

# **Disciplinary Policy for Students on Further Education, Adult Learning or Apprenticeship programmes**

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## **1. Statement of Intent and Scope**

### **1.1 Intent**

It is the aim of Colchester Institute, to create an environment where exemplary behaviour is at the heart of productive learning. The College will promote positive behaviour and a culture where students accept responsibility for their behaviour and encourage other students to do the same. These expectations are made clear to students (and where applicable their parents/carers and employers) when they join the College and are reiterated throughout their time here. A structured staged process of interventions ensures any misbehaviour or concerns are dealt with swiftly to ensure the College is a safe environment conducive to learning, success and progression.

### **1.2 Scope**

This policy applies to 14-16 learners, FE learners and apprentices, and adults undertaking the College's further education (FE) courses and refers to on-campus and on-line learning. All of these types of learner will be referred to as 'students' in this document. With regard to this policy, it is important to note that College hearings are not legal hearings and College investigations are not legal investigations, legal rules of evidence do not apply, and it is not therefore necessary to use the legal test of 'beyond reasonable doubt'. However, at every stage staff should endeavour to reach a fair decision based on the balance of probabilities as to whether the evidence available proves the case being made against the student.

Reference to communication with, and involvement of, parents apply to all students who are under 18, or who turn/have turned 18 within the academic year. Parents must also be included in all actions where the student is known to be vulnerable due to identified learning difficulties or disabilities, including identified mental ill health. In the event of an apprentice being involved in a disciplinary situation, his or her employer will also be informed at the first opportunity.

### **1.3 Associated Policies**

The following College policies should be referenced as appropriate:

- Dealing with Bullying and Harassment at College, Policy and Procedures for Learners
- Diversity, Equity and Inclusion Policy
- Fitness to Study Policy
- Safeguarding Policy
- Admissions Review Policy
- Fees Policy – Further Education

## 2. Introduction and Purpose

- 2.1 The College recognises that most instances of poor behaviour can and should be dealt with informally and promptly by an appropriate member of College staff without recourse to the FE Student Disciplinary Policy. A note of such a warning will be recorded on the College's relevant tracking system and staff informed as required.
- 2.2 The College is committed to ensuring that students subscribe to a culture of positive behaviour during their time at College as a place of work. These standards apply to all students, regardless of status. The purpose of this policy and related procedural guidance is to:
  - 2.2.1 Create a culture of excellent behaviour which is suitable for a place of work and reinforces the expectation of employers.
  - 2.2.2 Protect students' learning experience from disruption caused by their own or others misconduct.
  - 2.2.3 Ensure all staff and students are treated with respect.
  - 2.2.4 Teach appropriate behaviour through positive interventions.
  - 2.2.5 Ensure students and staff are aware of their responsibilities regarding student behaviour.
  - 2.2.6 Clarify the rights of students in respect to disciplinary action resulting from breaches of College rules.
  - 2.2.7 Provide a framework where disciplinary issues can be resolved within a supportive environment.
  - 2.2.8 Identify staff responsibilities in handling disciplinary issues.
- 2.3 The 'College' is defined as any College sponsored event or anywhere where Colchester Institute provides education and training. This includes trips, work experience and work placements.
- 2.4 If the student is less than 16 years old and from another educational establishment, e.g., a local school, then the College will seek to involve representatives of that educational establishment where appropriate.
- 2.5 A breach of discipline is defined as an 'act of misconduct' i.e., improper interference with the proper functioning or activities of the College or those who study or work in or visit the College. This policy will also apply to students when they are out of College on organised College events, or when it is found that there is a link to the College or its reputation.
- 2.6 It is expected that all students will subscribe to the College's Expectations, and, at all times, will:
  - 2.6.1 Set themselves challenging targets and push themselves to do their best work.
  - 2.6.2 Take responsibility for their own behaviour, showing consideration and respect to others.

- 2.6.3 Take pride in their College environment and follow all Colchester Institute policies and procedures.
- 2.6.4 Attend all sessions on time with the correct equipment to learn and report all absences to the College in a timely manner.
- 2.6.5 Participate fully in all aspects of their programme including tutorials and progress reviews and submit coursework by the set deadline.
- 2.6.6 Contact their tutor to discuss any concerns or issues which affect their programme of study.
- 2.6.7 Always wear their ID at College, unless advised that, for safety reasons, this is not appropriate.
- 2.6.8 Actively participate and follow the instructions of the tutor, LSP, assessor and/or training adviser, in all sessions
- 2.6.9 Use appropriate and respectful behaviour and language.
- 2.6.10 Contribute to discussions and listen to others.
- 2.6.11 Leave the classroom as it was found.
- 2.6.12 Not use mobile phones and devices unless instructed.
- 2.6.13 Respect equipment and furniture.
- 2.6.14 Not eat or drink in learning areas, except for bottled water.
- 2.6.15 Only smoke in designated smoking areas.
- 2.6.16 Place all rubbish in recycling and litter bins provided.

### **3. Positive Intervention**

- 3.1 The approach of Positive Intervention will be adopted for all academic concerns and behaviour misdemeanours.
- 3.2 All staff have a responsibility to address minor indiscipline as and when the situation arises and to inform relevant staff to enable accurate recording.

See Appendices for examples of misconduct.

### **4. Intervention Strategy**

At all stages of this policy, details of all communication are to be recorded, and documents uploaded, to the College's tracking system. This should be within five working days of any meeting that has taken place. The designated Curriculum Administrator will ensure consistency in the recording of information.

#### **4.0 College Strategy Prior to any Formal Intervention**

Course Leader (CL) and course team (including the Work-Based Learning (WBL) team) will engage with the student in supportive discussions. Accountability starts here. Course Leader will ensure that all necessary information on the College tracking system is reviewed e.g., unit grades, progression, key assessments, attendance and punctuality, student comments etc. Supportive discussions are held with students; Parents/carers or employers are contacted, and students are closely tracked and monitored by relevant staff. Any student support needs are identified and fully understood, and support provided, as practicable. At this stage, a Course Leader or WBL Assessor may issue a verbal warning about future conduct.

#### **4.1 Stage One Intervention - to be led by Course Leader or WBL Assessor**

Outcomes of a Stage One Intervention can include:

- no further action
- a verbal warning
- a Stage One Intervention letter
- a recommendation to an Area Head/WBL Manager/Student Engagement Manager to proceed to a Stage Two Intervention.

Intervention process:

- Course Leader/WBL Assessor must inform Area Head/WBL Manager/Student Engagement Manager that a Stage One Intervention is planned.
- Check reasons for the issue and check for any barriers students may be experiencing; liaise with the Student Services Team as appropriate.
- Review meeting to take place with student; support needs to be identified and put in place.
- Outcome letter to be sent to parent/carer and/or employer which must include meaningful targets and next steps.
- Subject Teacher, Assessor and/or PDT to closely track and monitor student performance, and review targets. Targets may be extended as appropriate.
- For apprentices, it is expected that additional review meetings will be agreed with employers to discuss and review these targets.
- If there is no improvement or a repetition the student is referred to Stage Two of the process.

#### **4.2 Stage Two Intervention – to be led by Area Head/WBL Manager/Student Engagement Manager**

Outcomes of a Stage Two Intervention can include, but are not restricted to:

- no further action;
- a reinforcement of the verbal warning;
- a written warning or a final written warning;
- a decision to move to an immediate Stage Three Intervention.

#### **4.2.1 Progression from previous Intervention**

Prior to any meeting the Area Head/WBL Manager/Student Engagement Manager checks that Stage One has been correctly followed with suitable and appropriate targets and timelines set, including a review of the college's tracking system. Checks can also be made with the Student Services Team, and further investigations made into the issues by the Area Head/WBL Manager/Student Engagement Manager. Such investigation should include the opportunity for a student to present their views, either in person or in writing, as determined as appropriate by the Area Head/WBL Manager/Student Engagement Manager.

Once agreed that a Stage Two Intervention is the correct course of action, the Area Head/WBL Manager/Student Engagement Manager will decide whether it is appropriate to convene and chair a meeting and whether to involve parents/ carers at that meeting. For apprenticeships, the employer will also be invited, if deemed necessary by the Area Head/WBL Manager/Student Engagement Manager.

Outcome letter to be sent to the student, with copy sent to parents/carers and/or employer where applicable, which must include meaningful targets and next steps; details of where this policy can be found on the college website/portal should also be included. Support needs to be identified and put in place, as required. Review meeting to take place with student. Area Head/WBL Manager/Student Engagement Manager to track and monitor student performance, set, and review targets, as required. Targets may be extended as appropriate. For apprentices, the employer must be notified immediately of any actions taken.

#### **4.2.2 Escalation of Written Warnings**

In cases where a written warning was given previously, and there has been no improvement to meet targets, the Area Head/WBL Manager/Student Engagement Manager has the authority to promote this warning to a final written warning. In cases of escalation to a final written warning, an outcome letter is to be sent to the student, with copy sent to parents/carers and/or employer where applicable, which must include meaningful targets and next steps. Review meeting to take place with student. Area Head/WBL Manager/Student Engagement Manager to track and monitor student performance, set, and review targets, as required. Targets may be extended as appropriate. If there is no improvement after a final written warning the student is referred to Stage Three of the process.

#### **4.2.3 Exceptional Written and Final Written Warnings**

Where there is clear evidence that a student's behaviour directly merits a written or final written warning an Area Head or a member of the Senior Leadership Team (SLT) may issue a written or final written warning to the student, without holding a Stage Three Disciplinary Panel meeting, and this includes if there has not been a previous Stage One or a Stage Two intervention. The Area Head or member of SLT should check College tracking systems and refer to the relevant Area Head/WBL Manager/Student Engagement Manager if appropriate. For apprentices, WBL Managers must inform employers of actions that have been taken.

In some circumstances it is appropriate for an Area Head to delegate any Stage Two Intervention to another College manager.

There is no appeal process against any Stage Two Intervention warning.

### **4.3 Stage Three Intervention: Student Disciplinary Panel – led by a member of SLT, or in some cases, by a delegated member of CMG(Chair)**

Outcomes of a Stage Three Intervention can include:

- no further action;
- reinforcement of a decision made at Stage Two;
- exclusion from the College for the rest of the academic year or another defined period of time;
- permanent exclusion from the College.

There is a right of appeal to a decision for exclusion as set out in section 7 of this policy.

#### **4.3.1 Progression from previous intervention**

Area Head/WBL Manager/Student Engagement Manager will refer students to the Chair for a Stage Three Intervention. Prior to any meeting check that Stages One and Two have taken place correctly and that targets set were suitable and reviewed correctly.

Once agreed that a Stage Three Intervention is appropriate, a meeting with a panel, constituted according to section 5.1 of this policy, is to be booked within ten working days of the referral by the Area Head/WBL Manager/Student Engagement Manager. The student, parents/carers and/or employers (for apprentices), are to be invited and the Chair is to determine the conduct and structure of the meeting and any other attendees.

Judgements will be made as to the appropriate course of action. Outcome letter to be sent to student and/or parents/carers and/or employer and will include a clear explanation of the outcome of the Stage Three Intervention; details of where this policy can be found on the College website/portal should also be included. For apprentices, the employer must be notified at the earliest opportunity. The Area Head/WBL Manager/Student Engagement Manager is to monitor the agreed targets, where applicable.

#### **4.3.2 Serious Breaches**

A Serious Breach is an incident that may lead to suspension pending a Stage Three Disciplinary Panel meeting. A serious breach is usually an incident likely to be categorised as 'Gross Misconduct'. Serious breaches must be referred immediately to an Area Head/WBL Manager/Student Engagement Manager who will inform a member of the Senior Leadership team (SLT), who will confirm if the incident should be categorised as a serious breach. All incidents will be investigated by the relevant Area Head/WBL Manager/Student engagement Manager. Judgements will be made as to the appropriate course of action. For incidents within the first 42 days of a student's enrolment, Stage Three Disciplinary Panel meetings need not be held and decisions may be made directly by the relevant member of SLT. For apprentices, employers must be notified of this decision immediately. There is no right of appeal against such a decision if it is made during the student's first 42 days in college from enrolment.



#### **4.4 Exceptional Summary Exclusions**

Based on conclusive evidence, the College may summarily exclude any student:

- 4.4.1 Where the effect of a student's conduct and behaviour is deemed to be so serious that it damages the College's reputation
- 4.4.2 Where a student is in possession of an offensive weapon or illegal substances
- 4.4.3 Where a student's actions put students, staff or visitors at serious risk
- 4.4.4 Where there is considerable cause for concern as a result of the student being under the influence of drugs or alcohol at College or when participating in a College-related activity.
- 4.4.5 Where a student has failed to abide by the decisions of a Stage 3 Disciplinary Panel, without reasonable mitigating factors, in the view of the Chair of the Stage 3 Disciplinary Panel
- 4.4.6 Where a student has received an Exceptional Final Written Warning and has undertaken further misconduct that can be categorised as gross misconduct.

The student may be suspended pending a decision, or action might be immediate.

An Exceptional Summary Exclusion can be actioned only by a member of the SLT. Other College staff will be involved in providing evidence to the member of SLT. An outcome letter will be sent to the student, with a copy to the parents/carers and/or employer, which must include the reason for the Summary Exclusion. For apprentices, the employer must be notified immediately.

There is no expectation that a student will be interviewed or asked for their viewpoint if a case is dealt with as an Exceptional Summary Exclusion, though sometimes this might happen. Additionally, parents/carers normally will not receive prior notification before the issuing of an Exceptional Summary Exclusion. For apprentices, the employer must be notified immediately

There is no right of appeal against an Exceptional Summary Exclusion.

#### **4.5 Disciplinary Action at the discretion of the Principal and Chief Executive**

This policy gives the right for the Principal and Chief Executive to summarily exclude permanently any student if a decision is made that this is beneficial to the College operation and/or reputation.

#### **4.6 Fees**

In the event of suspension or exclusion there is no automatic refund of fees.

## **5. Protocol for Stage Three Intervention Meetings**

### **5.1 The Panel**

For a Stage Three Intervention, the Panel will consist of a member of the SLT accompanied by an Area Head/WBL Manager/Student Engagement Manager and another College Manager. If appropriate, a member of the Student Services Team may be in attendance, and this opportunity will be offered to all students identified as Special Educational Needs 'SEN' or vulnerable adults. The position of Chair may be delegated to a member of the College Leadership and Management Group (CLMG) at the discretion of a member of SLT. The Chair will take overall responsibility for the outcome. The Chair will be responsible for ensuring the meeting is conducted in a manner and to a structure that is most likely to facilitate a fair hearing to allow a balanced judgment to be made, with opportunities to hear the student's views and for the student to ask further questions. Administrative Support will be present to take minutes. For apprentices, employers may also be invited to share their views.

### **5.2 Attendees**

For students who are under 18 and those classed as vulnerable adults, the parents/carers will be invited to attend. If the student is over 18 years of age, they may opt to bring a 'friend' in place of parents. For this purpose, a friend/representative may be a Student Union representative, or another member of the College of the student's choosing. The friend or representative may not be a solicitor or barrister, or a legally qualified representative.

- 5.3 All parties (including employers of apprentices) will be given five working days' notice of the panel meeting. Requests to change the date are granted only at the discretion of the Chair.
- 5.4 No electronic recording devices are allowed at these meetings, unless organised by the College. Where a recording is made, a copy will be provided by the College to the student.

- 5.5 Where students and/or parents/carers or employers of apprentices become abusive or are so uncooperative as to render the hearing's continuation to be impracticable, the Chair will end the meeting and the Panel will meet in private to agree the outcome.
- 5.6 The Chair 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, panel member or a Presenting Manager. Adjournments may be short to allow time for private discussion or to check a piece of evidence; the Chair should specify the length of any adjournment. Adjournments may be of a more substantial length if required by circumstances, and this is a judgement for the Chair to make.
- 5.7 In instances when a student fails to attend the meeting, the Chair has the discretion to either reschedule or to hold the meeting in the student's absence.

## **6. Suspensions**

- 6.1 Misconduct can result in suspension whilst a matter is investigated. A suspension can be authorised by an Area Head/WBL Manager/Student Engagement Manager, a member of CLMG or a member of SLT. The Area Head/WBL Manager/Student Engagement Manager will liaise with students and employers of apprentices and, where students are under 18 years of age, parents/carers to inform them of any suspensions and subsequent actions. A suspension will last for as long as is required for the College to investigate the matter but will initially be set at two weeks.
- 6.2 Following suspension, the student, and their parent/carer where appropriate and employer (if applicable), will be informed immediately and confirmed in writing with the reason for the suspension and date/time of a subsequent meeting. In some instances, the suspension will be until further notice. In this instance the student will be invited to a meeting only when the College has investigated the matter to its satisfaction. A suspension includes work placement, and College trips and events.
- 6.3 Whilst on suspension, the student should not be in the vicinity of the College or return to the College until invited to do so. They must not contact staff or students and no reference on any social media site or messaging service should be made regarding the suspension or matter being investigated. However, at the discretion of an Area Head/WBL Manager/Student Engagement Manager, a suspended student may be permitted to contact staff to request work to complete. There is no right to this consideration and a student returning from suspension has personal responsibility for completing work that was missed during the suspension.

## **7. Appeals**

- 7.1 The only right of appeal is against a permanent exclusion and this only if additional evidence is made available which was not known at the Stage Three Panel meeting or if the College has not followed correct procedures. There is no right of appeal against any other process within the policy, although the College Complaints Procedure applies if students feel they have been wrongly treated. An appeal will be considered by the Principal and Chief Executive, who has the right to delegate this responsibility to another member of the College Executive, as required.

- 7.2 Appeals should be made in writing to the Principal and Chief Executive's PA, setting out the reasons for the appeal and should be received within five working days of the exclusion. At the discretion of the Principal and Chief Executive there may be an appeal meeting, which would normally take place within 10 working days of receipt of appeal. The Principal and Chief Executive will respond to all appeals within 15 working days of receipt of appeal. Where an appeal is upheld, the exclusion will be revoked without any detriment to the student. Where an appeal is not upheld the decision of the Principal and Chief Executive is final and there is no further right of appeal.

## Appendix 1. Examples of Misconduct

The following illustrates behaviour which is likely to signify misconduct, but is neither exclusive nor exhaustive:

- a. Failure to comply with a reasonable request from a member of staff
- b. Rudeness, impolite or disruptive behaviour
- c. Smoking in non-smoking areas
- d. Any unruly noise, or unruly behaviour, or the use of foul or abusive language
- e. Disrupting any class or any other College activity, whether or not involving staff or other students
- f. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College, including offensive behaviour, whether on College premises or elsewhere
- g. Any unauthorised interference with software, or data belonging to, or used by the College
- h. Malicious communications and inappropriate comments, including those on any social media site or electronic messaging service regarding the College or sent to members of the College
- i. Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the College or any visitor to the College
- j. Persistent minor breaches of the College's Expectations.

## Appendix 2. Examples of Gross Misconduct

The following illustrates behaviour which is likely to signify serious misconduct, but is neither exclusive nor exhaustive:

- a. Threatening or abusive language or of – towards staff, other adults, or students
- b. Violent, indecent, disorderly or offensive behaviour or language whilst on College premises or engaged in any College activity, including physical or verbal assault
- c. Acts of a sexual nature relating to physical or verbal assault, sexually related threats or harassment, or any other sexually inappropriate behaviour
- d. Bullying, including cyberbullying
- e. Discriminatory conduct on the basis of the Equality Act 2010, including actions that are sexist, homophobic, racist or on the basis of religion/belief or which is offensive to those with learning and/or physical disabilities.
- f. Deliberately, or by negligence, causing damage to, or defacement of, any College buildings, IT systems, equipment, books or furnishings or any property of others
- g. Acts of dishonesty, including theft, fraud, deceit, or deception in relation to the College, its staff, its students or its visitors, including lending ID cards to others.
- h. Acts of academic malpractice or plagiarism (cheating)
- i. Endangering other students, staff or visitors, including action likely to cause injury or impair health and safety on College premises, for example, acts involving damage to or discharge without just cause of, or other misuse of or interference with, a fire extinguisher or other fire safety equipment
- j. Violent, indecent, disorderly or offensive behaviour or language whilst on College premises or engaged in any College activity
- k. Physical or verbal assault
- l. Drunkenness or suspected intoxication on or near College premises
- m. Possession of drugs, or under the influence of drugs or involvement in any drug related activity whilst on or near College premises
- n. Behaviour which has a significant adverse impact on the College's reputation
- o. Inviting anyone onto College premises who is not a member of the College, without permission from the College's staff
- p. Being in possession of an offensive weapon: The College determines that, in addition to legislative guidance, any knife, irrespective of length, constitutes an offensive weapon and should not be brought into College. In addition to knives, axes, BB guns, air guns, GATT guns, catapults, slings, etc. will also be deemed to be offensive weapons. Other types of offensive weapons will include lengths of pipe, craft knives being carried outside of designated workshops, bats, other blunt instruments, possession of any corrosive liquid or items judged by the College to be carried with the intention to inflict injury on another individual - this includes fireworks, blades, acid etc.
- q. Involvement in any criminal activity

- r. Attempting to enter College whilst suspended without first obtaining permission.

### **Appendix 3. Examples of Gross Misconduct leading to Exceptional Summary Exclusion**

The following illustrates behaviour which is likely to lead to Exceptional Summary Exclusion:

- a. Where the effect of a student's conduct and behaviour is deemed to be so serious that it damages the College's reputation
- b. Where a student is in possession of an offensive weapon or illegal substances
- c. Where a student's actions put students, staff or visitors at serious risk.
- d. Where there is considerable cause for concern as a result of the student being under the influence of drugs or alcohol at College or when participating in a College-related activity.
- e. Where a student has failed to abide by the decisions of a Stage 3 Disciplinary Panel, without reasonable mitigating factors in the view of the Chair of the Stage 3 Disciplinary Panel.



## Appendix 4. Flowchart

