

Student code of conduct policy and disciplinary procedures

Aim: To address student behaviour so students are guided to be successful.

This policy has been subject to an Equality Impact assessment by:

Author: Asma Shaffi, Principal

Reviewer: College SLT

Governors:

Could/does the policy/procedure have a negative impact on one or more of the groups of people covered by the projected characteristics of equality? If so, how can this be changed or modified to minimise or justify the impact? See EIA.

Could/does the policy have the potential to create a positive impact on equality by reducing and removing inequalities and barriers that already exist? If so, how can these be maximised? See EIA.

1. Introduction

1.1 These procedures have been drawn up in order to ensure that all students who may be subject to disciplinary procedures are dealt with in a fair and equitable manner. The policy is based on various aspects of legislation to be followed by an education provider:

- Section 550a, Education Act 1996;
- DCSF Circular 10/98;
- Criminal Law Act 1966;
- Crime and Disorder Act 1998;
- Human Rights Act;
- Health and Safety Legislation;
- Race Relations (Amendment) Act 2000.
- DfE Use of force guidance 7/11

1.2 It is appropriate in any educational institution to set appropriate standards of performance and behaviour and to operate rules which promote order and fairness and allow the development of students' abilities and skills. Such rules should be readily understood by both the students and staff. A mutually respectable learning environment aids the development of young people to become fit for work and adult life.

1.3 The Prior Pursglove and Stockton Sixth Form College (PPC & SSFC) Student Charter (given to all students during induction) provides details of the college's expectations of students. A student who departs from the required standards of behaviour or academic performance renders him/herself liable to disciplinary action, suspension or permanent exclusion in sufficiently serious cases. However, in the case of students who have difficulty in meeting acceptable standards of academic performance, individuals will be supported, and guidance provided with realistic targets.

1.4 Wherever disciplinary action under the procedures is undertaken, all stages of the procedures should be completed as speedily as possible, whilst allowing time for an investigation where necessary.

1.5 It is recognised that for minor breaches of discipline, a less formal arrangement should exist whereby a member of the college's staff will discuss the matter with the student concerned in order to resolve the issue. The outcome of such a discussion could be a referral to the student's Progress Tutors or Deputy Faculty Managers (DFM). Such informal discussion will not be the subject of this document.

1.6 Any member of staff may judge it appropriate to warn a student about their academic performance or behaviour and to agree targets/expectations and support to be logged on to the ILP (Columbus). Failure by a student to respond could lead to formal disciplinary action.

- 1.7 Where it is felt that misconduct may directly result from a disability (e.g. a mental illness or learning need), the Assistant Principal or Faculty Manager (FM) for Endeavour, as appropriate, will be consulted for a suitable learning plan.

The college uses a 'three stage' disciplinary procedure to institute good behaviour, strong work ethic and fulfil the expectation of the college. This system must be used in the implementation of this policy. Traffic lights are indicated against each stage to ensure correct recording and follow up of matters take space.

2. Scope of the Policy

- 2.1 These procedures apply to all students at college and to prospective students when on the college site.
- 2.2 The purpose of the procedure is to help and encourage students to achieve and maintain acceptable standards of conduct and academic performance and to ensure consistent and fair treatment for all in relation to disciplinary action taken in response to allegations of unacceptable conduct or performance.
- 2.3 Throughout the disciplinary procedures, a student has the right to be advised of the reason for any meeting. If a student fails, without good reason, to attend a meeting which they have been advised to attend, the meeting can take place and a decision may be made in his/her absence.
- 2.4 The content and operation of this policy will be reviewed every two years by the Senior Leadership Team.

3. Student Disciplinary Procedures

3.1 Discussion of concern - Issued by a Progress Tutor or subject teacher

- (i) Students will be issued with a verbal warning as a result of not meeting the PPC&SSFC expectations as outlined in the Student Charter.
- (ii) A verbal warning will be usually implemented by a Progress Tutor or subject teacher but in exceptional circumstances may be issued by a DFM/FM. At this stage intervention is key, so targets/expectations and identified areas of support for the student to achieve these targets, will be agreed. Discussion will be recorded under 'subject teacher comment' on ILP
- (iii) If the student does not demonstrate any significant improvement in meeting the targets further disciplinary action will be implemented.

3.2 First Formal Warning (Stage 1) - Issued by a Progress Tutor or Subject Teacher (or a suitable designated manager)

- (i) Students will progress to a first formal warning as a result of not meeting the targets set through the discussion of concern.
- (ii) Progress Tutor will consult with faculty staff, as appropriate, prior to a meeting
- (iii) There will be a formal meeting held with the student and their Progress Tutor. However, in exceptional circumstances the meeting may be held by a DFM or FM. The outcome of this meeting will be recorded on the ILP which will incorporate targets/expectations and support.
- (iv) Students will, and parent(s)/carer(s) may be informed of the outcome of the meeting and will receive a copy of the associated targets/expectations and support.
- (v) Progress Tutor or subject teacher will monitor the progress made by the students against associated targets/expectations.
- (vi) Students will remain on a first stage, unless recommended for a review by the FM/DFM.

3.3 Second Formal Warning (Stage 2) - issued by a Progress Tutor

Students will progress to the second stage on a second formal warning as a result of not meeting the targets set at Stage 1.

- (i) Progress tutors will consult with the faculty staff, as appropriate, prior to a formal meeting.
- (ii) There will be a formal meeting held with the student and DFM or FM as appropriate. During the meeting the student will receive a second formal warning as to their conduct. This will incorporate identified targets/expectations and support based upon their previous actions. A student may wish for their Progress Tutor to be present at the meeting.
- (iii) Students and parent(s)/carer(s) will be informed of the outcome of the meeting and will receive a copy of the associated targets/expectations and support.
- (iv) Students will remain on a second formal warning until satisfactory progress has been established.

3.4 Formal Disciplinary Hearing (Stage 3) - Issued by a member of college management team or SLT

- (i) Students will progress to a formal disciplinary hearing as a result of not meeting the targets set at the second formal warning (Stage 2) or as a result of an act of alleged gross/serious misconduct. In cases of gross or serious

misconduct a student may be suspended with immediate effect for a period of normally no longer than 5 days till the investigation into the matter is completed. All students progressing to this stage must be notified to a member of SLT and Principal immediately via email. The hearing panel will include managers and SLT (3 staff) including the investigating officer. For Endeavour, the FM or DFM and the relevant Support Manager will take part. The outcome will be conveyed to student in writing on the same day and relevant service arms notified.

(ii) Possible outcomes to a formal disciplinary hearing:

- Permanent departure from college (replaced the word exclusion)
- Final warning
- First or second formal warning (misconduct)
- No case to answer

(iii) *Examples of gross misconduct:*

- Violent, dangerous or intimidating behaviour including physical assault
- Serious violation of the college's rules and procedures concerning health and safety
- Sexual, racial, religious or homophobic harassment of another student or member of staff
- Inappropriate sexual conduct
- Extremely abusive behaviour towards another student or member of staff
- Theft or unauthorised possession of any property or facilities belonging to a student, the college, or any employee of the college
- Serious damage deliberately carried out on college property
- Refusal to carry out reasonable instructions of a member of staff that puts the health and safety of members of college at risk
- Under the influence of any illegal or banned substances on college premises, or on any activity associated with the college
- Any possession of illegal items, including drugs or offensive weapons
- Any possession of drug related paraphernalia
- Serious incapability as a result of being intoxicated by alcohol or drugs
- A criminal offence, which may adversely affect the college's reputation
- Refusal to comply with the code of conduct laid down for a field trip, visit, residential.
- Extended periods of unexplained/unauthorised absence.
- Persistent defiance on following the required conduct as outlined in Student Charter'; examples: missing lessons, smoking or vaping on college premises other than designated area, intimidating behaviour towards staff.

- Failure to declare any criminal convictions or police cautions (excluding minor driving offences).

(iv) *Examples of serious misconduct:*

- Damage to college property
- Low level abuse of IT/Internet facilities
- Verbal abuse or low-level cases of bullying or harassment
- Failure to comply with the code of conduct laid down for a field trip/educational visit, residential or work placement
- Verbal abuse towards another student or member of staff
- Bringing alcohol onto the college site
- Conduct which could threaten the health and safety of others or work placement that puts health and safety at risk

The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

- (v) A student may be accompanied by a parent/carer at the disciplinary hearing. If the student fails, without good reason, to attend a disciplinary hearing as requested, the hearing may take place, and disciplinary decisions made in the student's absence.
- (vi) At the disciplinary hearing, a member of the Management Team will state the reasons for the hearing and give a summary of the supporting evidence. The student will have the opportunity to present their case and any supporting evidence and to challenge the case against them.
- (vii) Students and parent(s)/carer(s) will be informed, in writing, of the outcome of the disciplinary hearing.
- (viii) A student has the right to appeal against the outcome of the disciplinary hearing. Notification of a wish to appeal will be made in writing to the Principal within 5 working days of notification of the outcome of the disciplinary meeting. This will invoke the use of the college's complaints procedure which is outlined in the Student Charter.
- (ix) If the student is allowed to remain at the college, they will be placed on weekly monitoring overseen by FM/AP.
- (x) A student who is placed on a final formal warning and does not meet the targets/ expectations set will result in permanent departure from the college.

3.5 Disciplinary Review Boards (Faculty Managers/Assistant Principals)

- (i) These will be held monthly with the aim to review students on Stage 3 who have been recommended to be moved down to Stage 2. Students to be reviewed will be based upon requests made from faculty staff.
- (ii) The possible outcomes of the review board:
 - Remains on the same warning with revised targets/expectations and support.
 - Move down a warning with revised targets/expectations and support
- (iii) The outcome of the review board would be communicated to the student by their FM/DFM.
- (iv) Student, parent(s)/carer(s) will be informed of the outcome of the disciplinary review board.

4. Suspension Procedure

- 4.1 Suspensions will normally be carried out by a member of the Senior Leadership Team or the designated managers such as FMs. In exceptional circumstances other members of the Leadership Team may also carry out suspensions.
- 4.2 Parent(s)/Carer(s) will be informed of the suspension immediately or as soon as practicable. In the case of students under the age of 18, parental/carers' permission to send home will be sought or the parent(s)/carer(s) will be asked to collect the student from college or transport organised by the college.
- 4.3 A suspended student will be advised that they are excluded from the college site during the period of the suspension and that any attempt to enter the college site during this period will be regarded as a serious breach of discipline.
- 4.4 A written copy of the reasons for the suspension will be sent to the student and a copy will be sent to the parent(s)/carer(s).
- 4.5 The SLT member and manager (handlers) will inform the relevant service arms.
- 4.6 A Formal Disciplinary hearing will normally be arranged within 5 working days of the suspension, unless there are exceptional circumstances such as a religious festival. At a disciplinary hearing following a suspension, a student may be accompanied by parent(s)/carer(s).
- 4.7 A student has the right of appeal the outcome under the college's complaint procedure outlining the reasons other than those already considered by the panel.
- 4.8 The student's Progression Tutor and subject teachers will be informed of any student who has been suspended and will be required to provide work, for the student to

complete until the date of the hearing. Submitted work will be marked, with feedback given.

5. Permanently departing from college due to misconduct - procedures

5.1 A student may be taken off the college roll if:

- a) the student fails to comply with the targets/expectations in a Final Warning
- b) the student commits an offence which is deemed to be gross misconduct at a formal disciplinary hearing
- c) the student's actions break the safeguarding rules such as peer on peer abuse, bullying or assault, then college reserves the right to ask student to leave the college immediately and take them off the college roll. This clause also applies if student's behaviour is of a criminal nature including criminal damage or hate crime. Such decision will be made to keep other students safe and to protect the college's reputation. College is not obliged to wait for a conviction confirmed before making any such decisions.

5.2 Students and parent(s)/carer(s) will be informed, in writing, of the reason for exclusion and will be offered support.

5.3 The SLT member and manager (handlers) will inform the relevant service arms.

5.4 A student has the right to appeal an exclusion under the Appeals Procedure.

6. The Appeals Procedure (panel to include one SLT member and one manager from different Faculty)

6.1 A student has the right to appeal against the outcome of a Formal Disciplinary hearing. Students and parent(s)/carer(s) will be informed of this right. The three possible reasons for appeal are:

- (i) College policy/procedures were not followed
- (ii) Evidence provided was not considered, or new evidence is now available
- (iii) Bias or discrimination was shown in reaching a judgement

6.2 If a student wishes to appeal against a Final Warning or a decision made at a Formal Hearing, they must do so in writing to the Principal within 5 working days of notification of the warning, unless there are individual circumstances preventing this timescale being met such as a religious festival.

6.3 An appeal hearing will usually be held within 5 working days of receipt of the request. The student and parent(s)/carer(s) will be informed in writing of the date, time and place of the appeal hearing and the reasons for his/her expulsion. If the student

requests extra time to prepare his/her case, the hearing may be put back for a period not longer than 5 working days.

- 6.4 A student has the right to be accompanied to the appeal hearing by parent(s)/carer(s). At the appeal hearing, the student will have the opportunity to present his/her case and provide any supporting evidence.
- 6.5 The panel will be terminated immediately and decision upheld if student or parent(s)/carer (s) display threatening behaviour.
- 6.6 The student and parent(s)/carer(s) will be informed in writing of the outcome of the appeal within 5 working days of the appeal hearing.
- 6.7 The SLT must ascertain if the appeal is fair or based on vexatious or habitual complaints with an expectation of unrealistic outcomes; and/or reasonable appeal/complaint put in an unreasonable manner.
- 6.8 SLT members must pass the case to the Principal for them to follow the Trust's complaints procedure if the grounds for appeal indicate bias or discrimination was shown in reaching a judgement. In such exceptional cases, the Chair of the Local Governing Board (LGB) and CEO might appoint another SLT member to chair the hearing or lead her/himself.

7. Right to Search

- 7.1 In line with legislation the staff at PPC&SSFC reserve the right to search students if they have reason to believe that they are carrying offensive weapons or illegal or banned substances. Similarly, students can expect to be physically restrained, carried out by trained staff in exceptional circumstances, if they present a danger to themselves or other members of the community.
- 7.2 Searches will be carried out by a member of the Safeguarding Team with a second member of staff present. Before any search is undertaken consent will be sought from students. If consent is refused, the student will be asked to say why he or she has refused. Refusal to allow a search will be taken as refusal to follow instructions and depending on the circumstances, could be deemed gross misconduct. Where there is suspicion of knives or weapons, alcohol, illegal drugs or stolen items, the student may be searched without their consent.

When being searched, students may only be required to remove "outer clothing" such as coats and jumpers. Searches will be conducted in such a manner as to minimise embarrassment or distress.

If any danger or alarm is sensed by the staff carrying out the search, then they must stop and call the police.

- 7.3 It is not necessary to inform parents/carers before a search takes place or to seek their consent to search. However, parents/carers will always be informed as soon as possible after a search has taken place.
- 7.4 If inappropriate articles are found, they will be confiscated. If these items are dangerous, they will be disposed of safely by the Estates Manager. Any illegal items may be handed to the Police for safe disposal or further investigation.
- 7.5 The college works closely with the Police. If students are involved with any activity which breaks the law the Police may be involved in a search and/or confiscation of items. Parents/Carers will always be informed when the Police are involved.

9. Positive handling

Legislation that came into force on 1 September 1998 (Section 550a of the Education Act 1996), together with national guidance (DCSF Circular 10/98) established the responsibility of teachers and other authorised staff who have lawful control or charge of students with regard to the application of reasonable force in order to prevent children committing an offence, causing injury or damage, or engaging in behaviour prejudicial to the maintenance of good order and discipline.

If any student poses a danger to themselves, their peers, staff or visitors, it might be necessary for staff to apply force to restore order and safety.

In the application of the government guidance, the college will put the following interventions in place to ensure any force is used is measured, appropriate and timely:

1. Follow the guidance given by NSPCC 'When to Call the Police' if there is a danger to life or risk of serious injury or a serious crime is in progress or about to happen

<https://www.npcc.police.uk/documents/Children%20and%20Young%20people/When%20to%20call%20police%20guidance%20for%20schools%20and%20colleges.pdf>

2. The Use of 'Reasonable Force':

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case. There are two relevant considerations:

The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; therefore, physical force could not be justified to

prevent a pupil from committing a trivial misdemeanour or in a situation that clearly could be resolved without force.

The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, will also depend on the age, understanding and sex of the pupil. (DCSF Circular 10/98).

The Equalities Act 2010 dictates that issues of race, culture and faith also need to be taken into account. Therefore, any restrictive physical interventions should be used in a way that is sensitive to, and respects the cultural expectations of young people and their parents/carers and their attitude towards physical contact. As an example, it would be inappropriate for a male member of staff to restrain a Muslim girl.

3. Staff should only use physical intervention when there is no realistic alternative. Force is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury. 'Reasonable in the circumstances' means using no more force than is needed.
4. The college is committed to ensuring that staff who are on safeguarding duty and are the safeguarding sub leads have received 'safe and positive application of force training' and that staff have choice not to intervene but empowered to call the police if serious injury or harm is occurring or about to occur and their intervention cause harm to themselves. The staff who witness the incident must inform the safeguarding lead and the Principal in the first convenience or delegate for another staff member to communicate if occupied in dealing with the incident.
5. Safeguarding lead/duty person must clear the area of other students including staff who are not required for assistance.

8. Other Related Policies

- Safeguarding and child protection policy
- Substance misuse policy

Our expectations are stated in the Student Charter. We expect all staff and students to sign up to the following values and standards in our institution:

Values

We expect all members of our organisation to uphold fundamental British values as outlined by the government.

- **Democracy** - Democracy is at the centre of what we do. We actively consult with our student representatives to gather student views and feedback on key college policies that affect the student body.
- **Rule of law** - All members of the college community are accountable to the law and the Prior Pursglove and Stockton Sixth Form standards, enforced and applied in a fair manner.
- **Individual liberty** - The right to act, believe and express yourself, whilst respecting the rule of law and college core values/standards.
- **Tolerance and respect** - Everybody working together, in order to create a strong community ethos which celebrates diversity and respects individual's rights for a learning environment free from discrimination or harassment.

Review of Policy

The policy will be reviewed on an annual basis.

Date of Last Approval/Revision	September 2021
Review interval (years)	Bi-Annually
Approval/review body	Principal/SLT
Date of next review	September 2023
Public File location	College Website and SharePoint

Standards

Aspect of behaviour	Expected standard of behaviour	Why this is important
<p>1. Safety in college</p>	<p>It is important that all members of college are clearly identifiable. College, therefore, requires all staff and students to keep their faces uncovered.</p> <p>Students must always carry their student card and produce it on request by a member of staff.</p> <p>Staff lanyards should be worn, and visible, always.</p>	<p>To ensure all members of the college community feel safe</p>
<p>2. Attend fully, on time and with correct equipment</p>	<p>Students and staff have full attendance at college. All lessons, exams and meetings start on time.</p> <p>The College expects students' college work to take priority and other activities should be arranged outside of their college commitments.</p> <p>Holidays are not normally permitted in term time. However, it is recognised that there may be a rare occasion where a student may require leave of absence from college due to exceptional circumstances. Please refer to the college's Special Leave Policy.</p>	<p>To be fully prepared for learning and employment and to enable effective working.</p>
<p>3. Mobile devices in classrooms, exam venues and learning resource centres</p>	<p>The college is committed to using technology for learning and students and staff are encouraged to use mobile devices to aid learning. However, the device should only be used for educational purposes relevant to the activity. When not being used for learning, students and staff will switch their device off or set it to silent as they enter a classroom, learning resource centre, exam or a meeting.</p>	<p>To enable everyone to focus on learning without distraction and to promote active engagement/ collaboration/discussion.</p>
<p>4. Dress in college</p>	<p>Students and staff wear clothing which does not cause offence to others (e.g. clothes that are too revealing or display offensive/sensitive slogans or images) and is suitable for the activity. The standards of dress apply on college site and when taking part in college organised activities off-site.</p>	<p>To show respect to all members of our community</p>
<p>5. Wearing coats, hoods, hats and headphones/earphones</p>	<p>Students and staff remove coats, hoods and hats when entering a classroom, learning space, exam room or meeting. Reasonable adjustments will be made, where relevant.</p> <p>Students and staff are welcome to use their earphones/headphones in the FYI and at</p>	<p>To demonstrate respect, employability and fully engage in the learning experience.</p>

	appropriate times of the college day, however refrain from using them during learning activities or meetings, unless it is relevant to the session.	
6. Respecting the college environment	Students and staff find suitable seating or social spaces away from entrances, corridors and stairwells. Students and staff choose to eat only in designated areas. Students and staff put all litter in a bin or appropriate recycling box and treat the facilities with respect.	To maintain a safe, healthy, clean and eco-friendly environment.
7. Use of Language	Students and staff use professional and appropriate language in verbal and written communication, including email. This applies both within college and when representing the college externally.	To demonstrate respect and employability and to create a positive environment throughout the college community.
8. Participate fully in learning activities	Staff and students engage in all learning activities and conversations with enthusiasm and a willingness to try different things, take on new roles and accept their responsibilities, including completion of work to deadlines. Students and staff bring the correct equipment and resources required.	To be fully prepared for and to maximise learning, achieve goals, deliver successful outcomes and become employable.
9. Smoking (including e-cigarettes)	Staff and students observe the college policy in order to maintain a smoke free environment. Only the designated area is used for smoking, including e-cigarettes.	To promote a healthy and safe environment.
10. Illegal drugs and Alcohol	We operate a zero-tolerance approach to illegal drugs and alcohol on college premises. Neither illegal drugs nor alcohol may be brought onto or consumed on college premises under any circumstances. No individual may come onto college premises under the influence of illegal drugs or alcohol	To keep all staff and students safe and to promote a healthy and safe environment