



**Positive Behaviour Policy (Students) 2023-2024
(replaces Disciplinary and Support for Continuing Studies Policies)**

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. DOCUMENT HISTORY

Date of Issue: August 2023
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Next review: August 2024
SLT Owner: Assistant Principal (Students)
Author: Assistant Principal (Students)

2. POLICY STATEMENT

- 2.1 The College is committed to providing an inclusive and supportive environment for its students. It understands the importance of their health and wellbeing in relation to their learning, academic achievement and wider student experience and seeks to develop a positive and safe environment that enables them to engage with their studies and achieve to the best of their ability.
- 2.2 Askham Bryan College recognises the importance of promoting positive behaviour by having a clear and consistent approach, that is trauma-informed. Our aim is to ensure that where possible, students can stay at College and achieve the best experience and outcomes. We will take a holistic and individual approach, considering all factors, when considering student behaviour and wellbeing concerns.
- 2.3 The College seeks to maintain a safe, harmonious and enjoyable community in which all students can learn and achieve to their individual potential. The College seeks to protect its community by promoting appropriate behaviour in its student body. The College seeks to achieve this by promoting respect, fairness and appropriate behaviour at all times. In the rare cases where students do not exhibit behaviours in line with our values/Student Charter, OR the behaviour of students causes concern and there is an underlying learning difficulty / disability or mental health concerns that impact on the student's capacity to engage effectively in their studies, the College will seek to support and encourage change using this policy. As such, actions taken to address behavioural concerns must where possible follow the principle of supporting appropriate behaviours

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and actions and helping students develop an understanding of the consequences of their actions.

2.4 This Policy seeks to ensure that we have:

- a culture of mutual respect, tolerance, democracy, individual liberty and shared expectations, consistent with British values;
- a safe learning environment for all members of the college community free from health and physical risks, bullying or harassment;
- an environment that is welcoming, friendly and supportive that promotes good attendance, punctuality and student progress both on campus, in work placements and online;
- an approach and response to behaviour which is based on recognising the contextual backgrounds that differentiate our students as individuals.

Positive affirmation

2.5 College staff will seek to ensure that students are recognised and rewarded for either consistently good performance and achievement, and / or singular achievements or activities and progress made, taking into account the internal and external factors that may impact on the student and potentially act as a barrier to progress and learning. Students will be encouraged to recognize their own achievements through GROW, and staff should support them to be cognisant of those achievements through GROW, and nominations for awards where relevant, in addition to notes of commendation on Promonitor that should be shared with the student.

3. PURPOSE

3.1 The purpose of this Policy is to set out the College's approach to effective promotion and support for positive behaviour through consistently applied processes that keep the students at the heart of our decisions.

4. GUIDING PRINCIPLES

- 4.1 The College will endeavour to take a relationship-led, trauma-informed approach to behaviour. A non-judgemental and empathetic approach will enable us to focus on the feelings and emotions that drive behaviour rather than on the behaviour itself. This does not mean that we will condone negative behaviours nor that there are no consequences, but the aim is to support young people to learn how to positively channel their emotions. The College aims to support this by establishing clear boundaries and expectations with structure, routine and consistency to create a positive and safe environment
- 4.2 All staff (both teaching and support staff) have a role to play in the promotion and management of positive behaviour through their own conduct and interactions with students.
- 4.3 The aim of the policy is to provide a supportive positive behaviour approach that enables students to work with staff through one or more interventions, where their behaviour has caused concern either for their own wellbeing or that of others in the college community. Our expectation is that students will take responsibility for their own behaviour and

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therefore for the outcomes of those interventions.

- 4.4 The purpose of the policy is to have in place timely responses to difficulties being faced by students in order to prevent, where possible, the situation from escalating.
- 4.5 The Positive Behaviour Procedures set out how College staff will intervene in a situation where there is a concern about a student's behaviour or wellbeing that is affecting their ability to study at the College and is having a detrimental effect on themselves and /or others.
- 4.6 As part of the supportive intervention processes, where students have breached College policies, or expected behaviours set out in the Student Charter, sanctions may be imposed, dependent on the circumstances. The Student Charter, underpinned by British Values, is set out to students during their induction and reinforced by all College staff through their own interactions with students.
- 4.7 Where it is not possible to provide the level of support or achieve the adjustments required, the College has the right to withdraw a student from their programme of study.
- 4.8 This Policy (and associated Procedures) apply to all current students of Askham Bryan College and students who have been previously enrolled and wish to return. Students enrolled on a higher education course may also be subject to partner university's policies and procedures.
- 4.9 Where students are also undertaking study or a work-based learning in the context of professional statutory regulatory profession (e.g. RCVS), this policy should be used in conjunction with the College Fitness to Practise Policy
- 4.10 All members of staff must consider safeguarding procedures alongside this policy and procedure. If an incident occurs where there is critical concern regarding risk to self or others, the staff member must immediately notify the Designated Safeguarding Lead or their deputy and the emergency services must be called if necessary. The College's Safeguarding Policy and Procedure should always be followed and will take precedence over other policies and procedures.
- 4.11 Any member of staff who has a concern about a student's health and wellbeing which may be affecting their studies, or has had a concern reported to them, should in the first instance, discuss those concerns with the student's Progress Tutor or their line manager and the Student Services Team if appropriate, remaining mindful of the confidential and sensitive nature of the matter being discussed.
- 4.12 Where there is no critical concern of immediate risk to self or others, the 'Positive Behaviour' procedures should be invoked. The student would usually enter the procedure at Stage 1. However, if the relevant manager (e.g. Curriculum Area Manager / Curriculum Team leader or Head of Student Services) considers the level of concern to be serious, they may decide that the student needs to immediately enter the procedure at a higher level as appropriate.
- 4.13 A student who is subject to this procedure may be asked not to attend College whilst a decision about appropriate action is being made. Please see section 10 for further details

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- 4.14 Whilst it is envisaged that such cases will be exceptional, the College reserves the right, to vary the procedure outlined in the interests of fairness and/or health and safety. For example, this might occur where there are concerns that the attendance of a student at a meeting could have a detrimental effect on the student, for example if the student is self-harming or the student is in hospital.
- 4.15 Should a student be unwilling or unable to take part at any stage of the procedure or to attend a meeting, the College may nevertheless follow the procedure where it is reasonable to do so, notifying the student in writing of that step. In addition, it will consider any request from a student to proceed with a meeting in their absence and accept and consider written reports and/or a written statement from them.
- 4.16 Where concerns are raised during the admissions procedure about whether the College can meet a student's needs, the College's Admissions Policy will apply. Any student who declares a disability, illness or mental health condition should be advised of the existence of this policy and a referral must be made to Inclusive Learning.
- 4.17 Where a decision has been made in respect of a student using this Policy at the higher levels of the Procedures (Stages 3 and 4), the student must be advised that they have a right to appeal this decision if they feel that it is inappropriate or misguided. Please see Section 13 for further details.

5. RESPONSIBILITIES

Senior Leadership Team

- 5.1 The Assistant Principal (Students) is responsible for the monitoring and review of this Policy and associated procedures. Advice should be sought from the AP (Students) when needed regarding which stage of the procedure or which College Policy it is appropriate to use.

Curriculum Area Managers (CAMs) and Head of Student Services

- 5.2 Curriculum Area Managers are responsible for ensuring that their staff are aware of the Policy and associated procedures and understand how it affects them and their students and for chairing any meetings where there is a significant concern about a student or a new emerging concern that is at crisis level. The responsibilities at different stages of the process are set out in the associated Positive Behaviour Procedures. The Head of Student Services is also responsible for working with People Services to enable staff development to support the use of this Policy and procedures.

Curriculum Team Leaders and Course Managers

- 5.3 Curriculum Team Leaders and Course Managers are required to understand the Positive Behaviour criteria, policy and processes and apply the same effectively to their students where appropriate, where necessary taking advice from their line manager. Curriculum staff may be responsible for chairing meetings (Stages 1 to 3) dealing with emerging /new concerns about a student – the responsibilities at different stages of the process are set out in the associated Positive Behaviour Procedures.

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Student Services Manager/Residential Services Manager

- 5.4 These staff are required to understand the Positive Behaviour criteria, policy and processes and inform curriculum staff in the event that they identify students who may require an intervention. They are also responsible for ensuring that their staff understand the Policy and Procedures and will act as Chair for Stage 2 and 3 in interventions relating solely to behaviour or issues in Accommodation.

Progress Tutors

- 5.5 Progress Tutors are required to understand the Positive Behaviour criteria, policy and processes and apply the same effectively to their students where appropriate, where necessary taking advice from their line manager.

Students

- 5.6 All students are expected to adhere to College Values and the Student Charter and all other student-centred policies and procedures.
- 5.7 Students with a mental or physical health difficulty, firstly:
- Are encouraged to consult all relevant support services available at the College, and in particular the College's local Medical Centre (for residential students) or their own GPs, the Student Counselling Service (where appropriate) and the Student Wellbeing Coordinators (further information on these services can be found by visiting the Student Services web pages).
 - Are expected to speak to their Course Manager or another appropriate member of staff about the difficulty and any related problems that they may be experiencing.
 - Are encouraged to involve the support of a parent, guardian or friend as an advocate as necessary.

6. BEHAVIOUR THAT MAY LEAD TO AN INTERVENTION

Behaviours

- 6.1 An incident(s) that gives cause for concern involving a student is defined as any behaviour, action or activity which contravenes the spirit or letter of:
- Any College policy;
 - The College Values;
 - The residential rules/terms of the Accommodation Agreement;
 - Any verbal or written agreement between the College or an officer of the College and the student.

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Examples of behaviours causing concern

6.2 Examples include:

- Increasing the risk of harm or causing harm to themselves, the public or other members of the College community due to the breach of ANY College policy but also where:
- there is evidence of non-engagement by the student with their studies e.g. lack of attendance, disruption of the studies of others;
- evidence of a lack of buy-in to the Student Charter
- there are concerns about a student's health and wellbeing;
- the student declares a new or recurring disability, illness or mental health condition;
- a member of staff suspects a relevant change in physical or health and mental wellbeing or is advised by a third party of a new or recurring disability, illness or mental health condition;
- a student's conduct could suggest a change or deterioration in their mental health or wellbeing
- there is an increase in the risk of disruption to their studies or the studies and student experience of others
- there is an increase in the risk of unreasonable demands on staff or other students
- Interference with the day to day functions and activities of the College, including delivery of teaching and ancillary services e.g. support and accommodation
- Health and Safety concerns or a breach of the Health and Safety Policies or any Policies relating to weapons;
- Safeguarding concerns or a breach of the Safeguarding Policy;
- A breach of the Equality and Diversity Policy; or a breach of the Peer on Peer Abuse Policy.
- there is a risk of harm to or causing harm to the College's reputation;
- Causing damage to or the destruction of the College's property or assets (including livestock/animals);
- Using College property or assets in a way not sanctioned by the College;
- Removing or withholding assets from the College without permission;
- Significant or repeated breach of any College policy;
- Breaches of the residential rules / Accommodation Agreement (see Accommodation handbook for further details);
- Acts that could be considered illegal (in that a criminal offence may have been committed and is not subject to further legal processes);
- Acts that are criminal (in that an offence has been committed and legal process has been commenced / completed); and
- Failure to engage with the requirements of a previous Positive Behaviour Plan.

Where a student has been supported through the procedures underpinning this Policy and the desired changes have not been achieved, the student will be supported through the next 'Stage' of the Procedures.

Initial Review

- 6.3 For every instance of behaviour that causes concern, a review will take place first to establish what happened / is happening, why it happened, who was involved, who was affected. This will be done through a trauma-informed lens which recognises the impact

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previous traumatic experiences on peoples' lives can have, in that it can affect their capacity for growth, healing and resilience. This approach requires staff to recognise the signs and symptoms of trauma and be aware of the traumatic experiences rooted for instance in cultural, race and gender issues. Whether the trauma has been developmental or as the result of a single event, the behaviours that may result can be challenging and disruptive to others and to themselves, such as aggression, self-harm or dissociation. Where students have not had the benefit of a safe environment growing up, they can find it more challenging to manage their emotions and impulses. They may also struggle to form healthy relationships, assess safe behaviours or pay attention to the guidance of others.

Not all students will have been affected by trauma. It is the role of College staff to ascertain as the result of this initial review what support might be required to enable the student to continue effectively with their studies. That is not to say that sanctions will not apply – in some cases they will.

Depending on the circumstances of the incident and the outcome of the initial review, one of the following stages of the process will apply.

Stages for Interventions

- 6.4 Stages 1-4 – the level of intervention will be dependent on the extent to which the concerns present a risk to the student progressing and achieving or to the safety and wellbeing of themselves and the College community.

All stages of the process will be recorded on Promonitor.

Lifespan of Interventions

- 6.5 For the purposes of this policy previous formal interventions are considered current if:
at Stage 3 – 4: within 2 subsequent academic years;

Admissions Panel

- 6.6 Where a student has been through the a Positive Behaviour Planning process at Stages 3 or 4, their application to progress or return to College and / or into accommodation the next academic year will be referred to the Admissions Panel for consideration.

7. TAKING ACTION WHERE EXPECTATIONS ARE NOT MET - PRINCIPLES

Timeliness

- 7.1 College staff will endeavour to address incidents where behaviours cause concern in a timely fashion, notwithstanding the necessity in some cases to gather further information or evidence either from students/staff involved on in some cases, external agencies.

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7.2 Parental involvement/involvement of third parties

7.2.1 As a general rule, we encourage parents/carers to be involved in any procedures designed to support their child. In particular, this means that the parent/carers and other external agencies who are supporting:

- 'vulnerable' students – i.e. students who have learning difficulties or disabilities and who are in receipt of an EHCP or High Needs Funding or vulnerable adults
- students who are supported by a social worker, such as Looked After Children, care leavers, students who are the subject of a child protection plan

will be informed of meetings involving their children – for further details see section 7.7 below. We will also ensure that relevant staff e.g. Inclusive Learning and/or Student Services are informed /involved.

7.2.2. For students under 18 or who turn 18 during the academic year, parental involvement will be at the discretion of the Chair, but at Stages 3 and 4, it is the case that parents/carers are invited to be part of the process.

7.2.3 In some cases, where a student is being supported by external agencies in relation to any learning difficulties or disabilities or matters relating to their physical or mental health, the College (with student permission) may seek to gather further information about that student from those third parties so that a full picture of the individual can be ascertained, enabling a more effective review of next steps/support required. (see also 7.12 below)

Support for suspended / excluded students

7.3 It is rare, but on occasions, for the safety of both student and the College community to suspend a student. If it is necessary to suspend a student from learning, (see also Section 10). Course Managers are responsible for providing learning resources to ensure the student is not disadvantaged academically by missing lessons. Support will also be offered for pastoral issues by Student Services. Where a student misses practical lessons, opportunities must be created to ensure their assessment and progress is not affected. Course Managers are responsible for taking action to re-integrate their student after a period of absence.

In the exceptional circumstances that a decision is taken that a student should be excluded from College, the Student Services Team should be notified and an offer of careers advice and guidance made to that student, including guidance on where the student might receive any necessary pastoral support once they have left College.

Financial Responsibility

7.4 Some instances of behaviours causing concern unfortunately result in damage being caused to property. We will look at those incidents in the context of the individual(s) responsible and, taking all factors into consideration, will determine the liability of each individual for the replacement or repair cost of the property or asset. Depending on the circumstances, the College reserve the right to report incidents of damage to the police as criminal damage. In the event of a group venture and where members of the group can be identified, should it be unclear which individual in a group was responsible for

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the damage the cost of replacement or repair will be shared equally between the members of the group (see 7.5 Joint Venture).

Joint Venture

7.5 If a group of students were present during an incident of behaviour causing concern, that group holds joint responsibility unless:

- A single responsible individual is identified by the students involved;
- A student present can evidence their own actions to prevent the incident; or
- A student can prove that they were not present during the incident.

Any outcomes for students involved in joint venture will be dealt with at the same level; In the event where any of those students have been involved in previous positive behaviour interventions however, their intervention for any new matters may be escalated to a higher level.

Confidentiality

7.6 The outcome of positive behaviour interventions is a confidential issue between the College and the student (and their parents/carers if the student was under the age of 18 at the beginning of the academic year during which the meeting takes place or in the case of 'vulnerable' students – see 7.2). The College will not disclose the detail of positive behaviour meetings to third parties. In references, if asked, the College will only reveal that an intervention with a student had occurred, not the reason for the intervention, its level, its outcome or any sanctions imposed.

Formal meetings

7.7 Invitations to positive behaviour meetings at Stages 3 and 4 will be made in writing. For those students listed in paragraph 7.2. above, parents / carers / external agencies as appropriate will always be invited to positive behavior meetings at Stages 3 and 4. The parents/carers /external agencies as appropriate of those mentioned in 7.2.1 may attend a Stage 2 meeting if the Chair in consultation with others feels that it would be appropriate. The Chair will also ensure that appropriate members of staff are invited to the meeting, including any relevant curriculum staff and Progress Tutors.

Being accompanied

7.8 Further to 7.7 (above), where parents/carers are unable to attend, students at Stage 3 and 4 have the right to be accompanied at the meeting by a representative of the Students' Union or by one other person of their own choosing. In **all** cases, those attending in support of the student cannot be a member of the legal profession acting in a professional capacity.

Format of meetings

7.9 A standard format for meetings will be applied across college, to ensure consistency of approach. Ultimately, the Chair will determine, based on the information provided, whether it is reasonable to conclude that the incidents of behaviour causing concern can be reasonably attributed to that individual and that the student will benefit from a

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tailored Positive Behaviour Plan. The resulting Positive Behaviour Plan will be one agreed by all parties.

Documentation

7.10 It is NOT College policy to issue copies of the evidence / any witness statements/accompanying documents to any of the attendees prior to or subsequent to the meeting. It is also NOT College policy to allow students or those accompanying them to record on any device.

7.11 Information gathering – consent

7.11.1 Under the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018, all data relating to a person’s physical or mental health is regarded as sensitive, personal data. The College’s policy on Data Protection contains guidance on the use of sensitive information e.g. details about a student’s mental health or condition and should be consulted by staff. In general, all personal data of a sensitive nature given to a member of staff by a student should be treated as confidential and should only be disclosed with the student’s consent. Sensitive data, for the purpose of this policy, is deemed to be information given in confidence concerning, for example, a student’s ill-health or disability, including mental health issues.

7.11.2 In all cases where, in the member of staff’s judgement, it would be in the student’s best interests to disclose sensitive information (e.g. so that appropriate support may be provided) the student’s informed consent should be obtained where possible. It will be necessary to inform the student why there might be a need to disclose sensitive information, who will have access to this information, and the likely consequences of giving or withholding consent (e.g. additional support strategies such as reasonable adjustments including additional examination arrangements). Once consent has been obtained, it is the responsibility of the person passing on the information to ensure it is done on the terms agreed with the student.

7.11.3 If the student chooses not to provide their consent this decision should be respected. In this scenario, the implications of non-disclosure in terms of additional support should be made clear. However, there exist rare occasions when the student’s consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken. These include (but not exclusively):

- when the student’s mental health has deteriorated to the extent of threatening his/her/their personal safety;
- when the student is at risk of serious abuse or exploitation;
- when the student’s behaviour is adversely affecting the rights and safety of others; and or
- where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed).

7.11.4 Staff should consult with the College Data Protection Officer if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.

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7.11.5 This policy and procedure will be carried out in line with our Data Protection Policy, subject always to the College's duty of care to safeguard the welfare of students and responsibilities under the safeguarding policies and procedures. The College reserves the right to contact a student's parents/carers where it considers it has a responsibility to do so under the duty of care to safeguard them or where there is a reason to do so under the Mental Capacity Act 2005.

8. OUTCOMES OF POSITIVE BEHAVIOUR MEETINGS

- 8.1 In ALL cases the meeting should be recorded accurately on Promonitor within Learner Meetings at the appropriate 'Stage'.
- All associated documents – including notes, statements etc. should be uploaded onto / recorded in Promonitor;
 - Any targets set as part of either supportive outcomes or sanctions should be SMART;
 - The Positive Behaviour Plan targets should be shared with the student (via Proportal) and any other relevant parties, for example, their Progress Tutor, Course Manager, Inclusive Learning and those in attendance at the meeting within 5 working days of the meeting;
 - The Chair should ensure that the student is signposted to both College support services and any relevant external services, for example, their GP, for referral to CAMHS, Occupational Therapy etc;
 - Review of the agreed actions on the Positive Behaviour Plan should occur on a regular basis with relevant staff in line with the timescales agreed on the plan;
 - Where a parent/carer has been involved in the process at Stage 3 or 4, written confirmation of the outcome of the meeting will be sent to them.
- 8.2 The Plan should be reviewed by the student's Course Manager and Progress Tutor at appropriate intervals, depending on the measures put in place. Students also have a responsibility to be mindful of and work towards the targets set with them and access any support offered. If a student does not access Proportal to view the targets they have agreed to or does not sign a hard copy (in the rare cases one has been provided) this will form part of the review by the relevant staff member.

Notes of meeting outcomes

- Stage 1 and 2 meetings - notes will be made on Promonitor (Learner Meetings) and a Positive Behaviour Plan using SMART targets within Promonitor (and shared with student via ProPortal) including supportive outcomes / sanctions.
- Stage 3 and Stage 4 meetings: Notes will be taken of the key points of information and findings of meetings by an administrator. Notes will be uploaded to ProMonitor. A Positive Behaviour Plan using SMART targets within Promonitor (and shared with student via ProPortal).

9. CRIMINAL OFFENCES AND CONVICTIONS

Notification of offences

9.1 The College has a duty of care to its students and thus it needs to be informed of any alleged criminal activity by its students in order that we can support them through the process. If at any time during enrolment on a programme of study at the College a student is questioned by the police in relation to the potential committal of a criminal offence or arrested by the police and / or charged with a criminal offence, they should report this immediately to their Course Manager. Likewise, if they are sent for trial, their Course Manager must also be kept informed at all stages. If the student is convicted* of one of more offences, then this must also be reported along with details of any sentence imposed. It is the responsibility of the Course Manager to relay any such information to either the Head of Student Services or Assistant Principal (Students) without delay, in order for us to identify next steps and any support that might be required.

** A conviction includes being put on probation, being given absolute or conditional discharge, being bound over or being given a formal caution. It also for the purposes of this policy includes referral orders and guardianship orders. Students need not declare parking, speeding or other offences which are subject to fixed penalties.*

Admissions Panel

9.2 Once in receipt of information relating to criminal offences as described in 9.1 above, the College Admissions Panel will then consider the extent to which the student may pose a risk to themselves or the College community or reputation due to the nature or seriousness of the offence. In rare circumstances, the Panel - having taken into account all the information available from the student and other parties (e.g. Youth Justice) - may determine that the student should be excluded from College either temporarily or permanently. This decision would be taken, as with all exclusions, a member of the Executive Team being involved. If the student is to remain at College, the Panel would also determine what support the student might need and record that with the student's involvement/agreement.

10. SUSPENSION

10.1 In the rare cases that it is decided a student should be suspended from College, suspension must be justified in that:

- If the student continues to attend College that they will pose a clear risk to themselves and / or the College community or the College's assets;
- If the student continues to attend College that they pose a clear and present Safeguarding or Health and Safety risk to (an)other member(s) of the College community;
- If the student continues to attend College that they pose a substantive risk to the College's reputation; or
- If the student continues to attend College that they are likely to further breach policy or and expose themselves to increasing levels of intervention

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- 10.2 Suspension allows the College to require a student to be absent from the College community whilst the College investigates the concerns regarding the behaviour of the student. Suspension is used to diffuse situations and to protect the student suspended from further behaviours that cause concern and/or to protect the College community. Suspension is not a punishment and is not used in a punitive way.
- 10.3 Students who are suspended are not able to attend any College premises without written permission by one of the College Executive team.
- 10.4 Suspension is always 'without prejudice' and does not imply any outcome of the formal positive behaviour procedures
- 10.5 Please see also the College Peer on Peer Abuse Policy for details of the circumstances under which students may be suspended pending investigations into behaviours causing concern.

11. PROCESS FOR SUSPENSION

- 11.1 Formal suspension can only be recommended by a Curriculum Area Manager or Head of Student Services. This can be done at any time, but must be subsequently confirmed in writing once approval from one of the College Executive team has been obtained. Suspensions are *normally* for no more than 10 working days. Course Managers are required to maintain contact with the student whilst suspended and where possible should provide work to be completed whilst suspended. In order to protect the safety and wellbeing of the student and College community, suspensions may be extended (indefinitely) beyond 10 days if a student is under police investigation or criminal charges / legal processes are pending.
- 11.2 Support will also be offered via Student Services to students who have been suspended, for pastoral issues.

12. EXCLUSION

- 12.1 An outcome of temporary or permanent exclusion or withdrawal from a programme recommended by the Chair of a positive behaviour meeting must be approved by the College Executive team. This authorisation may not be delegated.
- 12.2 If a student is excluded from College they would be required to leave immediately
- 12.3 Exclusions may be suspended for a period using a Positive Behaviour Plan.
- 12.4 Exclusions will be confirmed in writing.
- 12.5 Exclusions will remain on file for a period of 3 years. Any application by a student who has been excluded and who wishes to return to College during that period will be referred to the Admissions Panel for consideration. The Panel would consider not only the reasons and context of the original exclusion but also seek to establish with the student what steps they had taken in their lives as part of their rehabilitation, when considering enabling their return to College.

13. APPEALS

A student may appeal against the outcomes of the positive behaviour process only at stages 3 and 4. If a student fails to attend the meeting without good reason and / or has not notified staff of their reason for non-attendance, they forfeit the right to appeal.

Grounds of Appeal

- 13.1 At the end of a Stage 3 or 4 positive behaviour meeting the student will be informed that they have the right to appeal. Students may only appeal on the following grounds:
1. New evidence can be brought that demonstrates that the student was not responsible for the incident in question. The evidence must not have been considered during the meeting, must be factual rather than opinion (hence character references are inadmissible), must be from a reliable (independent) source and must evidence a material change to the extent to which the burden of proof is met.
 2. That there has been a procedural irregularity or that the College has acted outside its policy. In which case it is incumbent on the student to identify the procedural irregularity or policy breached by the College.
 3. That any sanctions imposed are too harsh. The student must evidence that the sanctions are disproportional or are impacting on them or their family in an unintended or inappropriate way.
- 13.2 Appeals must be in writing and must include the grounds of the appeal and any new evidence / information to be brought to the appeal. Appeals against positive behaviour meetings at Stage 3 must be addressed to the Chair of the original meeting. Appeals against Stage 4 outcomes must be addressed to the Chief Executive's Office. The request for an appeal will be passed to a Chair at the next level of the process. Appeals must be made within 5 working days of the date of the letter advising of the outcome.
- 13.3 The Chair will consider the appeal and will act depending on the grounds. The Chair has 4 possible outcomes to the appeal. The Chair may, *but is not required to*, call the student to a meeting to discuss the appeal. The exception is at Stage 4 where a student has been excluded as a result of the process, in which case a student would be invited to attend. The Chair will write to the student and explain the outcome of the appeal against the grounds outlined by the student. *There is no further right of appeal under this policy.*
- 13.4 The Chair considering the appeal can find:
- That the appeal was vexatious or otherwise designed to undermine or frustrate the College positive behaviour procedures. In this case the chair may increase the severity of any sanctions;
 - Against the appeal in which case the outcome and any sanction stands;

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- To partially uphold the appeal. In which case the chair may decrease the severity of the any sanctions;
- To fully uphold the appeal: In that the finding of the meeting Chair was erroneous. In which case the meeting will be removed from the student's record;
- OR the College failed to follow policy, in which case the meeting will be removed from the student's record.

14. APPEAL AGAINST EXCLUSION

Timescale for Appeal

- 14.1 Notice of appeal must be lodged with the Chief Executive's office within five working days of the date of notification of exclusion and must give the grounds and brief particulars of the appeal. The recommendation will not be considered until the expiry of the period for lodging the appeal.

Hearing Appeals

- 14.2 A member of the Executive Team only can hear an appeal against a Chair's recommendation for permanent exclusion of a student.

Appeal Meetings

- 14.3 If a notice of appeal is lodged within the time allowed, an appeal meeting Chaired by a member of the Executive Team will be arranged to take place (normally) within fifteen working days of the notice of appeal being lodged. The student will be given at least three working days' notice of the time and place of the appeal meeting and will be entitled to be accompanied by a representative of the Students' Union or by one other person of their own choosing, but not by a member of the legal profession acting in a professional capacity. Any documents considered at the positive behaviour meeting will be available to the Chair for the purposes of the appeal, together with the notes of the meeting.
- 14.4 At the appeal meeting, the student will be invited to explain the grounds of the appeal and to state his or her case. The Chair of the original positive behaviour meeting who made the decision to exclude will be asked to respond to the appeal and explain the reasons for their decision. The Chair of the Appeal meeting may ask questions of the student and the member of staff and will then consider whether to allow or dismiss the appeal. Witnesses will not be asked to attend except possibly in relation to any relevant new evidence which has come to light since the original meeting.

Outcomes of Appeal against Exclusion

- 14.5 If the appeal is allowed, the Chair of the Appeal meeting may decide that alternative measures should be taken. The Chair may also decide that no further action should be taken.
- 14.6 If the appeal is dismissed, the original recommendation of the Chair will stand. Within five working days of the appeal meeting, the decision of the Chair will be confirmed in

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writing to the student. There is no further right of appeal under this policy.

15. FUTURE ENROLMENT AT THE COLLEGE

- 15.1 All students who are involved in a positive behaviour process at Stage 4 where it was decided that a Positive Behaviour Plan was needed will be referred to the Admissions Panel on re-application to the College, i.e. on application to progress either onto a new programme or to progress onto a subsequent year of the same programme. The Admissions Panel will review information about the student taken from curriculum staff to ensure that no further concerns have been raised about the student. In some cases, the panel may take the difficult decision to not allow the students to return to College. This will be in the rare cases that in spite of support put in place for the student, they have continued to demonstrate behaviours that cause concern.
- 15.2 The Admissions Panel will also consider where appropriate any application to return into accommodation by these students, particularly but not exclusively if their positive behaviour meeting is related to behaviour whilst in residence.
- 15.3 Any student who is subject to exclusion will not be permitted to re-enrol at the College within 3 years without the explicit recommendation by the Admissions Panel and subsequent approval of a member of the Executive team.

16. COMPLAINTS

- 16.1 Any complaint relating to this policy, and the actions of Chairs or staff during its implementation should be made through the College complaints procedure. Complaints or the threat of complaints will have no bearing on, nor delay the positive behaviour process. Such complaints can only be investigated after the outcome of any appeal has been finalised.

17. SCOPE AND LIMITATIONS

- 17.1 All students are expected to adhere to the Student Charter and College policies at all times when on College premises or at any location that education, enrichment, pastoral services or work experience is being undertaken and being overseen by the College. This includes trips, visits, work placements, on transport arranged by the College or in any other place or on an activity organised by the College. Student behaviour on social media / online is also considered as part of this Policy.
- 17.2 Residential students must comply with the Student Charter, College policies and the terms of their Accommodation Agreement at all times. A student is considered to be resident if they have a room allocated at the College.
- 17.3 It should be noted however that, dependent on the circumstances, the College reserves the right to implement this policy where students are involved in incidents that breach any College policy or the Student Charter, whether they occur on or off any of our sites.

** A student is defined as a person who is currently enrolled on a programme of study at any level and in any mode of attendance at the College.*

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18. STAFF DEVELOPMENT

- 18.1 The College is committed to ensuring that an ongoing programme of development for staff is provided to ensure that the skills and knowledge of staff in relation to this policy are up to date.

19. MONITORING AND REVIEW

- 19.1 The Assistant Principal (Students) will maintain oversight of the effectiveness of these arrangements. This policy and the implementation arrangements which underpin it will be reviewed annually by the Assistant Principal (Students).

20. SUPPORTING/RELATED DOCUMENTS

- Positive Behaviour Procedures (Students)
- Peer on Peer Abuse Policy and Procedures
- Complaints Policy
- Drugs, Alcohol and other Intoxicating Substances (Students)
- Screening and Searching Students for Weapons
- Fitness to Practise Policy and Procedures

21. LEGISLATION

- 21.1 In all aspects of this Policy, the College will comply with:

- The Data Protection Act 2018
- GDPR
- Equality Act 2010
- Human Rights Act
- Public Sector Equality Duty
- Safeguarding Vulnerable Groups Act
- Keeping Children Safe in Education 2023