



**POLICY/PROCEDURE: BEHAVIOUR SUPPORT & DISCIPLINARY POLICY (14-16 DIRECT ENTRY)**

Approval required by:	SLT	Y	Governing Body	N
SMT Lead:	Assistant Principal Access to Learning			
Responsible Manager:	Assistant Principal Access to Learning			
Date approved:	10 February 2020			
Date to be reviewed:	September 2022			
Relevant to:	Learners	Y	Staff	N
	Visitors	N		
Relevant to:	All learners	N		
	16-18 Vocational	N	Sixth Form	N
	Higher Education	N	Adults	N
	Apprenticeships	N	14-16	Y
	Other	N	.....	
Relevant to:	All staff	N		
	Board	N	SPH	N
	Managers	N		
	Teaching staff	N	Support staff	N
Accessible to	Learners	Y	Staff	Y
Friendly version	Learners	N	Staff	N
	EQIA required	N		

**Significant changes to policy:**

N/A – New Policy

**Impact of changes:**

N/A – New Policy

**SCOPE AND PURPOSE**

This policy outlines the college structure for supporting positive behaviour and high expectations within the 14-16 Direct Entry cohort, recognising that the needs and behaviours of this cohort can differ from older learners.

**GENERAL STATEMENT OF POLICY**

Barnsley College will not tolerate any inappropriate behaviour including acts of harassment, bullying or victimisation by:

- Members of staff towards learners or anyone else they interact with in the course of their duties.
- Learners against any other learner or member of staff or anyone else at the college.
- It is recognised that some learners may display behaviour which raises concerns and that learners may require support from staff to achieve their full potential.

### **Aims of the Policy**

The aims of this policy are to support 14-16 Direct Entry learners in achieving their full potential by developing, sustaining and demonstrating positive 'work' and 'life' ready behaviours that will enable every learner to achieve and progress by:

- Providing clear guidance for all members of the college community on the behavioural expectations, key rules and consequences.
- Providing guidance on the behaviour support and 'at risk' structure which serves as a support and intervention process.
- Raising awareness of what constitutes inappropriate behaviour.
- Supporting staff to apply appropriate and fair consequences.
- Promoting a college environment where every learner feels safe.
- Ensuring that the emotional and physical wellbeing of all members of the college community is protected through the application of the disciplinary procedure and where appropriate risk assessments.
- Ensuring that the decision to permanently exclude a learner is lawful, reasonable and fair through compliance and consultation with appropriate authorities and that there is no discrimination on the basis of protected characteristics such as disability or race.

All learners and staff are expected to proactively contribute to a culture of mutual respect where everyone is treated with dignity.

### **Supporting Positive Behaviour and High Expectations**

Learners enrolling onto the 14-16 Direct Entry provision, will enter into a contract with the college to ensure that they are successful. The contract sets out what the learner can expect from the college and what the college expects from the learner, supported by their parent/carer.

Every learner and member of staff are expected to understand and demonstrate the high expectations we have for all members of the college community. To support this the college has three key rules which support the Connect ethos of RESPECT; for yourself; for others; for your surroundings and for your community.

The rules are:

- Every member of the college community is expected to identify themselves, by wearing their lanyard/badge. When requested, a learner must give their learner name and number to the member of staff. Where learners refuse to comply CCTV footage may be used or if necessary a photograph may be taken to support the identification of the learner.
- Where college rules are stated, learners and staff are expected to comply; for example the wearing and use of Personal Protective Equipment (PPE) in workshop areas, bringing a weapon onto college site or the consumption or possession of alcohol or drugs. Where learners refuse to comply, then they may be denied access to facilities until the matter is resolved.
- Every member of the college community is entitled to be treated with RESPECT. We do not tolerate abusive or aggressive language, threatening language or behaviour, bullying,

harassment or hate speech of any kind. Incidents of this kind will be treated as serious misconduct.

The college endeavours to provide a nurturing environment where every learner feels safe, providing a secure base for their education and progression. To support this:

- All 14-16 Direct Entry learners have an allocated member of staff to support them with their personal, social and emotional wellbeing.
- All 14-16 Direct Entry learners will have an individual learning plan and support profile.
- Additional Learning Support (ALS) information and support is made available to all learners that have disclosed a need.
- Tutorial and PHSE sessions will cover relevant safety and wellbeing topics
- Staff will model appropriate behaviours and recognise when learners meet high standards of behaviour.
- Success will be celebrated.
- Contact with parents/carers will be made on a regular basis to ensure that we are working in partnership to support the learner. This will include positive reports when a learner has achieved their goals or displayed exceptional attitude or behaviours.

### **Minor Misconduct Issues**

Minor misconduct issues should be dealt with by the member of staff witnessing them. Learners should be addressed in a calm manner, and given the opportunity to rectify their behaviour and make positive choices. Where the behaviour continues, the member of staff should remind the learner of the consequences of their choices, and once again ask them to behave in the manner expected. If after a third reminder the learner does not comply with the request, the behaviour should be logged on ProMonitor and a phone call made to the parent/carer.

Where there are repeated minor misconduct issues of a similar nature, then the learner will be required to attend a behaviour support meeting with their Tutorial Learning Mentor. The meeting will explore what strategies can be used to support the learner to meet expectations.

### **Repeated / Serious Misconduct Issues**

Where there is no evidence of improvement in behaviour, or for more serious conduct issues, green/amber/red behavioural contracts will be issued to support improvement of behaviour. Where appropriate a member of the Management Team issues a verbal warning.

At each of these stages, a meeting will be convened with the learner and the parent/carer, and support needs will be considered. If part of the support package involves the learner moving onto a partial timetable, this must be authorised by the Programme Manager – Direct Entry, and must be for an agreed fixed term of no more than 6 weeks.

### **Disciplinary Action and Consequences**

Incidents which constitute serious misconduct or ongoing failure to improve poor behaviour should instigate a disciplinary hearing. The chair may issue a verbal or written warning alongside the appropriate (usually red) behaviour contract which supports improvement. A final written warning or Fixed Term Exclusion may also be issued by the Chair. All consequences should be recorded on ProMonitor.

It is always the aim of the college to avoid permanent exclusion, but this may become necessary when no further action or support is possible or appropriate, or in the case of serious misconduct.

Where the learner fails to meet the conditions set out in their final written warning, permanent exclusion will result. In the case of serious misconduct, it may be deemed necessary to permanently exclude a learner without notice.

### **Misconduct Suspension and Investigation**

Prior to any disciplinary action being taken, a full and proper investigation into the circumstances and facts relating to any allegations of misconduct must be undertaken by an appropriate college manager. The investigation must include an assessment of whether appropriate support and provision is in place to support any SEN or disability that a learner may have. ALS must be contacted to establish if the learner has declared an SEN.

In certain circumstances it may be necessary to suspend a learner.

Suspension itself is not a form of disciplinary action but purely a precautionary measure and no guilt should be implied from its imposition. Suspension of a learner should usually take place where any of the following conditions apply:

- Their continued presence may unduly influence the disciplinary process.
- It is reasonably believed to be necessary to protect staff or other learners.
- Breach of the three key college rules is deemed to be excessively disruptive or to have unreasonable impact upon the college community.
- It is reasonably believed to be necessary to protect the property or equipment of the college or the property of college staff or learners.

Suspensions are enacted by the 14-16 Direct Entry Programme Manager or by managers within the department as their deputy. By exception, members of the Senior Management Team may need to suspend a learner.

The investigation should be undertaken without delay with written statements from witnesses and documentary evidence collected. Where practical, this should be completed the same day, and the disciplinary hearing arranged to take place within 5 days of the incident.

In exceptional circumstances, such as a concurrent police investigation or where access to witnesses is limited, this investigation period may be extended. Alternative provision must be offered beyond the fifth day, such as the learner attending after the usual college day, or attending an alternative provider.

All incidents which involve a suspension must be reported to the Assistant Principal – Access to Learning and recorded on ProMonitor.

If the learner feels that the investigation has not included all relevant witnesses, they should inform the investigating manager who will include them in the investigation.

In the case of suspension, the parent/carer will be contacted and asked to collect the learner. The learner's ID badge should be frozen. They will be informed of the reason for suspension and this will be followed up by a formal letter being sent home to the learner and parent/carer.

In the case of a learner with an EHCP or who is a looked after child, ALS or Safeguarding must be informed.

During a period of suspension the learner must not enter any college building or site until the disciplinary hearing, or until they receive formal notification that the suspension has been rescinded.

It is essential during a period of suspension that contact is maintained with the parent/carer or learner to communicate information regarding the disciplinary process. Work should be provided for the learner to complete during their suspension.

### **Disciplinary Hearing**

Following the investigation, all evidence collected must be carefully considered and if it appears to the investigating manager(s) that there is evidence to suggest a breach of discipline, a disciplinary hearing will be convened.

If there is found to be no case to answer then the disciplinary procedure need not proceed and the learner should return to college.

Where learners have an Education Health and Care Plan (EHCP) or are a Looked after Child (LAC) or care leavers an early review must be instigated instead of a disciplinary hearing. In these instances the Head of ALS must be contacted to ensure appropriate support and compliance is in place. Please inform safeguarding if the learner is a 'Looked after Child' or care leaver.

The disciplinary hearing will take place at the earliest possible opportunity, arranged where possible to accommodate attendance of parent/carer. If a parent/carer is unable / unwilling to attend, then the college will provide the learner with an advocate to accompany them to the hearing.

In exceptional circumstances or where the learner declines to attend the college may ask that the disciplinary process goes ahead without the presence of the learner under investigation. Where appropriate information about the allegations and investigation should be shared with the learner, however in some cases it may be necessary for information to remain confidential; for example where it may present a safeguarding issue, where it regards confidential information about another learner, where there may be a risk to learners or staff, or where it may jeopardise a police investigation.

The hearing will be conducted in the following manner:

NB. The Chair will need to be appropriate for the seriousness of the allegation, for serious / gross misconduct or where the disciplinary hearing may result in a permanent exclusion, a senior manager will need to chair the hearing. This would usually be the Assistant Principal – Access to Learning or Assistant Principal – Students where available.

- The Chair of the hearing will introduce those present, outline their roles, establish the right to accompaniment, the process for the hearing, and specify the allegations against the learner.
- The investigating manager will report on the evidence found during the investigations, and any witness statements.
- The learner or their representative will have the opportunity to question the investigating manager.
- The learner or their representative will then have the opportunity to present their case and refer to any witness statements. They may present any mitigating circumstances they feel are relevant at this stage.
- Once both sides have presented their case both sides shall have the opportunity to sum up. No new evidence is to be produced at this stage.
- The Chair may ask any questions or seek clarification on any matter presented at any stage of the Hearing.
- Both sides will be asked to withdraw while the Chair considers the cases and the evidence presented. Where the Chair requires clarification of any particular matter both sides shall be recalled. In reaching a decision, the Chair will take into account any mitigating circumstances including the learner's personal circumstances.

- The Chair will then recall both sides and convey his/her decision orally. The Chair may defer conveying his/her decision for up to two working days. The decision will be confirmed in writing to the learner within five working days.
- Should any new evidence emerge during the hearing, which requires further investigation, the hearing will be adjourned until this has been completed. Notes will be taken during the hearing, and will be retained.

### **Reintegration Meeting**

Following a suspension or fixed term exclusion, Parents/carers will be expected to attend a reintegration meeting. The purpose will be to discuss the reason for the exclusion and to ensure that a positive way forward for the learner is agreed. If appropriate, this meeting may be held immediately following a disciplinary hearing where there is an outcome that the learner may return to college. Otherwise this will be arranged separately before the learner returns to lessons.

### **Further Advice and Guidance**

General disciplinary guidance and support – Assistant Principal Students.

Staff training and advice on behaviour support and intervention – Behaviour Support Manager.

Safeguarding advice, support and intervention – Safeguarding Team.

Additional Learning Support advice and information – Head of ALS.

### **Disciplinary Appeals Process (see below)**

Details of this process to be sent out following disciplinary meeting decision with accompanying letter appropriate to the outcome of the disciplinary hearing. The following Disciplinary Appeals Process outlines timescales and appeals process to be followed.

### **Disciplinary Appeals Process – following Disciplinary Hearing**

Any learner (or parent/carer on their behalf) who wishes to make an appeal against a decision of the Disciplinary Hearing Elected panel shall, within five working days of receipt of notification of the initial decision, give notice of their intention to appeal in writing to the Director of Quality and shall in such notice specify the grounds for their appeal.

A member of SMT shall convene a meeting of the Appeals Panel to be held not later than ten working days after receipt of the notice of appeal.

Notification of the Appeal Hearing must be made in writing to the learner not less than five working days before the Appeal hearing takes place. The learner will be entitled to be accompanied by an advocate. Should the learner decline to attend or not appear at the Appeal Hearing, the Appeal Hearing should still take place. If the learner has a legitimate reason for not attending the Hearing the Panel may wish to adjourn to a mutually convenient date.

All information for the original Disciplinary Hearing will be copied to the Appeals Panel and the learner. No new evidence shall be presented to the Appeal Hearing without prior agreement of the Appeals Panel.

The complainant at any Disciplinary Hearing shall be required to satisfy the Appeals Panel that the complaint is proven on the balance of probabilities. The manager hearing the appeal may endorse the original decision, may substitute a lesser penalty or exonerate the learner.

The decision of the Appeals Panel will be final. The outcome of the appeal will be confirmed in writing and will confirm any disciplinary action imposed and the reasons for this.

The Appeals Panel will be made up of a Senior Manager, the manager who made the original decision, the learner and any friend / family member or advocate they wish to attend.

### **Process for learners with an EHCP or LAC**

Where the college has concerns about the behaviour, or risk of exclusion, of a learner with an EHCP or a Looked After Child, it should, in partnership with others including the Local Authority, consider what additional support or alternative placement may be required. This will involve requesting an early review or interim/emergency review. Within the review consideration needs to be given to what extra support might be needed to identify and address the needs of these learners to reduce their risk of exclusion. Exploration of what strategies have been used to provide support around their additional support needs.

A SEN expert must attend the review. The SEN expert must be someone who has expertise and experience of special education needs considered by the Local Authority as appropriate to perform the functions specified in the SEND legislation. The SEN expert must not be directly involved in the incident(s) leading to the review, which might reasonably be taken to raise doubts about their ability to be impartial. However, an individual should not be assumed to have such a connection simply by virtue of the fact that he/she is an employee of the college.

The minutes of the meeting will be submitted to the LA SEN panel and they will decide if the provider is no longer able to meet the learner's needs and whether they need to provide an alternative provider or cease the EHCP. In cases where the learner is suspended from College, work will be sent home, and/or alternative attendance arrangements will be made until a decision is made.

In the case where an agreement cannot be reached regarding a suitable transition for the learner, or it is felt that the current placement remains appropriate, the process may progress to a disciplinary hearing.

#### **EQUALITY AND DIVERSITY**

EqIA is not required for this policy.

#### **LINKED POLICIES AND PROCEDURES**

- Behaviour Support & Disciplinary Policy.

#### **LOCATION AND ACCESS TO THIS POLICY**

This policy is available on the college's intranet.

## 14-16 Direct Entry Behaviour Management Summary:

Issue	Minor Misconduct	Repeated Minor Misconduct	Escalation of Misconduct	Serious Misconduct
Led by	Any staff member	TLM	Behaviour Support Manager	Programme Manager
Action by	Any staff member	TLM	Behaviour Support Manager / TLM	Programme Manager / TLM
Stage 1	Address the issue with the learner in a calm manner, asking them to rectify their misbehaviour	Arrange a meeting with the learner and parent/carer to discuss misconduct	Arrange a meeting with the learner and parent/carer to discuss misconduct	Appoint an investigating officer who can carry out an investigation.
Stage 2	After allowing time for the learner to respond, repeat the request in a calm clear manner	Discuss support needs and strategies, and agree a way of the learner managing the misconduct	Discuss support needs and strategies, and agree a way of the learner managing the misconduct	If necessary suspend the learner, and arrange a disciplinary hearing with SMT chair. AP – AtL must be informed immediately following suspension of learner.
Stage 3	Allow the learner a third opportunity before logging a comment on ProMonitor and making a phone call to parent / carer	Issue a Green contract summarising the points agreed. Review as agreed.	Issue an Amber contract summarising the points agreed. Review as agreed.	Arrange a reintegration meeting following the disciplinary hearing if appropriate. Notify local authority if the outcome is Permanent Exclusion.

### Learners with EHCP / LAC

The Behaviour Support Manager should be made aware of any instances of misconduct involving a learner who is LAC and/or has an EHCP, by being copied into any ProMonitor comments. Where there is an Escalation of Misconduct, or Serious Misconduct, the Behaviour Support Manager should ensure that Safeguarding/ALS are aware, and have the opportunity to input into the process.