
Bury College Policy and Procedures

Student Behaviour Policy & Procedures (Incorporating the Bullying and Harassment Policy)

Document Information				
Directorate:		Cross College		
Document Owner:		Vernon Shaw		
Document Type		Policy/Procedure		
Date:		March 2019		
Version:		V1.0		
Review Period:		2 years		
Date Approved:		16/4/19		
Approved by:		Leadership Team		
Version Control Tracking				
Version	Date	Revision Description	Editor	Status
V0.1	March 2019	First Draft for approval by Leadership Team	VS	Draft
V1.0	April 2019	Approved by Leadership Team 16/4/19	VS	Approved

	Contents	Page
	Student Behaviour Policy Statement	3
1	Scope	4
2	Obligations of Student in College	4
3	Classification of behaviour which will lead to Disciplinary action being taken	5
4	Sanctions and the Disciplinary Support Procedure	6
5	Appeals Procedure for exclusions	8
6	Power to discipline	8
7	Monitoring of behaviour	9
8	Arrangements for our of college activities	9
9	Procedure for Pre-16 behavioural issues in college	10
10	Procedure for HE behavioural issues in college	10
11	Procedures for WBL behavioural issues	10
12	Related Documents	10
Appendix 1	Pastoral Support System and Disciplinary Procedure	11
Appendix 2	Bullying and Harassment Policy	
Appendix 3	Physical Intervention Guidance	
Appendix 4	Fitness to Study Policy	
Appendix 5	Search Procedure	
Appendix 6	Equality Analysis	

Student Behaviour – Policy Statement

Bury College is committed to:

- Providing a safe, secure and caring learning environment in which all individuals have the right to be respected and the opportunity to study and work without interference from others.
- Carrying out its duty of care to students and staff.
- Preserving its reputation, maintaining its standards and values, creating an ethos of respect and achievement.
- Ensuring that all alleged cases of gross misconduct, as defined in this policy, are investigated thoroughly within the resources and means available to the College and that students who go through the College's Disciplinary Procedure receive fair and consistent treatment and access to an appeals procedure.

To enable the fulfilment of this commitment:

Students are required to:

- Respect the rights of all members of the College community, visitors and people they come into contact with as part of their studies.
- Work purposefully towards their identified learning goals.
- Behave in a responsible manner and show respect to others.
- Comply with the College Regulations as detailed in the Student Contract, Health & Safety Contract and Computer Users Contract.

All members of staff are required to:

- Promote the above expectations to students.
- Implement the 'Be Ready To Learn', 'Our College Our Community Our Conduct' and 'Respect Policy' standards across the campus.
- Treat all students consistently, fairly and with respect.
- Challenge unacceptable behaviour and all forms of bullying whenever and wherever they encounter it in the College or become aware of it.
- Call upon specialist support staff and services and make use of the Pastoral Support System and Disciplinary Procedure as appropriate.

1. Scope

1.1. The behaviour requirements of learners outlined in this document apply to all students and apprentices of the College, whether full or part-time, irrespective of whether their course or programme of study is validated by or associated with any other institution, and irrespective of their age. For the purpose of this policy the term 'student' refers to anyone studying at the college including apprentices.

1.2. The procedures outlined in this document will be followed and the sanctions outlined applied in relation to behaviour and incidents occurring in College or in close proximity to it, away from college on study related activities or where reputational damage may take place. However, the College reserves the right to follow the outlined procedures and apply the outlined sanctions with regard to behaviour and incidents occurring away from College but involving College students, if it is considered that failure to do so will result in the possibility of further incidents occurring in College or the learning of one or more students being adversely affected.

1.3. The behaviour requirements of students outlined in this document apply to students taking part in out of College activities such as work experience placements, educational visits and residential activities but additional behaviour requirements specific to the activity may apply.

1.4. The College is working to civil law and in the case of alleged criminal offences the College is not bound by the results of any criminal proceedings against students.

2. Obligations of Students in College

2.1. The obligations of students while at College are summarised in the College Regulations, which are to be found on the Student Portal.

2.2. On commencement of their studies at Bury College, all students are required to sign an Enrolment Form, which confirms they have read and agreed to accept and abide by the College Regulations, Health and Safety Contract and Computer Users' Contract and through them, implicitly, the conditions and spirit of College membership. These documents are available via the Student Portal.

2.3. In signing the enrolment form the students confirm they have read the contracts referred to in 2.2. above, students agree and accept that any breach of the contracts may result in the College's Disciplinary Procedure being applied.

3. Classification of Behaviour Which Will Lead to Disciplinary Action Being Taken by the College

3.1. All behaviour that is liable to expose the perpetrator to disciplinary action by the College is classified as **poor performance, misconduct or gross misconduct**.

3.2. **Poor performance** covers persistent absence, unexplained or unsatisfactorily explained absence, lateness, late submission or non-submission of work, not fully engaging in lessons and not meeting 'Be Ready to Learn' expectations.

3.3. Isolated instances of poor performance and misconduct will not automatically trigger the Disciplinary Procedure as lecturers and other members of the College staff will address these isolated instances using the Pastoral Support System with the individual student or students involved, informally, as they occur or as the opportunity to address them occurs, but without recourse to the Disciplinary Procedure.

3.4. When poor performance is repeated despite informal intervention, the member of staff who is dealing with the matter should record their concern in '*Student Comments*' on *ProMonitor*. The Personal Tutor will deal with the matter with the student, in the case of full-time students. Concerns regarding HE students should be sent via *ProMonitor* to the Programme Leader. Concerns regarding apprentices should be sent to the Learning and Skills Coach.

3.5. The '*Student Comment*' (via *ProMonitor*) referred to in 3.4 puts the issue or incident officially on record and the number of *Student Comments* of such a nature accumulated by an individual and the issues to which they refer may be taken into consideration at any future disciplinary hearing.

3.6. Once a member of staff receives an e-mail alerting them to a *Student Comment* expressing concern about one of their students, they are required to discuss with the student the issue raised or behaviour described in it by the sender. If, considering the circumstances, they conclude that the student has a case to answer, they will agree with the student a course of action, which will be recorded in *ProMonitor* as a follow-up comment. An automatic email is sent to the sender of the original concern enabling direct access to *ProMonitor* and follow-up comments which inform them that the matter has been dealt with.

3.7. Failure by the student to address the poor performance issues outlined in the meeting with the Personal Tutor will result in the student being placed on a contract (see 4.2.)

3.8. Gross Misconduct includes:

- i Assault or violent behaviour
- ii Threatening, aggressive, abusive or anti-social behaviour – physical or verbal

- iii Offensive language or hate speech relating to race, religion, ethnic origin, national origin, sex, disability, sexual orientation and gender identity
- iv Bullying or harassment in any form, either physically, verbally or cyber bullying through messages or images transmitted electronically or through social media
- v Inappropriate sexual behaviour
- vi Theft
- vii Vandalism of college property, equipment or resources.
- viii Exam malpractice – a breach of regulations in the course of any examination or assessment
- ix Fraud – falsifying information and forging signatures
- x Exam malpractice - cheating in examinations, plagiarising coursework, forging signatures, falsifying information
- xi Bringing into College anything that can be used as an offensive weapon
- xii Drug or substance abuse – dealing, being in possession, coming into College under the influence, smelling of drugs, in possession of drug paraphernalia
- xiii Alcohol abuse – being in possession or under the influence of alcohol
- xiv Refusing to comply with College search procedure
- xv Breach of College ID policy and procedures
- xvi Dangerous or irresponsible behaviour which causes a major health and safety risk
- xvii Accessing another person’s computer network account, hacking of any description or gaining unauthorised access to data in any system or computer
- xviii Persistent misconduct or poor performance
- xix Any other unacceptable behaviour

4. Sanctions and the Disciplinary Procedure

4.1. The sanctions available within the Disciplinary Procedure are:

- The requirement to follow a contract (See 4.2. – 4.4)
- Temporary exclusion from College
- Permanent exclusion from College.

4.2. The College operates a pastoral contract system to identify, monitor and support closely students with ongoing behaviour, attendance or academic performance concerns. It is also used for single acts of misconduct or gross misconduct.

4.3. The pastoral contract system is designed to monitor closely students placed on contracts and to support them in acquiring the habits, routines and behaviours necessary to study effectively in order to achieve their qualification aim/s and develop appropriate employability skills to progress into a positive destination.

4.4. There are four types of contract:

Contract Level	Issued By	Reason and Stage
Yellow	Pastoral Manager	To provide support over the first six weeks as a condition of re-enrolment for students:

		<ul style="list-style-type: none"> • who did not successfully complete their last course • with show poor early engagement immediately following enrolment • have transferred from another institution
Green	Personal Tutor	<ul style="list-style-type: none"> • Poor performance (See 3.6.) • Unacceptable behaviour
Blue	Pastoral Manager	<ul style="list-style-type: none"> • Continued poor performance • Misconduct (See 3.7.)
Pink	Curriculum Director	<ul style="list-style-type: none"> • Persistent poor performance • Serious misconduct • Gross misconduct – condition of returning to college following a disciplinary hearing

4.5. Depending on the severity and nature of the concern leading to the issue of a contract a student may be issued with a contract at any level, ie, it is not necessary for a student to be issued with a Green Contract prior to a Blue contract.

4.6. When a student under the age of 19 is placed on a contract the parent or carer will be informed by the Personal Tutor (Green) or Pastoral Manager (Yellow, Blue or Pink). They may also be asked to come into College to discuss with the Personal Tutor, Head of Curriculum, Pastoral Manager, or Curriculum Director the issues that have led to the student being placed on contract. When an apprentice is placed on a contract the employer will be informed by the Apprenticeship Manager.

4.7. When a student is accused of or considered to have committed gross misconduct they will be immediately suspended whilst the allegation/incident is investigated by a Pastoral Manager. If the Pastoral Manager decides the allegation/incident is potentially gross misconduct a Disciplinary Hearing will be convened. Parents are kept informed by the Pastoral Manager throughout the process.

Suspension is a matter of procedure and does not imply guilt or otherwise. In such a case the Head of Curriculum will make arrangements for the student to work independently at home, if deemed necessary.

Short suspensions are also used to address poor performance where an urgent student/parent meeting is needed.

4.9. The Disciplinary Hearing will be convened by the Curriculum Director for Technologies and Sport, or in their absence a member of the Leadership Team. The Pastoral Manager for the student will attend the Disciplinary Hearing.

4.10. A student is entitled to be accompanied by a representative and for students under the age of 19 it is expected that this will be a parent or carer. Students with severe learning difficulties or considered to be vulnerable adults would be expected to be represented by a parent or carer up to the age of 25. If this is not possible, the

college will provide an advocate to support the student. Apprentices are entitled to also be accompanied by their employer.

4.11. The Disciplinary Hearing will give the student the opportunity to state their case and will also consider College records such as ProMonitor records, academic reports and attendance data, as appropriate, as well as statements from witnesses and evidence from CCTV cameras and computer records, in compliance with the relevant laws, as appropriate. It will also review commitment and academic progress at college alongside progression towards a career aim.

4.12. Each case will be judged on its own and in its own context. The student should be informed in writing of the outcome within 2 working days of the hearing. There are three possible outcomes from the Disciplinary Hearing:

- Return to College with no further action
- Return to College on a Blue or Pink contract.
- Temporary or permanent exclusion from College

If the student fails to attend and cannot be contacted, the hearing can go ahead and a decision will be made in their absence.

4.13. If the decision is to exclude temporarily or permanently, it will be made by the Curriculum Director of Technologies and Sport based on the evidence of the case.

4.14. When a student is temporarily excluded they will be given the earliest date they are able to apply to return to College and details of any conditions they need to meet, for example, successfully completing a Princes Trust personal development programme.

4.15. For students with SEND who may have difficulty following a Disciplinary Hearing, a case conference will be convened. All relevant professionals will be invited to attend the case conference, for example, Social Worker, Key Worker, ALS Manager. The case conference will be chaired by the Curriculum Director responsible for Foundation Learning and Additional Support.

4.16. In certain situations it may be more appropriate for a case conference to be chaired by another member of the Leadership Team. When this happens, to ensure the Student Behaviour Policy is applied fairly and consistently, the chair will consult with the Curriculum Director for Technologies and Sport before confirming the outcome.

5 Appeals Procedure for Exclusions

5.1. If the student wishes to appeal against the Disciplinary Hearing decision, they should do so in writing within one calendar week directly to the Principal at the Beacon Centre.

5.2. Upon receipt of an appeal against the decision of a Disciplinary Hearing the Principal will convene an Appeal Hearing within two working weeks. The Appeal Hearing is to determine whether Bury College policies and procedures have been implemented correctly. The student will be entitled to be accompanied by a representative, who in the case of students under 19, should be a parent or carer.

5.3. The decision of the Principal following the Appeal Hearing is final and there are no further opportunities to appeal.

6 Power to Discipline

6.1. All members of staff have a duty and responsibility to combat challenging behaviour within College as it occurs and are empowered to take reasonable steps to prevent or stop it. See also paragraphs 15-33 of the Bury College *Safeguarding Young People & Vulnerable Adults Policy and Procedures* document regarding the use of physical restraint.

6.2. Members of staff are required to report all serious incidents and cases of gross misconduct of which they become aware directly to a Pastoral Manager or member of the Pastoral Team and record as a Comment on ProMonitor.

6.3. It is acceptable, as a legitimate part of their class management, for a lecturer to insist that a student takes no further part in a session. However, this option should only be a last resort when the student has continued to be disruptive despite warnings or failed repeatedly to comply with instructions (see Respect Policy). In all such cases the concern should be recorded in *Student Comments on ProMonitor* and marked for the attention of the Personal Tutor and copied to the Pastoral Manager.

6.4. In the case of a student not having the necessary PPE, clothing or equipment to take part in the session, the lecturer should explore all options before excluding the student from the session and in such a case should provide alternative work for the student to do.

6.5. Only Pastoral Managers, the Pastoral Team and members of the Leadership Team have the power to temporarily suspend students from College.

6.6. Only the Curriculum Director for Technologies and Sport has the power to exclude students permanently from College for gross misconduct (see 4.14 for SEND students). Curriculum Directors have the power to exclude students for persistent poor performance.

6.7. Students arriving late to a class should be allowed to enter the class. The lecturer should minimise the disruption that late entry may cause and not challenge the student in front of the class. The register for the class should accurately record the late mark (L) and the number of minutes late. Refusal of entry to a class must not be used as a sanction.

6.8. The Violent Crime Reduction Act 2006 brought in new sections to the Further and Higher Education Act 1992 (section 85b), enabling the searching of students. Searches can be carried out only where there are reasonable grounds for believing that a student is in possession of an offensive weapon. Searches can also be carried out where there are reasonable grounds for believing that a student is in possession of prohibited substances or stolen property. All suspicions or knowledge should be reported immediately to a Pastoral Officer or Pastoral Manager, who will investigate the allegation. If they consider that a search is appropriate they will organise the search and ensure that it is carried out in compliance with the College's search procedure. Refusal to be searched will be treated as gross misconduct.

7. Monitoring of Behaviour

7.1. Behaviour issues are summarised and the numbers of students attending Disciplinary Hearings is reported to the Leadership Team 3 times per year in report LT 12: Study Programmes - Pastoral. This report includes an E&D analysis of students attending disciplinary hearings.

8. Arrangements for Out of College Activities

8.1. Students taking part in out of College activities, including travel on College coaches, are still bound by their Student Contract whilst out of College but are also required to adhere to any instructions given to them and any ground rules agreed at the pre-activity briefing.

8.2. If a student's behaviour is deemed to be in breach of their Student Contract or the instructions given and ground rules agreed for the activity, the activity leader has the authority to impose an appropriate sanction.

8.3. In the case of behavioural incidents on residential trips, the sanction of sending a student home should be applied only after contact has been made with the Curriculum Director and their authorisation given.

8.4. Incidents occurring on trips are dealt with following the Disciplinary Procedure outlined in 4.

9. Pastoral System Procedure for Pre-16 Students

9.1. For 14-16 students the Pre 16 Coordinator takes on the role of Personal Tutor and works with the Pastoral Manager and the Curriculum Director to implement all elements of the Behaviour Policy.

9.2. Where behaviour requirements are not being met the Pre 16 Coordinator will inform the school or centre and, if necessary, the parent or carer.

10. Pastoral System Procedure for HE Students

10.1 For HE students the Programme Leader takes on the role of Personal Tutor and works with the Pastoral Manager and the Curriculum Director to implement all elements of the Behaviour Policy.

11 Pastoral System Procedure for Apprentices

11.1 For apprentices the Learning and Skills Coach takes on the role of Personal Tutor and the Apprenticeship Manager works with the Pastoral Manager and Curriculum Director to implement all elements of the Behaviour Policy.

12. Related Documents

- 12.1. Bury College Student Contract
- 12.2. Bury College Student Computer Users' Contract
- 12.3. Bury College Student Health and Safety Contract
- 12.4. Bury College Safeguarding Young People and Vulnerable Adults Policy
- 12.5 Bury College Search Procedures
- 12.6 Bury College ID Policy & Procedures
- 12.7 Violent Crime Reduction Act 2006
<http://www.legislation.gov.uk/ukpga/2006/38/contents>

APPENDIX 1 PASTORAL SUPPORT SYSTEM AND DISCIPLINARY PROCEDURE