

## Behaviour for Success Policy

### Review

Formal Review Cycle	Three years		
Latest Formal Review (date)	March 2024	Next Formal Review Due (date)	June 2027
Policy Owner	Director of Student Services		
Policy Author	Director of Student Services		

### Approvals

Board of Corp Y/N	Y	Committee	CQSE	Date Board approved	15 May 2024
SLT Y/N	Y	SLT date approved		Additional committee	

### Publication

Website Y/N	Y	Intranet Y/N	Y	Student VLE Y/N	Y	Other	
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### Change History

Version	Date Reviewed/ Revised	Description of Change	Reviewed by	Approved by

# Behaviour for Success Policy

## 1. Policy Statement

- 1.1. This policy is a policy of the City of Sunderland College, trading as Education Partnership North East (which includes Sunderland College, Hartlepool Sixth Form College and Northumberland College). These colleges will be referred to as “the College” throughout this document.
- 1.2. The Policy is designed to support every student throughout their time at the College. The policy aims to promote positive behaviour across the College at all times. We believe such behaviour will produce a climate conducive to learning for all. Outstanding teaching, learning and assessment can only take place in an atmosphere of calm and order in which students are prepared and ready to learn. Students must be clear about their rights and responsibilities as members of the College community; they must know what is expected of them as well as the consequences of not meeting College expectations.
- 1.3. The College encourages all students to achieve and maintain appropriate standards of conduct. The purpose of this policy and associated procedure is to motivate students to behave appropriately and protect students’ learning experience from disruption caused by their own or others’ misconduct. All students will be treated consistently and fairly, regardless of their race, gender, age or disability in relation to disciplinary issues, with access to an appeal process and reasonable adjustments will be made for students with additional vulnerabilities. The College aims to provide a safe, motivating and supportive learning environment for all students and one which is free from any form of bullying, harassment or offensive behaviour.
- 1.4. The College will work to support students by identifying appropriate improvement actions as part of the fundamental approach to behaviour improvement. These may include the attendance at one or more sessions to effect improvement.

## 2. Scope

- 2.1. This policy and procedures applies to all students and apprentices of The College whether full-time or part-time, whether or not their course is validated by or associated with any other institution.
- 2.2. Poor academic performance may include, but is not restricted to, student attendance, inability to meet deadlines, poor standard of work and behaviour.
- 2.3. Misconduct may lead to disciplinary action being taken against a student. Repeated misconduct or a single act of gross misconduct may result in a student being suspended or excluded from the College.

## 3. Aims of the Policy/Underpinning Principles

- 3.1. An understanding and acceptance of the policy by every member of the College is important if the aims of the policy are to be achieved.
- 3.2. An understanding and acceptance of the importance of the policy and its underpinning core values is required by all College members.
- 3.3. The Behaviour for Success Policy reflects a partnership between all members of the College.

- 3.4. The Behaviour for Success Policy is positive in nature and seeks to be preventative rather than punitive in approach and to maximise re-engagement.
- 3.5. Integral to the policy is the promotion of self-awareness, self-discipline, accountability, personal responsibility, and respect for self and others.
- 3.6. College expectations will only be achieved by all students if the Behaviour for Success Policy is implemented consistently.
- 3.7. The College is fully committed to promoting and celebrating equality, diversity and inclusion and building together an environment where everyone feels safe. We will endeavour to ensure that the Behaviour for Success Policy reflects this commitment both in design and implementation.
- 3.8. College Staff have an essential role in helping students to meet College expectations. Students should expect staff to consistently do the following:
  - Plan and deliver good-to-outstanding lessons which engage and motivate students to achieve.
  - Celebrate the success of students.
  - Develop positive working relationships with students in their classes, which reflect a positive and respectful culture.
  - Use a range of behaviour management strategies and apply the College Behaviour for Success Policy whilst reminding students of College expectations.

In addition the College will provide:

- A safe environment where everyone feels secure and can focus on learning and where bullying, child on child abuse and discrimination are not tolerated.
- A commitment to fairness, equality of opportunity and respect for all members of the College community
- Clear processes for listening to student views, handling complaints and addressing any problems we may have in delivering these commitments.

## 4. Responsibilities

4.1: **Governors.** It is the responsibility of Governors to:

- consider and to approve the College's policy and associated documentation.
- receive and consider bi-annual reports on the impact of the policy.
- review levels of disciplinary and behaviour management.

4.2: **Leadership.** It is the responsibility of all members of the leadership team to:

- promote the policy, procedure and practices.
- ensure that all staff know and follow the policy.
- ensure that regular checks are undertaken to ensure compliance with the Policy.
- ensure that regular checks are undertaken to ensure compliance with the Policy.

4.3: **Director of Student Services.** It is the responsibility of Director of Student Services to:

- promote the policy to all staff
- review and apply the requirements of this Policy
- monitor and assess the impact of the policy.
- provide advice and support to other staff on aspects of the policy.
- promote positive processes with Student Services and wider college teams in relation to behaviour for success.

4.4 **Director of Inclusive Learning.** It is the responsibility of Director of Inclusive Learning to:

- oversee the support for those students with an identified learning difficulty or disability, including transition.
- promote positive processes with Inclusive Learning and wider college teams in relation to students with identified learning support needs involved in the Behaviour for Success process.
- provide advice and support to other staff on aspects of the policy in relation to SEND and attend hearing where appropriate.

**4.5 Faculty Directors.** It is the responsibility of Faculty Directors to:

- Ensure managers are overseeing and monitoring behaviour of students within their faculty/area and staff are implementing appropriate strategies.
- Ensure behaviour for success and positive strategies are promoted and implemented by all staff.
- Ensure curriculum teams follow the policy and related procedures.

**4.8 Student Progress and Development Tutors/Trainer Assessor** It is the responsibility of Student Progress and Development Tutors/Trainer Assessors to:

- Ensure that all students are aware of the policy and processes as part of the induction process.
- liaise with curriculum, support and parent/carer regarding the behaviour of students.
- lead the informal stage of the process.
- monitor progress of students and interventions in place, updating overall risk status.

**4.9: Curriculum Teams.** It is the responsibility of all curriculum staff, including managers to:

- be familiar with and follow the policy and associated processes, ensuring the policy is followed fairly.
- Ensure that positive behaviour is recognised and rewarded and College expectations are followed regarding behaviour for success.
- Ensure there are clear interventions in place, logged on ProMonitor, for any students where action plans are in place.
- Promote student commitment to their learning, so they know how to study effectively and do so, are resilient to setbacks and take pride in their achievements.
- Have high expectations for student behaviour and conduct and apply these expectations consistently and fairly.
- monitor progress of students and interventions in place, updating course risk indicators and actions taken and liaising with support teams and tutor.

**4.10: Parents/Carers.** It is the responsibility of parents/carers to:

- encourage their child to fully attend, engage in learning and follow the Student Code of Conduct.
- keep appropriate members of staff informed of any factors which may impact upon their child's behaviour in College.
- attend meetings to support behaviour interventions and events to promote positive behaviour.

**4.11: Students.** It is the responsibility of students to:

- fully attend and engage in learning.
- Follow the Student Code of Conduct
- keep appropriate members of staff informed of any factors which may impact upon their progress or behaviour.
- attend any additional support or intervention sessions.
- follow support/action plans in place and complete any actions required.

## 5. Implementation

### 5.1 Part A: Celebrating Success

5.1.1 College staff should celebrate the success of all students whenever and wherever it occurs in a variety of ways. Focussing on success and positive outcomes, is essential in developing a positive culture and ethos across the College including:

#### 5.1.2 Communication

The foundation of this structure is the attitude of the staff in all their dealings with students. This should be based on respect and consideration at all times.

- All staff should give positive feedback to students whenever and wherever possible. This builds self-esteem and helps to build and support the ethos we are aiming for.
- Staff should be particularly careful to avoid sarcasm, personal criticism and comments which could be seen to foster low expectations.
- Where feedback is provided, it should be constructive and focused on specific actions and behaviours, or on work, rather than on students as individuals. It should, whenever possible, be accompanied by indications of how to do better and praise for something well done.
- Staff may use a range of methods to celebrate success examples include; praise postcards, letters of commendation, phone calls home to parent/carer. Positive behaviour should be recorded on ProMonitor where students have displayed outstanding behavior beyond normal expectations.

#### 5.1.3 Marking and Feedback

The core of our rewards system is positive dialogue which supports improvement in learning.

- Formal, written feedback and informal commentary should both stress positive achievement.
- Promptly returned and fully marked work shows that staff have valued the work of students.
- Guidance for future improvement, rather than criticism of submitted work should be the normal approach.

#### 5.1.4 College Awards

For exceptional achievement of any kind, staff should make formal commendations to be awarded at annual awards events.

### 5.2 Part B: Student Disciplinary Procedure

5.2.1 All students at the College are required to adhere to the Student Code of Conduct as outlined in the Student Handbook and the Behaviour for Success Agreement.

5.2.2 All students will be entitled to advocacy support when subjected to the disciplinary process.

5.2.3 Any disciplinary action will follow the procedures outlined in this policy.

5.2.4 The student is the responsibility of the curriculum area irrespective of where any alleged offence took place.

5.2.5 The principle underlying the procedures is that the investigation (and subsequent outcome) determines the seriousness of any offence, if found, and therefore the level (or Stage) of warning.

5.2.6 All stage of the disciplinary process are recorded on ProMonitor.

5.2.7 The disciplinary procedure is set out as four incremental stages:

- Stage 1: Formal verbal warning
- Stage 2: Written warning (& Amber Contract)
- Stage 3: Final written warning (& Red Contract)
- Stage 4: Disciplinary Panel Hearing

### 5.3 DISCIPLINARY PROCEDURE

- 5.3.1 Formal disciplinary procedures will only be instigated when informal procedures and interventions have failed to modify behaviour (Appendix 3 outlines some examples of possible misconduct). At all times the four steps of **Allegation – Investigation – Hearing – Outcome** will be followed. All students are entitled to a fair hearing following the protocols outlined in Appendix 4.
- 5.3.2 The principle underlying the disciplinary procedure is that there should be no pre-judgement of outcome, but that the investigation / report determines the seriousness of any alleged offence and the hearing determines whether or not there is any case to answer and therefore the level or stage, of any action. Following any allegation of a lapse in behaviour, a report will be prepared or an investigation conducted, (depending on the seriousness of the allegation), prior to a hearing being held.
- 5.3.3 A student may continue through the stages of the disciplinary procedure by failure to recover their position at a previous stage or by continued lapses/incidents. In some cases, the seriousness of the incident indicates that it will be escalated immediately to a specific stage.
- 5.3.4 Zero Tolerance:** Zero Tolerance means totally unacceptable and the College will take action. This may not always be exclusion from the College. The appropriate disciplinary stage may be used. The College operates a zero tolerance policy relating to the abuse of staff, drugs, substance misuse and paraphernalia, alcohol related incidents, violence, including bullying, cyber bullying and harassment or criminal activity including offensive weapons. If a concern has been raised regarding any of these issues, this may lead to suspension pending an enquiry and possible exclusion from the College.

### 5.4 Informal Stage

- 5.4.1 The Student Progress & Development Tutor/Tutor/Trainer Assessor may be notified of a concern by another member of staff on ProMonitor, by data such as attendance & punctuality, assessment grades, by email, meetings, observation or conversation with a student or any staff member.
- 5.4.2 As soon as the Student Progress and Development Tutor/Tutor/Trainer Assessor is aware of a cause for concern they should:
- ensure ProMonitor (electronic Individual Learning Plan) is kept up-to-date of all concerns and actions taken regardless of how they were notified to them.
  - establish potential reasons for behaviour or misconduct by meeting with: witnesses, other appropriate staff member(s) or student(s), stakeholders such as work placement providers and the student who has had a C4C raised against them.
  - must make a judgement, together, on the action to take. Not all C4C's will lead to disciplinary action and there is no set number of concerns that lead to disciplinary action. However, all must have agreed targets set to improve which are recorded on ProMonitor. Multiple concerns i.e. attendance, punctuality, behaviour can be grouped together in one action plan, if appropriate.
  - If it is found that there is a case to answer, the formal Disciplinary Procedure is activated. ***If not escalated to formal discipline, we will always take action.***
  - Depending on the severity of the misconduct, the Student Progress and Development Tutor/Tutor can start the formal disciplinary procedure at any stage or skip stages (as appropriate).

Ten Steps
1. Investigate the misconduct or concern thoroughly.
2. Ensure you have kept good records of the procedure applied and followed up accurately and fairly.
3. Confirm what positive behaviour strategies have already been implemented (if any) and their impact.
4. Make a judgement on the severity of the misconduct or concern if founded.

5. Take each student as an individual and assess the impact of your decision to place the student on a disciplinary stage. Is this the right option for the student? Have you identified underlying reasons and offered support?
6. If informal action is appropriate, have you considered: <ul style="list-style-type: none"> <li>• Sending the student home to 'cool off'</li> <li>• Offering support from wider Student Services teams.</li> <li>• Attendance contract and targets.</li> </ul>
7. Set a clear and SMART Action Plan
8. Follow up on the Action Plan and monitor the impact.
9. Follow up on support offered and monitor impact.
10. If improvement is not seen, progress the student through the formal stage as appropriate.

### 5.5 Suspension / Cooling Off Period

Suspension in this case is not a punishment or an indication of guilt, but an opportunity for the college to investigate the allegations.

Members of the College Leadership and Management Team and Duty Manager can suspend a student from College whilst an investigation takes place if it is felt that the student or other students are being put at risk. If this occurs, the member of staff may request a member of security/estates to escort the student off the premises (or inform security/estates if the student leaves of their own accord) and notify the relevant parent/carer (if appropriate), Assistant/Vice Principal, Faculty Director, Curriculum Manager and Student Progress and Development Tutor/Tutor immediately. The Faculty Director must complete a Behaviour for Success Suspension Form. A student will only be suspended after careful consideration; the suspension will not be unnecessarily protracted and it will be without prejudice. A Duty Manager can take lesser action as deemed appropriate if this includes requiring the student to leave the premises for the day (a cooling off period). The parent/carer must be informed as appropriate.

Any learner who is on suspension WILL be allowed to sit planned exams. Learners may be allowed to attend a planned event at the discretion of Head of Campus, however, they must be supervised at all times whilst on college premises.

### 5.6 Investigation

An investigation will be carried out prior to any hearing by an independent person. The investigating officer will then put the case at the Behaviour for Success hearing or provide a report on the investigation.

All suspended learners will be required to attend an investigatory interview within five working days, however persons involved in the process must be advised that in extenuating circumstances, the five day period may be exceeded. An investigation may take place without the student being suspended.

The investigating officer will gather and review evidence surrounding the incident/concern and liaise with any relevant witnesses. Depending on the findings of the investigation and the severity of the incident, the investigating officer, in agreement with assigned lead manager, may:

- Lift the suspension with no further action
- Issue the student with a verbal, first written or final written warning
- Refer the student to a Disciplinary Panel Hearing, for which the maximum sanction is exclusion

In the case of a referral to a panel hearing, the written notice will state:

- The allegations made against the learner

- The student's entitlement to bring a parent/carer or other representative
- That the student's tutor will act as their advocate
- Confirmation of the date and time of the Disciplinary Panel Hearing
- That the student should not be on college premises in the intervening period

The outcome of an investigation will be notified to relevant staff members by the Administration Team and any targets set or actions to be taken as a result of an investigation will be referred to the student's Curriculum Manager/WBL Manager, who will also be responsible for reviewing the student's progress.

### **5.7 Behaviour for Success Hearings (required for Stage 2 and thereafter)**

All hearings, including appeal hearings, will be held at a reasonable time and place and the student and parent/carer (if appropriate) will be informed in writing of the hearing, usually 5 working days before it takes place. Students may waive their rights to notice periods.

A student who has been invited to attend a hearing must take all reasonable steps to attend. Any student who fails to attend a meeting, through circumstances outside their control and unforeseeable at the time the meeting was arranged, may be invited to attend a rescheduled meeting. If a student fails to attend without good reason, the hearing will be held and a decision made in their absence.

A student attending a formal hearing has the right to be accompanied by a family member, a fellow student or a representative from an external support agency. Support agencies could include Social Care / Virtual School / Leaving Care Team / CAMHS / CYPS / YOS. If the student is under 18 years of age (or 25 for a vulnerable adult) then a parent / carer will also be invited to attend the hearing. Legal representation at a hearing would not be appropriate as the Policy has no legal standing and is an internally approved process.

The companion may address the hearing or respond on the student's behalf to any view expressed at the hearing, by invitation of the Chair. They may confer with the student during the hearing, but does not have the right to answer questions on the student's behalf; address the hearing if the student does not want him or her to, or prevent anyone, including the student, from making his or her contribution to the hearing

The appropriate level of management, relevant to the stage of the hearing, will conduct the meeting. The manager will be at a more senior level than the investigating officer. The Chair will explain the role of all those attending and will invite the investigating officer to explain the case against the student. The student will be given the opportunity to respond.

If any matters come to light during a Behaviour for Success hearing that require further investigation, the College may, at its discretion, adjourn any hearing to enable further investigations to be carried out.

### **5.8 Sanctions**

#### **5.8.1 Stage 2: Verbal Warning (Stage 1)**

The College may issue a verbal warning without an investigation taking place. A verbal warning can be issued by the main teacher/Programme Lead in consultation with the Curriculum Manager.

Where a verbal warning is issued, the student will be informed of the following:

- The reason for the warning
- That it is the first stage of the College's Student Discipline (Positive Behaviour) procedure
- The action or improvement which is required. A disciplinary meeting record which includes targets to improve for review by Student Progress & Development Tutor/Tutor
- If appropriate, the timescale for implementing any such action
- The consequences for the student of not implementing required action or of further misconduct
- When the warning will cease to have effect
- Period for which a verbal warning is in place: 3 months

All of these matters will be confirmed in writing to the student and parent/carer if under 18.

### **5.8.2 Stage 2: Written Warning (Stage 2)**

A written warning can be issued by a Curriculum Manager/ Manager/Work Based Learning Manager.

The College may issue a written warning if:

- The required improvement is not achieved within the timescale
- Further misconduct takes place during the period of a verbal warning, whether or not involving a repetition of conduct which was the subject of a previous warning; or
- The seriousness of the misconduct merits it, regardless of whether there have been any previous warnings issued.

A hearing will be held at a reasonable time and place and the student and parent/carer (if appropriate) will be informed in writing of the hearing, usually 5 working days before it takes place. Students may waive their rights to notice periods.

Where, at the conclusion of the hearing, the chair decides to issue a written warning he or she will inform the student of:

- The reason for the warning
- That it is the second stage of the College's Student Discipline (Positive Behaviour) procedure
- The action or improvement which is required. A disciplinary meeting record which includes targets to improve for review by Curriculum Manager/Work Based Learning Manager
- If appropriate, the timescale for implementing any such action
- The consequences for the student of not implementing required action or of further misconduct
- When the warning will cease to have effect, subject to satisfactory conduct
- The right of appeal
- Period for which a written warning is in place: 6 months

All of these matters will be confirmed in writing to the student and parent/carer if under 18.

Steps taken by students to work with College staff to address the issues which have led to Student Discipline action will be taken into consideration at any subsequent proceedings.

### **Amber Contract**

When a written warning is issued, an amber contract also needs to be issued by the Curriculum Manager/Work based Learning Manager (or equivalent) with the student present and the student will be entitled to advocacy support. This sets out an action plan for improvement for the student which must be populated with some SMART targets; any support to be provided for the student to assist them to meet their targets from College staff (or others) and a review date. The amber contract will be reviewed by staff nominated by the Curriculum Manager, at least once every two weeks, until the student meets their targets and the Curriculum Manager is satisfied that the standard of behaviour shown by the student is consistently good. Failure to improve is likely to lead to a Stage 3 disciplinary meeting.

### **5.8.3 Stage 3: Final Written Warning (Stage 3)**

A Faculty Director or equivalent will conduct the hearing. The Curriculum Manager will also be present and the student will be entitled to advocacy support.

A final written warning can be issued by Faculty Director or equivalent.

The College may issue a final written warning if:

- The required improvement is not achieved within the timescale
- Further misconduct takes place during the period of a written warning, whether or not involving a repetition of conduct which was the subject of a previous warning; or
- The seriousness of the misconduct merits it, regardless of whether there have been any previous warnings issued.

A hearing will be held at a reasonable time and place and the student and parent/carer (if appropriate) will be informed in writing of the hearing, usually 5 working days before it takes place. Students may waive their rights to notice periods.

Where, at the conclusion of the hearing, the chair decides to issue a written warning he or she will inform the student of:

- The reason for the warning
- That it is the second stage of the College's Student Discipline (Positive Behaviour) procedure
- The action or improvement which is required. A disciplinary meeting record which includes targets to improve for review by Faculty Director or equivalent.
- If appropriate, the timescale for implementing any such action
- The consequences for the student of not implementing required action or of further misconduct
- When the warning will cease to have effect, subject to satisfactory conduct
- The right of appeal
- Period for which a final written warning is in place: 12 months

All of these matters will be confirmed in writing to the student and parent/carer if under 18.

### **Red Contract**

When a final written warning is issued, a red contract also needs to be issued by the Faculty Director with the student present. This sets out an action plan for improvement for the student which must be populated with SMART targets; any support to be provided for the student to assist them to meet their targets from College staff (or others) and a review date. The red contract will be reviewed by staff nominated by the Faculty Director, once each week until the student meets their targets and the Faculty Director is satisfied that the standard of behaviour shown by the student is consistently good. Failure to improve is likely to lead to a referral to a Stage 4 disciplinary hearing.

### **5.8.4 Disciplinary Panel Hearing**

Disciplinary Panel Hearing is the final stage of the process, where the sanction of recommendation to exclude can be invoked. A meeting will be led by a Director/Director of Student Services and the panel will consist of:

- Faculty Director from a different faculty/area or the Director of Student Services (Chair)
- A Curriculum Manager/Work Based Learning Manager
- A nominated Manager from Student Support Services

The College may exclude a student where:

- The required improvement is not achieved within the timescale stated in a written warning; or
- Further misconduct takes place during the period of a written warning, whether or not involving a repetition of conduct which was the subject of a previous warning; or
- It is reasonably believed that he or she has committed an act which warrants exclusion. The types of behaviour that could result in exclusion are outlined in appendix 6.1 as Gross Academic/Behavioural Misconduct.

A Vice Principal will be required to review the disciplinary evidence pack. Only a Vice Principal has the authority to exclude a student. A student will only be excluded after the Stage 4 panel hearing has been held. Where there

is a recommendation to exclude, and this is agreed by the Vice Principal, a letter will be sent within five (5) working days, stating the reason, the date on which the exclusion takes effect and inform the student of their right of appeal within five (5) days of the decision to exclude. The length of exclusion should be agreed by the panel and put forward in the evidence pack to the Vice Principal for agreement.

### **5.9 Appeals**

There is the right of appeal against a written warning or exclusion.

There shall be no right of appeal against a verbal warning although the College Complaints' Procedure applies if students feel they have been wrongly treated.

Any student who wishes to appeal should do so in writing, setting out the reasons for the appeal, which should be delivered within 5 days to the relevant member of staff (help will be provided by Student Services staff if required). The student will then be invited to an appeal meeting, which will normally take place within 5 working days. The appeal meeting may take place after the Behaviour for Success Policy decision has taken effect. If the appeal is upheld, the sanction will be revoked without any detriment to the student.

### **5.10 Absence from a Hearing**

If a student does not attend a hearing and a reasonable explanation is not offered, then the hearing will go ahead in the student's absence and will be based on the evidence available. The outcome of the hearing will be recorded on ProMonitor and a copy sent to the student and parent/carer.

### **5.11 Age**

Students aged 18 or under: Parents/carers must be informed in writing at all stages of the procedures and copied with all correspondence sent to students. Students aged over 18 should be dealt with directly.

### **5.12 Students with additional vulnerabilities**

Students with additional vulnerabilities (Learning Difficulties and/or Disabilities, Looked after Children, Care Leavers, Young Carers, Young Parents etc) may display inappropriate behaviour patterns. It may well be that their behaviour is determined by factors out of the control of the students, i.e. medical or drug controlled behaviour. In this case, it is important that the student is reviewed by the Director of Inclusive Learning and/or Director of Student Services in conjunction with the relevant Curriculum Manager before formal disciplinary processes are considered. In exceptional circumstances, the Curriculum Manager will hold a case conference of all parties to determine an appropriate way forward. However, any student with or without additional vulnerabilities, who is alleged to have carried out gross misconduct will be subject to the college disciplinary procedure.

There should be a SEND Manager present at any hearings with students with an EHCP.

### **5.13 School Pupils 14 – 16 Years**

Instances relating to the discipline of school pupils will be dealt with in accordance with the school/academy/college agreed processes, as outlined in the Service Level Agreement.

### **5.14 External Visits (enrichment for example)**

If an external organisation wishes to instigate disciplinary action against a student on an external visit they should inform the member of staff responsible for the visit and then usual procedures will be invoked.

### **5.15 Employers**

If an employer wishes to instigate disciplinary action against a student on work experience placement, they should inform their College point of contact who will inform the curriculum area and then usual procedures will be invoked.

Trainer/Assessors will liaise with employers where the disciplinary action is instigated for Apprentices.

## 5.16 Residential Students

Students living in Halls of Residence will follow the College's Behaviour for Success Policy. Residential students, in addition to the Student Code of Conduct, must also follow expectations set out in the Residential Student Handbook.

## 5.17 Fitness to Study/Fitness to Reside

Where there is concern regarding the health and wellbeing of a student which is impacting upon their capacity to engage satisfactorily in relation to their academic commitments and/or College life in general, or College behaviour expectation, then the Fitness to study policy should be followed. The process will be followed when a student poses a risk to their own health safety or wellbeing, or that of others or the student's behaviour is, or is at risk of, negatively affecting the experiences of other students. This process is not disciplinary in nature and is concerned with the wellbeing of the student and the College community. Disruptive behavior which does not relate to an underlying physical or mental health problem should be dealt with through this Behaviour for Success Policy.

## 6. Associated Documents

This policy should be read in conjunction with the following college policies/documents:

- Safeguarding Policy
- Student Code of Conduct
- Equality, Diversity and Inclusion Policy
- Anti-Bullying Policy
- Alcohol and Substance Misuse Policy
- Student Search Policy
- Fitness to Study Policy
- Fitness to Reside Policy
- At Risk and Vulnerable Student Policy
- Complaints and Compliments Policy
- Residential Student Handbook
- Attendance Intervention Process

## 7. Policy Monitoring and Review

**7.1 Monthly:** Faculty Directors will receive an update on positive behaviour within their areas and actions agreed.

**7.2 Termly:** Director of Student Services with report on Positive Behaviour action to the Senior Leadership Team.

**7.3 Annually:** Review the Student Disciplinary Policy and Procedures

## 8. Equality Impact Assessment

*(Consider whether the policy or procedures may disproportionately impact any group.)*

<b>Have you sought consultation on this policy?</b>	Vice Principal Student Services and Registry Director of Student Services (Northumberland)
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<b>Details:</b>		Director of Student Services (Sunderland) Head of Student Experience Head of Learning Support Student Progress and Development Manager Student Progress and Development Manager Student Progress and Development Manager Intensive Support Officer		
<b>Could a particular group be affected (negatively or positively)?</b>	<b>Impact Y/N</b>	<b>Description of Impact</b>	<b>Evidence</b>	<b>Mitigation/Justification</b>
<b>Protected characteristics under the Equality Act 2010</b>				
Age	N			
Disability	N			
Gender Reassignment	N			
Marriage and Civil Partnership	N			
Pregnancy and maternity	N			
Race	N			
Religion or belief	N			
Sex	N			
Sexual Orientation	N			
<b>Additional characteristics to consider</b>				
Young Persons in Care & Care Leavers	N			
Young Carers & Care Givers	N			
Young Parents	N			
Youth Offenders	N			
Those Receiving Free School Meals	N			
<b>If there is no impact, please explain:</b>				

## Appendix 1 Behaviour for Success Procedure

### INFORMAL STAGE

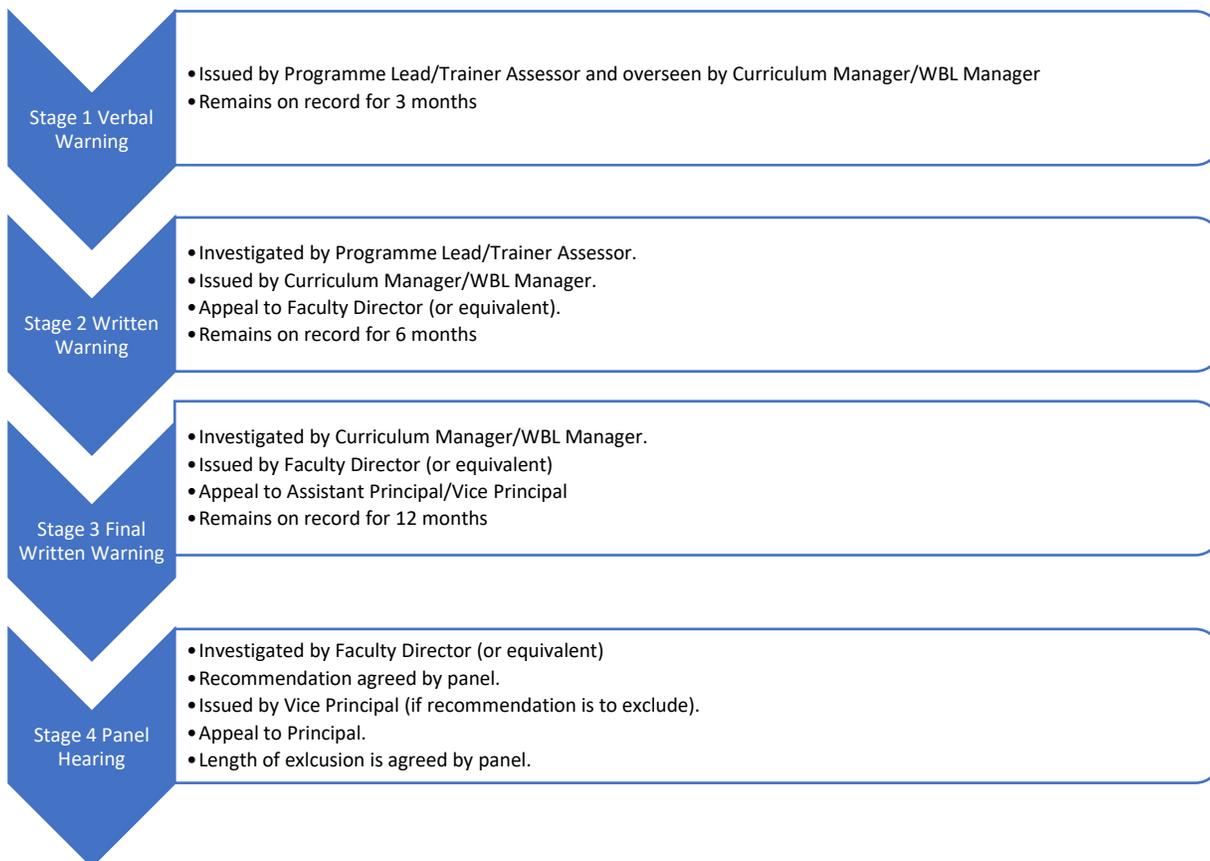
Responsibility of: Student Progress and Development Tutor/Tutor.

**Once identified, a cause for concern should be logged on ProMonitor and the student's tutor should be notified.**

The Tutor should:

- Ensure ProMonitor (electronic Individual Learning Plan) is kept up-to-date of all concerns and actions taken.
- Establish potential reasons for behaviour or misconduct by meeting with: witnesses, other appropriate staff member(s) or student(s), stakeholders such as work placement providers and the student who has had a C4C raised against them.
- The Student Progress and Development Tutor/Tutor must make a judgement on the action to take. Not all C4C's will lead to disciplinary action and there is no set number of C4Cs that lead to disciplinary action, but all must have agreed targets set to improve which are recorded on ProMonitor. Multiple C4Cs i.e. attendance, punctuality, behaviour can be grouped together in one action plan.
- If it is found that there is a case to answer, the formal Disciplinary Procedure is activated.

### FORMAL STAGE



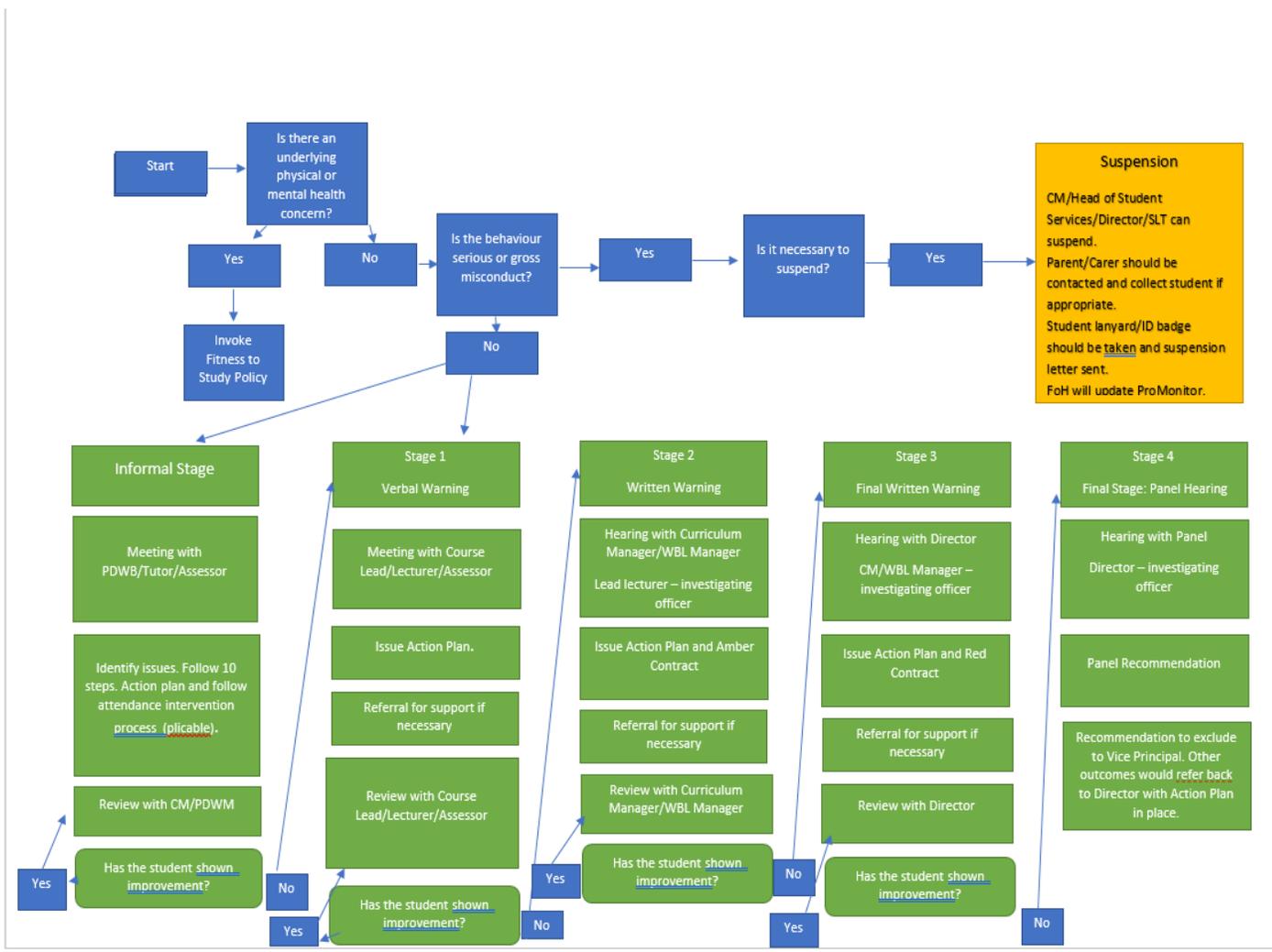
The College procedure follows practices in employment where the following are disciplinary offences in the workplace (this list is neither exhaustive nor exclusive):

- Fighting / physical assault
- Abusive / aggressive behaviour
- Breach of health and safety regulations
- Criminal conduct (including prosecution for criminal conduct where there is reasonable suspicion that a criminal offence may have been committed)
- Sexual offences
  - Damage to / interference with College property
- Destruction / alteration to official documents
- Discrimination / harassment
- Dishonesty
- Disobedience / insubordination
- Extracting articles / scrap / waste from College premises
- Supply / using / and/or incapacity through drink or drugs
- Poor timekeeping / attendance
- Persistently failing to wear ID badges
- Plagiarism/Fraud
- Smoking in buildings
- Not acting in accordance with College policies, procedures, regulations and guidelines
- Inappropriate use of the internet or any of the College's computer equipment or facilities and software

#### **LEVELS OF ACTION & MINIMUM LEVEL OF STAFF AUTHORISED TO CARRY OUT ACTION.**

Curriculum Managers/ WBL Managers/Heads of Service/Directors may at any point authorise a “cooling off period” for the rest of a College day to reduce any tensions which may have arisen or may suspend a learner in order to investigate a serious incident. These should be recorded on ProMonitor.

If recurrent ‘cooling off’ periods are being authorised for one student, this could result in further action being taken against them. Parents /carers of students aged 18 or under who receive a “cooling off period” / suspension should be contacted and notified of this action on the day it takes place and wherever possible, they should collect the student. It is good practice for a Curriculum Manager/Head of Service/Director to meet the parent /carer prior to re-admitting the student into College.



## Appendix 2a Examples of Positive Behaviours

The College promotes a culture of positive behaviours, underpinned by our College values, to support student success in their next steps and prepare them for employment. Positive behaviours (and improvements in behaviours) should be recognised and acknowledged through praise and rewards. Examples are included below:

### Respect:

- Respect for knowledge and learning
- Respect for yourself, towards staff and other students - For the opinions, feelings and abilities of other students and staff
- Respect for the diversity of students
- Respect for the College and its property and facilities
- Actively discouraging bullying or harassment of others
- Supporting other students with their studies or accessing support at college
- Supporting and encouraging other students on your course and elsewhere

### Authentic:

- Be honest about your ability - ask for help when you need it
- Be honest your actions e.g. admit when you make a mistake or when you realise you have behaved inappropriately
- Handing work in on time
- Engaging with your tutor and learning support teams to improve performance

### Ambitious

- Making a positive contribution in class work and other College activities
- Showing commitment to learning
- Displaying a "Will Do" attitude
- Stepping forward when others step back
- Responding positively to feedback on how to improve the quality of work or behaviour at College
- Thinking about the future and how your studies will support this
- Attending all classes, including, where appropriate, English, maths and other sessions or activities that enhance employability or personal development

### Innovative

- Taking the lead in College work, projects, tutorials etc. and encouraging others to join in
- Taking the initiative to improve College and the student experience
- Learning how to overcome challenges
- Be a College Ambassador

## **Appendix 2b Examples of Misconduct**

*The following are examples of misconduct which may result in disciplinary action being taken against students. These lists are not exhaustive or exclusive*

**Academic Misconduct** (please note that the attendance intervention process should be followed for attendance concerns)

**Minor academic misconduct** may include the following:

- Lateness for lessons
- Arriving without necessary equipment/ materials
- Irregular attendance
- Failure to complete homework
- Missing deadlines
- Insufficient effort / poor attitude to work
- Inattention in lessons

**Serious academic misconduct** may include the following:

- Persistent repetition of the above
- Failure to complete assignments
- Refusal to comply with action plan
- Cheating in internal exams/formal assessments
- Breaking exam regulations
- Collusion between two or more students to produce a piece of work to be submitted for assessment as the work of one student alone

**Gross academic misconduct** may include the following:

- Misbehaviour in external exams/ assessments
- Cheating, Plagiarism or copying work of other students

### **Behavioural Misconduct**

**Minor behavioural misconduct** may include the following:

- Failure to follow the reasonable instructions of a member of staff (teaching and non-teaching)
- Misconduct in college open areas
- Smoking on any College site outside of the designated areas
- Noisy or any unruly behaviour or the use of foul or inappropriate language
- Disrupting any class or any other college activity, whether or not involving staff and/or other students
- Behaviour which could bring the college into disrepute, e.g. misconduct on public transport or annoyance to college neighbours.

**Serious behavioural misconduct** may include the following:

- Deliberately or by gross negligence causing damage to any college buildings, equipment, books or furnishings or any property of others. This includes non-return of college library books following three

reminders. Where the student is between ages of 16 – 18 years on a full time course, then the parents/carers will be informed of the non-return of books.

- Unauthorised access, use of, or interference with software or data belonging to or used by the college. Students must comply with the College's Acceptable Usage Policy
- Threatening or confrontational behaviour towards a member of staff or other person visiting or working in the college.

Information Technologies for computer use, including internet access.

- Theft of property or any other dishonest acts.
- Bullying, harassment, intimidation, taunting, verbal abuse, defamation of character or the use of any violence or threat of violence towards any person in contravention to the College Anti-Bullying Policy.
- Any illegal act which may have an adverse effect on the work of the college or on other students.
- Being under the influence of alcohol or drugs on college premises
- Contravention of regulations regarding the receipt of Student Support Funds or any other grant monies.
- Any misconduct which misuses cameras, mobile phone cameras or videos where consent to take pictures has not been obtained.

### **Gross behavioural misconduct**

Any serious cases of misconduct may be treated as gross misconduct. The following are examples of gross misconduct, this list is not exhaustive and other similar misconducts may be considered as gross misconduct, in addition to the examples outlined below:

- Violence
- Bullying/intimidation
- Damage to property
- Endangering health or safety of others (for example erratic and/or unsafe driving on the College premises)
- Accessing pornography on college computers
- Possession of an offensive weapon on site
- Fraud or any other criminal activities affecting the college or other students
- Likely to cause danger to themselves or others on college premises or on any external activity (i.e. field trips, visits, residential etc.)
- Possessing or supplying of any illegal drugs or alcohol on college premises

### Appendix 3b Guidance on Possible Sanctions

When suspending students, staff should assess the severity of the case and consider any mitigating circumstances. The scope of an incident may warrant different actions. The examples provided below are not an exhaustive list and should be used for guidance.

<p>Students <b>MUST</b> be suspended in alleged cases of:</p> <ul style="list-style-type: none"> <li>• Deliberate acts that result in severe damage to college property</li> <li>• Deliberate acts of violence/fighting</li> <li>• Sexual assault</li> <li>• Being in possession of, use of, under the influence of, or supplying drugs or alcohol on college premises.</li> <li>• Being in possession of an offensive weapon</li> <li>• Acts which endanger the Health and Safety of others Extreme offensive behaviour, such as racism and severe bullying</li> </ul>	<p>Learners <b>MAY*</b> be suspended, dependent on severity, in alleged cases of:</p> <p>Minor damage to college property            Aggressive/confrontational behaviour            Acts of low level bullying/harassment/intimidation            Minor involvement in an incident</p> <p>*Students may also be sent home for a cooling off period and/or immediately issued with a formal verbal warning</p>
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Dependent on the severity of the incident, students may be excluded from the College. Any student suspected of being under the influence of drugs or alcohol should be removed from site for their own safety and the safety of others and must not, under any circumstances, be allowed to attend classes or workshops where tools and/or equipment are being used. Staff should liaise with parents/carers (if under 18) and, wherever possible, arrange for students to be collected. Where it is not possible to send a student home, staff should use discretion or seek advice on the best course of action. Safeguarding of the student is paramount. Any incident of this nature should also be logged on ProMonitor. When issuing formal warnings, staff should assess the severity of the case and consider any mitigating circumstances. The scope of an incident may warrant different actions. The examples provided below are not an exhaustive list and should be used for guidance.

VERBAL WARNING	FIRST WRITTEN WARNING	FINAL WRITTEN WARNING
Poor attendance/punctuality Failure to complete assignments Poor attitude towards work Disruptive behaviour and/or inappropriate language Failing to follow instructions Smoking outside of designated areas 3rd re-issue of ID badge	Escalation from a verbal warning Confrontational behaviour/language Verbal abuse, defamation of character or threat of violence towards any person Any misuse of, or unauthorised access to college technology, including (but not limited to) computers, software and the internet	Escalation from a first written warning Acts of violence and/or aggressive and confrontational behaviour* Sexual assault/harassment* Possessing, using or supplying illegal drugs or alcohol on college premises* Bullying and/or harassment (including through social media)* Accessing pornography or other

	<p>Causing damage to college property or property of staff/students/visitors</p> <p>Being under the influence of any illegal drugs or alcohol whilst on college premises</p> <p>Behaviour which could bring the college into disrepute</p> <p>Cheating/plagiarism on informal assessments</p>	<p>inappropriate content on college computers/internet*</p> <p>Acts which endanger the Health and Safety of others*</p> <p>Theft or deliberate damage to college property or property of staff/students/visitors*</p> <p>Any criminal acts affecting the college or other learners*</p> <p>Possession of an offensive weapon*</p> <p>Cheating/plagiarism in exams/formal assessments*</p> <p>*See suspension guidance</p>
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## **Appendix 4 Guidelines for staff carrying out investigations and hearings**

If a member of staff is in any doubt as to the procedure they are proposing to adopt they should take advice from the Director of Student Services Manager or a senior manager. All students have the right to a fair hearing without bias.

### **The right to a fair hearing**

The right to a fair hearing requires that individuals shall not be penalised by a decision affecting their rights or legitimate expectations unless they have been given prior notice of the case against them, a fair opportunity to answer it and the opportunity to present their own case. Each individual must have the opportunity to present their version of the case and to defend allegations made against them. The right to a fair hearing involves the following:

- Prior notice of the hearing
- Natural justice generally requires that the person charged should be given adequate notice of the allegations against them and of the procedure for determining the alleged breaches of the Rules of Conduct so that they may be in a position to make representations on their own behalf, to appear at the hearing, to effectively prepare their own case and to answer the case against them. The time and location of the hearing must be notified to the person charged.
- The opportunity to be heard
- The person charged has a right to attend the hearing and be allowed to present their case.
- The conduct of the hearing
- The conduct of the hearing is a matter to be determined by the member of staff responsible for the conduct of the hearing. The overriding objective that should be borne in mind when deciding how the hearing should be conducted is that the person charged has a proper opportunity to consider, challenge or contradict any evidence, is fully aware of the nature of the allegations against them and has a proper opportunity to present their own case.
- The right to representation
- The person who is the subject of the hearing has an absolute right to be accompanied by a parent /carer, friend or advocate of their choosing at all stages of the process.
- The decision and the reasons for it
- The member of staff responsible for the decision should give reasons for the decision and the sanctions being imposed.

### **The rule against bias**

The two main aspects of this rule are that a person adjudicating on a dispute must have no pecuniary or proprietary interest in the outcome of the proceedings and must not reasonably be suspected, or show a real likelihood, of bias. At all times, the member of staff responsible for conducting the hearing must be able to show that, having instigated the investigation, they have conducted a full enquiry into the circumstances involved before making their decision as to whether a breach of the rules of conduct has occurred and, if so, what sanction should be imposed.

There should be no suggestion in the conduct of the hearing that prior to its commencement the member of staff has irrevocably decided the outcome.

#### **Appendix 5: GUIDANCE FOR ADVOCATES**

Every student has the right to advocacy support at any stage of the College disciplinary procedures. The following is written with the intention of providing any such advocate with the information they need to help them carry out their role in supporting the student effectively.

##### *Rights of the Student*

A student has the right to appoint a person to act as their advocate at any stage of the disciplinary procedure and any related hearings/interviews. This can be a friend, fellow student or the student may apply to Student Services for advocacy support. The choice of advocate rests solely with the student but legal representation is not deemed appropriate and is not permitted. However, parents/carers and employers /sponsors have the right to be kept informed of any proceedings and to be present at any meetings that take place for students aged under 18.

##### *Rights of Parents/Carers/Sponsors*

All parents / carers (of students 18 or under) have the right to be present at any meeting with the student for whom they are responsible, similarly sponsors of work based students have the same right to be present at any meeting. Where the student has awarded advocacy rights to this person, the rights of the advocate shown below apply. Where a student has not awarded these rights, the role of the parent/carer/sponsor is in a purely observational role. They would have no right to intervene in any hearing or to offer an opinion or comment unless they believed to student was being put at risk by the proceedings.

##### *Rights of the Advocate*

The Student has full control over the level of advocacy rights and the levels of rights are listed below:

- Full rights to speak on behalf of the student
- The right to seek clarification from any officer of the College conducting a hearing/interview in order to ensure the student has understood proceedings
- The right to be present at a meet as moral support for the student who is speaking on their own behalf

The level of rights of the advocate should be confirmed to the student at the beginning of any proceedings.

