Education Support
SERVICES

STUDENT DISCIPLINARY POLICY

Effective for employees, students, Directors and volunteers on or after 1 September 2023
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DOCUMENT CONTROL

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AUTHOR:	FRAN DEELEY
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Fran Deeley

Signature: ___ ____ **Date:** 21.07.23

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Student Disciplinary Policy

1 Purpose

- To positively establish and maintain the Student Charter and a culture of positive behaviour and good practice.
- To ensure a consistent approach across ESS Education and Support Services towards maintaining student discipline and encouraging positive behaviour and professional standards.
- To ensure student misconduct is addressed in a timely manner.
- The shared and consistent ownership of student attendance, behaviour and professional standards by all staff, across all elements of a programme or apprenticeship
- To provide direction for staff, students, parents, and employers on the disciplinary procedures to be adopted when the Student Charter is breached, and/or when gross misconduct occurs.

Early ESS Education and Support Services students (pre 16) are subject to a variation of this policy which must be implemented in conjunction with the school at which the young person is on roll.

The employer of an apprentice involved in a disciplinary process will be informed and if the misconduct occurred in the place of work, the disciplinary may be implemented in conjunction with the employer's code of conduct / disciplinary process.

2 Scope

The Disciplinary Policy reflects and supports:

- The Student Charter
- ESS' Strategic Plan
- Policies and procedures on student welfare, including safeguarding, disability and mental health, substance misuse
- Other relevant Academy policies and procedures
- The rules of natural justice
- The principles of restorative practice

3 Implementation

The implementation of this Policy should take into account:

- Seriousness of the misconduct
- Current legislation
- The role of parents/carers and employers
- The age and circumstances of the student

ESS Education and Support Services has an obligation to ensure a fair disciplinary process for students. Students will be informed how to access ESS Policies as part of their induction.

It is at ESS Education and Support Services' discretion to refer matters to the Police, unless required by law.

4 Responsibility for Student Discipline

All staff have a responsibility for helping to promote positive behaviour and conduct. Staff can seek advice from their line manager in relation to any breach of Student Charter.

All members of staff have the authority to warn a student behaving in a manner that could lead to a breach of the Student Charter, informing them that their behaviour is inappropriate and that disciplinary procedure could follow.

Students are required to read the Student Charter during induction.

Each student has a responsibility to acquaint themselves and comply with the Charter. The copy of the Charter is available on the ESS website. Accessible copies are available from ESS Education and Support Services Head Office.

5 Breaches of Discipline

Breaches of discipline may vary in severity, starting as the cause for concern and escalating to gross misconduct. Professional judgement will need to be made about the severity of each breach of Student Charter. ESS Education and Support Services reserves the right to start disciplinary proceedings at the level appropriate to the breach, including escalating straight to the alleged gross misconduct level, taking into consideration any previous disciplinary concerns. If in doubt, staff should contact the appropriate Learning / Training Leader or Managing director to ensure a consistent approach across ESS Education and Support Services. Examples of breaches are given in the Student Charter and Student Disciplinary Procedures. Where possible, Restorative Practice and/or action plans should be used to resolve minor conflicts without having to resort to formal disciplinary action.

6 Levels

There are three levels to ESS Education and Support Services Disciplinary Procedure:

- Cause for Concern
- Disciplinary meeting
- Alleged gross misconduct

The Procedure will begin at the stage appropriate to the seriousness of the breach. Procedures for dealing with individual levels of student discipline are outlined in ESS' Disciplinary Procedure.

If a student is withdrawn/withdraws from ESS' during the disciplinary process, the Complaints and Reputation Officer must be informed and he/she will record this to ensure that appropriate procedures are followed if the student seeks re-admission at a future date.

7 Notification of third parties

Normally, if the student is under 18 or a vulnerable adult, copies of disciplinary documentation will be sent to the parents/guardians/carers. If applicable, copies will be sent to the student's sponsoring employer/agent. Data Protection rules apply and sensitive data should not be shared without the student's specific consent. However it is ESS Education

and Support Services' statutory responsibility to refer matters to external agencies, if required.

8 Appeals

There is a right of appeal against suspension and also against the outcome of a gross misconduct disciplinary hearing. Details of the appeals process is set out in the relevant procedure.

9 Related policies

- Student Charter

Review frequency: Annually

Lead officer: Chief Executive Officer

Appendix 1 – Guidance

Definitions

Disciplinary meeting: This is a formal procedure.

Days: Reference to days means working days and excludes ESS Education and Support Services closure days and school holidays.

Suspension: Following an incident, a student is instructed to leave ESS Education and Support Services premises and to stay away from ESS temporarily, for up to 5 working days. In exceptional circumstances, the suspension may be extended if further investigation is necessary in order to decide a fair outcome. The student should be supported with their studies during the suspension period.

Exclusion: Following a disciplinary meeting, a student may be withdrawn from ESS Education and Support Services. After a defined period they may re-enrol subject to any provisions made by the Director of Operations.

Appendix 2 – Supporting Documents

- Disciplinary meeting invitation letter
- Disciplinary meeting outcome letter
- Gross misconduct disciplinary meeting invitation letter
- Gross misconduct disciplinary meeting / action outcome letter
- Appeal meeting invitation letter
- Appeal outcome letter
- Formal written warning letter
- Outcome notification letter for parent
- Outcome notification letter for employer
- Student suspension letter
- Disciplinary evidence form