escalated to stage 3 if necessary. In this case a formal disciplinary hearing will be convened within 10 working days of the decision being taken by the Curriculum Operations Manager/Work Based Learning Manager and Director of Operations. The student/apprentice should expect to receive written confirmation of the date no less than 5 working days prior to the scheduled hearing.

Implementation

The College recognises that many issues may affect a student's/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 follow the safeguarding procedure for referral to risk assessment panel, rather than student/apprentice disciplinary in the first instance. Consideration may also need to be given to the student/apprentice 'fitness to study' capacity, and appropriate reference should be made to the Fitness to Study guidance in order for this assessment to be made.

The stages of student/apprentice disciplinary are:

1. Stage 1: Support meeting/informal warning;
2. Stage 2: Formal action plan/formal warning;
3. Stage 3: Formal Disciplinary Panel hearing.

Each of the stages 1 and 2 above are aimed at driving progression towards improvement and success, and will have fluid timeframes based on the individual student/apprentice needs and with the oversight of the Curriculum Operations Manager/Work Based Learning 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.

If, following escalation to stage 2, this has not resulted in the required improvement within the agreed timeframes, a disciplinary hearing will be convened at stage 3. This may be at the discretion of the employer for apprentices and informed by their own staff disciplinary procedures, and therefore process and outcome may vary in these circumstances. The student/apprentice will be notified by letter of the date, which will usually be scheduled within 10 working days of notification of escalation to stage 3. The student/apprentice should expect to receive written confirmation of the date no less than 5 working days prior to the scheduled hearing.

The hearing panel for class based provision will consist of representation from:

- Director of Operations for the curriculum area to which the student/apprentice is enrolled (Chair); and
- A member of the Senior Leadership Team.

The hearing panel for work based provision will consist of representation from:

- Employer (Chair); and
- Work Based Learning Manager.

The hearing will be arranged following the guidelines set out in the College Disciplinary Procedures or by the employer as appropriate. The hearing may take place in the student/apprentice's absence if he/she fails 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 at a later date 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 on the course with no sanctions if there is no case to answer;
- The student/apprentice continues on the course with a support and action plan in place, with agreement that they may be withdrawn if the plan is not achieved following reasonable timeframes;
- The student/apprentice is excluded from learning, which may include recommendations for alternative provision and conditions for future applications.

The student/apprentice may appeal the panel decision following the guidance outlined in the College or employer's Disciplinary Procedures, and this should be explained to them as part of the panel hearing and in the hearing outcome letter. Grounds for appeal within College procedures are:

- That 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 to be unreasonable in relation to the offence.

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, which will be decided and communicated by the appropriate Operational Director. 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 Director of 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 Operations in order 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
- Behaviour and Expectations Guidelines (Aspire Programme)