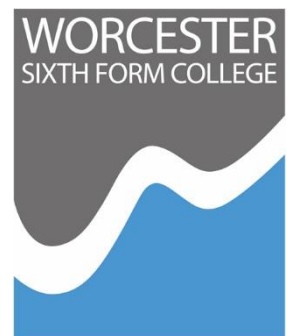


WORCESTER SIXTH FORM COLLEGE

STUDENT CONDUCT POLICY

August 2023



INTRODUCTION

The College provides students with considerable freedom and choice regarding use of their time, style of work and study, mode of travel and dress. We believe that students should have responsibility. Students can only become responsible by learning to exercise their various responsibilities effectively. However, the College is a busy community trying to meet the needs of many individuals and groups with different and sometimes competing interests, attitudes and requirements.

To be effective as an organisation the College has to regulate some behaviours, discouraging those behaviours that are detrimental to the well-being and progress of others. This policy sets out the Code of Conduct that students at Worcester Sixth Form College are required to abide by and explains the sanctions that would be applied where the policy is infringed.

DEFINITION

For the purpose of this policy a 'student' is under 19 years old if on the 1st September in the academic year in question he/she had not attained the age of 19 years.

MONITORING & REVIEW

This policy will be reviewed annually by the Senior Leadership Team. Where significant alterations are intended it will be presented for approval to the Local Governing Body.

RELEVANT DOCUMENTS AND POLICIES

Relevant policies and documents which are not found in this policy or appendices are:

- Learning Agreement
- The Acceptable Use Policy

These are available on the College Portal or can be requested from College staff.

Edward Senior
August 2023

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A, PRINCIPLES

1. The purpose of the College is to promote learning and students should ensure their behaviour enables teaching and learning to proceed safely and effectively without distraction, interruption or interference.
2. The College is a community of members brought together by common purposes and interests though these members may have very different backgrounds, interests and attitudes. It is essential that all members of the College treat each other with respect and consideration.
3. Students are required to ensure that their behaviour, at all times, is governed by common sense and consideration for others.
4. The College is committed to promoting fundamental British values including democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.
5. Student behaviour must preserve and enhance the fabric and facilities of the College and not detract from its appearance or operation.
6. Some facilities of the College are reserved for the use of those who need them most, for example the lift must be available for those who are disabled, and students should respect the restrictions on the use of some facilities or the need for privacy.
7. Students have an obligation to present themselves for lessons or other College activities in a fit state to benefit from them and to preserve the safety of themselves and others. It is for these reasons that any kind of substance abuse is not tolerated.
8. Students and their parents must deal honestly with the College in all matters. Students must respond to any reasonable instruction or request from College staff with full co-operation.
9. It is important that all members of the College work to sustain and enhance its reputation in the community as everyone benefits from this in terms of the further opportunities afforded them.
10. A hierarchy of student support and/or disciplinary measures will be employed. Having reached a given level students will remain on the same level or, possibly move to a higher level, but cannot normally fall back to the previous level.

B, STUDENT CODE OF CONDUCT

By signing the Code of Conduct you are agreeing to:

1. General Conduct

- a) **Refrain from acting in a manner which brings the College into disrepute** or tarnishes the reputation of its staff or students.
- b) **Refrain from behaviour or expressing views that are contrary to fundamental British Values** including democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.
- c) **Treat all members of the College community with courtesy and respect** at all times (including other students, staff and visitors). You are expected to follow instructions from any member of staff, and be truthful and fully co-operative in all dealings with the College.
- d) **Have your ID badge with you at all times.** Students must report to reception if they do not have their badge. Under no circumstances should a student permit someone else (College student or otherwise) to use their ID badge to enter the College premises. Misuse of ID cards or facilitating access of a non-student to the College site will be subject to disciplinary proceedings.
- e) **Show on demand your identification badge** when on College premises and/or when undertaking College activities.
- f) **Students must refrain from smoking or vaping on College premises or having smoking paraphernalia (including cigarettes, tobacco and vapes) in their possession whilst at College.** The College will confiscate any smoking/vaping paraphernalia. Students are also prohibited from smoking/vaping on Spetchley Road in response to concerns from our neighbours and members of the public.
- g) **Refrain from visiting the children's play area on the Wildmore Estate as this is out of bounds to students during the College day.**
- h) **Use College property and resources in a responsible manner.** Those who damage College property, including through litter or graffiti, will be subject to disciplinary proceedings and will be expected to pay the costs of repairing the damage.
- i) **Refrain from taking food or open drinks** from the cafeteria (or elsewhere) (including cans) into any other part of the building or outside, other than the designated outdoor recreation area.
- j) **Dress appropriately** when attending College and when undertaking College activities (see Appendix 4).
- k) **Refrain from making personal comments about staff or students** on social networks or other internet forums.
- l) **Refrain from gambling** at or in the vicinity of College or in connection with any College trip or activity.

2. Academic

- a) **Attend all timetabled classes and activities punctually** so as not to disrupt the learning of others. Repeated and unexpected absence without notification, or persistent lateness, will result in disciplinary proceedings. Holiday trips must be arranged outside of College term times. Permission for holidays during term time will only be granted in exceptional circumstances and students who take such holidays without first obtaining the permission of the College are likely to be suspended or excluded.
- b) **Ensure that parents or carers inform the College of all absence using the Portal** and attend the whole of your agreed programme of study unless a change has been formally agreed with your Head of Year.
- c) **Complete all set tasks and assignments** required of you within the time set by the course tutor, and to the appropriate standard. Where this not possible you are expected to anticipate and discuss the difficulties with the appropriate member of staff
- d) **Refrain from copying work** from other students, from the internet or from textbooks without direct acknowledgement or reference. Plagiarism, misuse of artificial intelligence (AI), cheating in exams or use of model answers will result in disciplinary proceedings.
- e) **Refrain from using mobile phones**, other forms of electronic communication or any musical device during any class, practical sessions or the Learning Resource Centre, unless permitted to by your teacher as part of your lesson. Consideration of others must be given in communal areas of the College, including corridors and the College grounds. Students must not film, take photographs or make audio recordings of others without appropriate consent.
- f) **Refrain from noisy and/or disruptive behaviour.** Behaviour which disrupts the learning of others will result in disciplinary proceedings. This applies to all areas of the College and its grounds.
- g) **Abide by the Acceptable Use Policy and only use College computers and equipment for course related work.**

3. Health & Safety

- a) **Take reasonable care of your own and others health and safety** while on College premises and/or on College activities. You must consider the health and safety of others who may be affected by your activities. You must not intentionally or recklessly damage, misuse or otherwise interfere with any devices or equipment provided by the College.
- b) **Refrain from skateboarding, rollerblading or similar activities** on College premises. Skateboards must not be carried around College. Ball games are restricted to designated areas only and balls should not be carried around College or bounced or thrown indoors or in the recreational area.
- c) **Refrain from inviting adults or friends onto the College site without having gained prior written permission**, or invite others into areas of the College you have permission to use, such as the lift. All visitors to College must report to Visitor's Reception and wear a Visitor's badge at all times.

- d) **Inform the College immediately of any change in your personal details.**
- e) **Follow the instructions of members of staff** in charge when on off-site educational visits.
- f) **Register your vehicle or motorcycle** if you intend to bring it onto College premises or the parking situated at Nunnery Wood Sports Centre.
- g) **Drive, or use, any form of transport in a way which does not endanger yourself or others** whilst on, or travelling in connection with College or its associated areas, or whilst involved in any College activity.
- h) **Refrain from the unlawful use, possession or distribution of illicit drugs or substances, misuse of legal drugs, possession of drugs paraphernalia or consumption of alcohol.** This includes substances consumed offsite which potentially affect any student's ability to learn safely and effectively.
- i) **Refrain from carrying any offensive weapon.**
- j) **Comply with any requests by the Principal or delegated members of staff to search you or your belongings.** This also applies to any storage used by you, or to your clothing.

A breach of any of the above is likely to result in disciplinary proceedings. This may include fines, withdrawal from examinations, not being permitted to progress to the second or subsequent year and temporary or permanent exclusion.

Any student who carries out an assault, engages in fighting or other acts of violence, extremism, vandalism, bullying and harassment – (physical, verbal and cyber), theft, using or being in possession of illegal drugs, firearms or other weapons, committing or attempting to commit any act of arson, or behaves in a way likely to bring the College into disrepute will be subject to disciplinary proceedings the outcome of which is likely to be suspension or exclusion.

Extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs. It includes calls for the deaths of British armed forces, whether in this country or overseas.

Any offence under English criminal law committed by a member of the College may constitute a breach of the Student Code of Conduct and result in disciplinary proceedings. Any breach will be referred to the relevant police authorities. This includes activities committed in the vicinity of College, whilst travelling in connection with College or participating in any College related activity, or which are committed in a context unrelated to College activity but which brings the College into disrepute or which suggests that staff or students may be at risk from their presence at College.

The College is a non-smoking site (including vaping or the use of e-cigarettes). Students must not smoke or vape on the College premises or on Spetchley Road nor have smoking paraphernalia (including cigarettes, tobacco or vapes) in their possession whilst at College. Where a student demonstrates a refusal to comply with these rules, they will be

sent home. Repeat offences will be viewed as a formal disciplinary matter and the student and their parent will be invited to a disciplinary meeting.

Students are also expected to adhere to any relevant Department Code of Conduct and Procedures relevant to their area of learning.

Students are required to observe and adhere to all obligations laid down in the following:

- Student Conduct Policy
- Learning Agreement
- Anti-Bullying Policy
- Acceptable Use Policy

The College reserves the right to review, edit or amend any part of the Student Code of Conduct. Please view the College website for any changes which may be made during the academic year.

C, SANCTIONS

1. Informal stage – a verbal warning or being sent home

Where relatively minor infringements of the Student Code of Conduct have been made, and the student has responded positively to it when challenged by any member of staff, it may be appropriate for them to deal with the matter informally with a warning. Details of the nature of the minor infringement will be noted on the interview tab of the Portal and parents informed in writing.

Where a student is found to be smoking or vaping on the College premises or on Spetchley Road, a member of the Senior Leadership Team will send a student home and a note placed on the Portal.

Further infringements of the Student Code of Conduct may lead to a disciplinary meeting at which written warning, suspension or exclusion is a possible outcome.

2. Formal stage - written warning

This may be the disciplinary outcome after a meeting with a student and their parents. Examples of this might include where:

- A student has failed to respond positively when challenged
- Referral to a Head of Department or Head of Year has been unsuccessful
- A student has been found to have breached the Student Code of Conduct following a formal disciplinary meeting.

3. Formal stage – final written warning

This may be the disciplinary outcome after a meeting with a student and their parents. Examples of this might include where:

- A student's failure to respond positively to a previous written warning
- A formal disciplinary meeting where the student's behaviour was determined as mis-conduct, or gross-misconduct but where additional information led to the determination of this outcome.

A written warning will be active for the remainder of the student's time at College and further breaches of the student Code of Conduct will lead to a disciplinary meeting at which suspension or exclusion are possible outcomes. A written warning is not a requirement before sanctions such as suspension or exclusion are employed, nor is it a requirement for a written warning to be followed by a final written warning prior to a suspension or exclusion.

4. Formal stage – suspension or exclusion

This may be the disciplinary outcome after a meeting with a student and their parents.

Suspensions may run consecutively if conditions attached to the ending of a suspension are not met. Where a student is suspended from College they must not come on to the College site or have any dealings with College staff during the period of their suspension. Details of the suspension will remain on the students' disciplinary record during their time at College but the College will not refer to it in external references unless the student is subsequently excluded.

Behavioural reasons for exclusion and suspension

A student may be excluded or suspended for behaviour that:

- causes offence or fails to treat members of the College community with courtesy and respect
- endangers themselves or others
- gives rise to concern for the safety of staff or students
- is illegal
- gives rise to Police investigation in response to a serious criminal offence
- shows disregard of College rules, procedures or policies
- constitutes a refusal to comply with reasonable instructions from a member of staff
- brings the College into disrepute or tarnishes the reputation of its staff or students
- is dishonest or uncooperative in any dealing with the College
- consists of frequent or persistent minor infringements of the student Code of Conduct

No student will be excluded in the above circumstances without an initial verbal warning to themselves and a written warning to the student and their parents, when possible or appropriate, except in a case of gross misconduct where exclusion may be immediate. Where a case results from frequent or persistent minor infringements of the Student Code of Conduct written notification of the minor infringement(s) will constitute a written warning.

Gross misconduct is misconduct at College or outside of College serious enough to make any further working relationship and trust impossible. As such it is likely to lead to the exclusion of the student, which may occur immediately and without the verbal or written warnings that the College would give prior to excluding a student on grounds of misconduct.

Suspension or exclusion may result where a students' behaviour amounts to misconduct or gross misconduct.

Academic reasons for exclusion

A student may be excluded if, after a written warning to the student (copied to their parents wherever possible with an invitation for them to discuss the matter with relevant staff if they wish), he or she is, in the opinion of the Principal or Vice Principal, incapable of benefiting from the courses offered by the College.

A student may be excluded **on academic grounds** if, after a written warning to the student (copied to their parents wherever possible with an invitation for them to discuss the matter with relevant staff if they wish), he or she is, in the opinion of the Principal or Vice Principal, **incapable of benefiting from the courses offered by the College.**

Where a student is excluded from College they must not come on to the College site or have any dealings with College staff. They will not be permitted to sit examinations or submit assignments or other work to College staff. Details of the exclusion will remain on the students' disciplinary record and will be used in any subsequent external reference.

In some cases exclusion may be for the remainder of the academic year in which the exclusion took place. In this case students may re-apply in subsequent academic years and their application will be considered subject to the College's admission criteria. Where

however, it is believed that the student is unlikely to keep to the Student Code of Conduct and/or staff/ students would be at risk from their presence, permanent exclusion may mean that a student will not be permitted to re-apply. Any conditions relating to an exclusion will be made clear at the time the sanction is imposed.

No student will be excluded without an initial verbal warning to themselves and a written warning to the student and their parents, when possible or appropriate, except in a case of gross misconduct where exclusion may be immediate. Where exclusion results from frequent or persistent minor infringements of the Student Code of Conduct written notification of the minor infringement(s) will constitute a written warning.

Gross misconduct is misconduct at College or outside of College serious enough to make any further working relationship and trust impossible. As such it is likely to lead to the exclusion of the student, which may occur immediately and without the verbal or written warnings that the College would give prior to excluding a student on grounds of misconduct.

Suspension or exclusion may result where a students' behaviour amounts to misconduct or gross misconduct.

D, STRATEGIES, PROCEDURES & SANCTIONS

a) Guidelines

- All incidents of unacceptable behaviour should be challenged
- Incidents of poor behaviour or attitude to study in the classroom to be dealt with by the teacher.
- Persistent incidents of poor behaviour or attitude to study in the classroom may be referred to the HoD. This may involve the student being asked to leave the classroom and to work elsewhere in the short-term.
- Keep parents informed and their support sought
- Keep other staff informed of issues and your actions in response. (Use the College Portal).
- Tutors to deal with reported incidents across subjects (Tutors can refer to HoYs if necessary).
- Attendance issues to be followed up by tutors
- Refer serious incidents of poor behaviour to a HoD/ Heads of Year/Vice Principal

Incidents of poor student behaviour outside the classroom must be challenged appropriately. Persistent/more serious incidents should be recorded.

b) Referrals and reports

The following illustrates the range of strategies that might be used to manage poor student behaviour.

- **Referral to the Head of Department, Tutor or Head of Year**

In cases where a member of staff has tried to improve behaviour in the classroom but it remains unacceptable a referred to the appropriate Head of Department may be made. They will normally meet with the student, inform parents and record the nature of the intervention taken.

- **On Report (Departmental or Pastoral)**

Students who are on report will have their behaviour monitored closely for a period of time

- **On Contract (Heads of Year only)**

In cases where previous strategies have not been successful a student may be set formal conditions for improvement which, if not met, could result in suspension or exclusion. Parents should normally be closely involved at this stage.

c) Warnings

- In cases of misconduct it may be appropriate to issue a written warning or final written warning to the student as an alternative to suspension or exclusion.
- A written warning will be active for the remainder of the student's time at College and further breaches of the student Code of Conduct will to lead to a disciplinary meeting at which suspension or exclusion are possible outcomes.
- Should a student wish to appeal against a written warning or final written warning they should do so by writing to the Principal, stating the grounds for their appeal. The appeal will take the form of a further disciplinary meeting held by the Principal

or Vice Principal at which it may be decided to delete the written warning or final written warning, to uphold it, or to decide that the written warning or final written warning was insufficient and that exclusion or suspension is the appropriate outcome.

d) Suspension and Exclusion

Suspension or Exclusion may be considered in any case where there is cause to suspect that the College's duty of care to do everything reasonable to provide a safe and secure environment is at risk. In circumstances where a student's alleged conduct might put staff/students at risk, warrants investigation by the police, or where a student's presence at College may hinder the proper investigation of the facts by the relevant member of College staff, the student may be sent home until the investigation into the alleged conduct is resolved.

Where an investigation suggests a significant possibility of exclusion a student will be sent home pending the outcome of the disciplinary hearing.

Where a student is under Police investigation for a serious criminal offence they will be sent home pending the outcome of the Police investigation or until such time as the College can be confident that the student's presence will not put themselves, other students, staff or the College environment, property or resources at risk.

Where a student is sent home for any of the reasons given above then the College will endeavour to send work to the student and mark it. This will not apply where a student has been excluded.

Where a student is sent home for or any of the reasons given above or suspended the College will consider arrangements so that the student is able to take external examinations. This will not apply where a student has been excluded. Should the College need to put additional measures in place in order to carry out its duty of care to do everything reasonable to provide a safe and secure environment this cost will be passed on to the student in question.

Should a Police investigation be ongoing and not concluded within 2 calendar months of the student being sent home, the College will determine whether it is possible to proceed with its disciplinary procedure. This might not be possible, for example, when the College has no access to the alleged victim or witnesses or when the nature of the alleged crime means it is inappropriate to interview the victim or alleged perpetrator.

Where it is not possible for the College to proceed with disciplinary procedures, the College will assess whether the student's presence at College would put themselves, other students, staff or the College environment, property or resources at risk. Prior to the completion of this assessment, the student and their parents or carers will be invited to discuss identified risks and possible mitigations. A possible outcome is that a student will be excluded for the remainder of the academic year. In such cases, the usual right of appeal will apply even in the absence of a formal disciplinary hearing.

Where a student is under 16, we will take account of the 'Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: A guide for those with legal responsibility in relation to exclusion.

Where disciplinary meetings are held and if the student is under 19 their parents/guardians will be notified prior to this meeting and invited to attend. The College will take all reasonable steps to facilitate the attendance of the student's parent/guardian. If a parent/guardian is unable to attend a 'responsible adult' may be invited to attend. It is not permitted for this person to attend in the capacity of legal adviser. Other College staff may attend this meeting at the discretion of the Principal or Vice Principal. Where appropriate, the Designated Safeguarding Lead or a Deputy Designated Safeguarding Lead may be invited to attend to provide contextual safeguarding information. Students over the age of 19 years may be informed directly without recourse to their parents/guardians. The same right of appeal will apply.

If the student has additional vulnerabilities and a lead professional, e.g. a Child Looked After or previously Looked After, the lead professional will be informed of the risk of suspension or exclusion. If the student has an EHCP, the College will call a review of the EHCP and notify SEND services or the caseworker if there is a risk of exclusion.

e) Suspension

Suspension may be for a fixed term of up to five College days. A suspension may only be made by the Principal or Vice Principal.

Prior to the decision being taken regarding whether to suspend a student from College, a disciplinary meeting between the Principal or Vice Principal and the student will be held at which the concerns about the student's behaviour and the supporting evidence will be made available to the student and they will have the opportunity to respond and state their case.

In reaching a decision whether to suspend a student the Principal or Vice Principal will determine matters of fact 'on the balance of probabilities' based upon the information provided to them at the hearing. Where relevant this will include information held by the College regarding the students disciplinary and behavioural record whilst at College or prior to enrolling at College. This will include disclosure regarding previous convictions, reprimands or cautions which may be relevant. Where this is the case any such information or disclosure will be made available to the student and they will have the opportunity to respond and state their case.

If the decision is taken to suspend the student the reason(s) for the suspension, the period of the suspension, and any conditions attached to the ending of the suspension shall be notified to the student and confirmed in writing to parents/guardians. The right to appeal will be explained in the letter and the policy and procedure provided as necessary.

Students over the age of 19 years may be informed directly without recourse to their parents/guardians. The same right of appeal will apply.

The College will work with other agencies, as appropriate, either to inform the risk assessment and/or to provide appropriate support for the student once they have been suspended. College may also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements.

f) Exclusion

Exclusion may only be made by the Principal or Vice Principal.

With the exception of gross misconduct, prior to the decision being taken regarding whether to exclude a student from College, a disciplinary meeting between the Principal or Vice Principal and the student will be held at which the concerns about the student's behaviour and the supporting evidence will be made available to the student and they will have the opportunity to respond and state their case.

In reaching a decision whether to exclude a student the Principal or Vice Principal will determine matters of fact '**on the balance of probabilities**' based upon the information provided to them at the hearing. Where relevant this will include information held by the College regarding the student's disciplinary and behavioural record whilst at College or prior to enrolling at College. This will include disclosure regarding previous convictions, reprimands or cautions which may be relevant. Where this is the case any such information or disclosure will be made available to the student and they will have the opportunity to respond and state their case.

If the decision is taken to exclude the student the reason(s) for the exclusion will be notified to the student and confirmed in writing to parents/guardians. The right to appeal will be clearly explained in the letter and the policy and procedure provided as necessary.

In some cases exclusion may be for the remainder of the academic year in which the exclusion took place. In this case students may re-apply and their application will be considered subject to the College's admission criteria. Where however, it is believed that the student is unlikely to keep to the College's code of conduct and/or staff/students would be at risk from their presence, permanent exclusion may mean that a student will not be permitted to re-apply.

Any conditions relating to the exclusion will be made clear at the time the sanction is imposed.

Following any exclusion, the Principal or Vice Principal (decision maker) will meet with the Designated Safeguarding Lead to review the exclusion and the factors that lead to it and to evaluate the College's actions as well as to consider any post-exclusion action that may be required e.g. reporting to external agencies such as the Police.

In the case of exclusion, the College will notify Worcestershire Children First in order that they can fulfil their duty to signpost young people under the age of 18 to other sources of education, training or employment.

E), RESTRAINT & SEARCH

The Principal and delegated members of staff have the power to search students for prohibited items and confiscate such items should they be found (see Appendix 3). It is not expected that staff will invoke these powers often. However, students who display tobacco products inappropriately e.g. rolling cigarettes or visibly carrying cigarettes (including e-cigarettes and other similar devices) on College premises in their hand will have these products confiscated and not returned, regardless of the student's age.

College staff also have the power to use reasonable force to restrain students without their consent if there are grounds for doing so.

The College has agreed in principle to adopt these restraint and search powers and has implemented the necessary training programme for senior staff and agreed procedures to ensure they are exercised appropriately.

Full details regarding Restraint and Search can be found in Appendix 3 'The College's Powers of Restraint and Search

F, APPEALS AGAINST FORMAL SANCTIONS

Written confirmation of any formal sanction will contain notification of the right of appeal. A request should be made in writing to the Clerk to the Local Governing Body within ten working days of the College's notification of the formal sanction, from the student if over 19 years or from the parent(s)/guardian(s) of a student if under 19 years, for an appeal to be heard.

This written request must state:

- (i) The ground(s) for the appeal;
 - Failure to follow college procedure, or
 - Inappropriate sanction, or
 - Other circumstances, and
 - (ii) The reasons for the appeal; and
 - (iii) The remedy sought.
- (See Appendix 5 for an Appeal form.)

In the case of an appeal against a written or final written warning, the appeal will be heard by the Principal (or Vice Principal where the Principal was the decision maker). The appeal will be determined by the Principal (or Vice Principal where the Principal was the decision maker) and this decision will be final. A successful appeal against a written warning may result in the removal of the warning from the student's record.

In the case of an appeal against exclusion or suspension the Student Exclusion and Suspensions Appeal Panel will consist of at least two members of the Local Governing Body and one senior member of staff. The decision of the Appeal Panel will be final and will either confirm, vary or dismiss the exclusion decision.

In the case of an appeal against any formal sanction, the date set for the appeal hearing will be notified to the student, and his/her parents/guardians if under the age of 19 years, and they will have a right of attendance to express their views.

The procedure for Student Exclusion and Suspension Appeal Panel hearings is set out in Appendix 1.

A successful appeal against suspension may result in the suspension being deleted from the student's record.

The procedure for appealing a written or final written warning is set out in Appendix 2.

A successful appeal against suspension may result in the suspension being deleted from the student's record.

G, COMPLAINTS TO THE EDUCATION & SKILLS FUNDING AGENCY (ESFA)

Following an unsuccessful appeal against exclusion or suspension a student may make a complaint to the ESFA against the College. Any such complaint is not a further stage of appeal but an enquiry to determine whether the College has correctly followed its own procedures.

The College will advise an excluded student of this complaint procedure at the same time as they are notified that their appeal has been unsuccessful.

REASONS FOR EXCLUSION AND SUSPENSION

APPENDIX 1

STUDENT EXCLUSION AND SUSPENSION APPEAL PANEL

1. **Membership**

- 1.1 The Panel shall comprise at least two members of Local Governing Body and one senior member of staff.
- 1.2 Staff, parent and student governors may not sit on the Panel. In addition, no person may sit on the Panel who has any interest in its findings or who has been involved in any way in an investigation or other disciplinary action leading up to the reference of the particular matter to the Panel unless it is reasonably impracticable to avoid.
- 1.3 The quorum for meetings of the Panel shall be three members.
- 1.4 The Panel shall convene a meeting as soon as practicable after a reference to it and shall give the appellant at least 5 working days' notice of the meeting.
- 1.5 The Clerk to the Local Governing Body shall act as Clerk to the Panel.

2. **Terms of Reference**

- 2.1 To examine the case for an appeal against a permanent or fixed term exclusion(s), to determine the correct level of punishment if appropriate and to make recommendations to the Local Governing Body as the Panel considers fit.
- 2.2 To give the student whose exclusion is being appealed against the right to make representations. The representations, which may be made in writing, may also be made orally, for which purpose the student must be accompanied by their parent(s)/carer(s).
- 2.3 The Panel will follow the procedures approved by the Local Governing Body.
- 2.4 The Panel will appoint a Chair prior to the start of the hearing

3. *Delegated Powers*

- 3.1 Authority to examine the case for an appeal against a permanent or fixed term exclusion(s).
- 3.2 Authority to determine the correct level of punishment if appropriate.
- 3.3 Authority to re-instate the student excluded if appropriate.

4. **Appeals Panel Procedure**

- 4.1 Following the decision to exclude, the student's parents/carers or the student (where they are aged 19 or above) shall then notify the College in writing within ten working days if they wish to appeal the decision.
- 4.2 The College shall set a date and time for the appeal hearing within five working days of receipt of the written request for an appeal hearing.
- 4.3 The student and their parents/carers will be given five working days' notice of the date and time when the appeal will be heard and where it will take place. With the agreement of the student and their parents/carers the appeal can be held earlier. At their request it can be deferred by up to one week. Failure to attend the scheduled hearing without prior written agreement will be deemed a withdrawal of an appeal request. In exceptional circumstances where it is not possible to provide written agreement of non-attendance at a scheduled hearing, the hearing can be rescheduled but must be heard within one calendar month of the date of the scheduled hearing.
- 4.4 The names of those who are to present evidence to the appeal panel or represent either side shall be notified to the other party no later than three days before the hearing is held. The student or students who are appellants must attend the hearing. A student can be accompanied by his/her parent(s)/carer(s). Failure to attend a hearing without prior written agreement may be interpreted as a withdrawal of the appeal unless in exceptional circumstance (refer to 4.3).
- 4.5 The Chair of the Appeals Panel shall determine which witnesses, if any, shall give evidence. If the presence of a witness is requested then their attendance will be voluntary accepting that written evidence will always be admissible instead. Written evidence must be signed and dated by the person providing it.
- 4.6 All documentation to be considered by the Panel shall be made available to the other party no later than three working days before the hearing is held. The Chair of the Panel shall determine the admissibility of papers presented at the hearing.

- 4.7 The Chair of the Appeals Panel shall call in both parties, introduce them and state the purpose of the appeal. The Chair will remind both parties that the proceedings shall remain confidential until a final decision has been taken.
- 4.8 The case against the student will be presented first in the presence of the student and their parents/carers. The student and their parent(s)/carer(s) will have the opportunity to ask questions of the College staff. Members of the Panel may also ask questions of the College staff.
- 4.9 The student and their parent(s)/carer(s) will then put their case in the presence of the College staff who will have the opportunity to ask questions of the student and their representatives. Members of the Panel may also ask questions of the student and their representatives.
- 4.10 Each side in turn will have the opportunity to sum up their cases if they so wish.
- 4.11 The Chair of the Panel will then ask both the College staff and the student and their representatives to withdraw. The Panel will consider the case in private.
- 4.12 The Panel shall determine matters of fact 'on the balance of probabilities' based upon the information provided to them at the hearing.
- 4.13 The Panel may confirm, vary or dismiss the exclusion decision that has given rise to the appeal. Where exclusion or other disciplinary sanction has been served the Panel will have authority to remove it from the student's record.
- 4.14 The Panel will announce its decision to the parties in writing within five working days.
- 4.15 The Chair of the Appeals Panel has the right to exclude from the proceedings any of those participating in the hearing if they behave unreasonably or disregard the instructions of the Chair.
- 4.16 The notification times identified in these procedures are for guidance. Where either party cannot adhere to the times identified, variations can be agreed with recourse to a ruling by the Chair of the Appeals Panel if there is no agreement.
- 4.17 Legal representation will not usually be permitted at appeal hearings. It can be granted exceptionally at the discretion of the Chair of the Appeals Panel if they feel that any of the following factors are compelling:
- the seriousness of the charge and the potential penalty
 - whether any points of law are likely to arise
 - the capacity of the student or their parent(s) or non-legal representative to present the case
 - procedural complexities, such as the need to interview and cross-examine witnesses
 - the need for reasonable speed in making the adjudication, and
 - the need for fairness as between the parties
- 4.18 If an excluded student is notified that their appeal is unsuccessful, they will be advised of the ESFA's complaints procedure. A complaint to the ESFA is not a further stage of appeal. The ESFA does not hear evidence or seek to substitute its own decision for that of the College. In considering a complaint from a student, the ESFA would undertake an enquiry to consider whether the College had followed its own procedures and would advise the College accordingly. The ESFA would only ask the College to review the decision itself if it appeared to the ESFA that the decision was unreasonable.

APPEAL PROCEDURE: WRITTEN OR FINAL WRITTEN WARNING

- 1.1 Following the confirmation of a written or final written warning the student or his/her parent/guardian (if under the age of 19) shall then notify the College in writing within ten working days if they wish to appeal the decision. When writing to notify the College of the intention to appeal the student or his/her parent/guardian (if under the age of 19) must state the grounds for the appeal.
- 1.2 The College shall set a date and time for the appeal hearing within five working days of receipt of the written request for an appeal hearing.
- 1.3 The student and his/her parent/guardian will be given five working days' notice of the date and time when the appeal will be heard and where it will take place. With the agreement of the student and his/her parent/guardian the appeal can be held earlier.
- 1.4 The student must attend the hearing and be accompanied by his/her parent/guardian.
- 1.5 Legal representation will not be permitted at appeal hearings. If a student or their parent(s)/guardian(s) lack the capacity to present their case, a non-legal representative may be permitted for this purpose at the discretion of the Principal.
- 1.6 The Principal (or Vice Principal where the Principal was the decision maker) shall chair the appeal hearing and will determine the admissibility of evidence (including papers) presented at the hearing.
- 1.7 The College manager who issued the written or final written warning will present the reasons for the College's decision, and in particular the concerns that the College has that led to this decision. The student and their parent/guardian will have the opportunity to ask questions of the College manager. The Principal (or Vice Principal where the Principal was the decision maker) may also ask questions.
- 1.8 The student and their parent/guardian will then outline the grounds for their appeal. The College manager and/or the Principal (or Vice Principal) will have the opportunity to ask questions of the student and their parent/guardian.
- 1.9 Each side in turn will have the opportunity to sum up their cases if they so wish.
- 1.10 In reaching a decision the Principal (or Vice Principal) shall determine matters of fact 'on the balance of probabilities' based upon the information provided at the hearing.
- 1.11 The Principal (or Vice Principal) may confirm, vary or dismiss the written or final written warning that has given rise to the appeal.
- 1.12 The Principal (or Vice Principal) will announce the decision to the parties in writing within five working days.
- 1.13 When the appellant has exhausted the College's appeal procedure the appellant has the right to make a complaint to the Education and Skills Funding Agency. A complaint to the ESFA is not a further stage of appeal. The ESFA does not hear evidence or seek to substitute its own decision for that of the College.

APPENDIX 3 THE COLLEGE'S POWERS OF RESTRAINT & SEARCH

Purpose

This document is intended to explain the College's powers of restraining and searching students so that all staff, teaching and support, should have the reassurance that if they feel it necessary to intervene in an incident to either search and/or restrain students, they do so with the express support of the College authorities.

Relevant Legislation

Education Act 1996

Education and Inspections Act 2006

Health and Safety at Work Act etc. 1974

Education Act 2011

Apprentices, Skills Children and Learners (ASCL) Act 2009

Further Education Institutions and 16 – 19 Academies (Specification and Disposal of Articles) Regulations 2012

Searching – Key Points

- College staff can search a student for any item if the student agrees
- The Principal and delegated staff have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item.

Prohibited Items (All students)

- knives or weapons
- illegal drugs
- stolen items

Prohibited Items (students up to the age of 18)

- tobacco products
- fireworks
- pornography
- alcohol

- The delegated staff are the Vice Principal, other Senior Leaders, and any member of staff responsible for an off-site visit or activity.
- The Principal and delegated staff can seize any item found as a result of a search.

Searches with Consent

- The College is not required to have formal written consent from students for searches of this sort
- If a member of staff suspects a student has a prohibited item in their possession, they can instruct the student to turn out their pockets or bag and if the student refuses, the member of staff can invoke appropriate disciplinary proceedings, in line with the Student Conduct Policy.

Searches Without Consent

- Students of any age can be searched for
 - knives or weapons
 - illegal drugs
 - stolen items

- Students aged up to 18 can be searched for
 - alcohol
 - tobacco products
 - fireworks
 - pornography

In addition the Principal and delegated staff, have a statutory power to search students or their possessions, without consent, for any article that the member of staff reasonably suspects, or is likely to be, used

- (i) to commit an offence, or
- (ii) to cause personal injury to, or damage to the property of, any person (including the students)

The powers relating to searches are subject to the following conditions:

- They are exercised on the College's premises or elsewhere where the Principal and delegated member of staff has lawful control of the student (e.g. during a field trip).
- Searches are undertaken or authorised by the Principal, either generally or to deal with a specific incident.
- The student can only be required to remove outer clothing, ie. clothing not worn next to the skin or immediately over underwear, but the staff member can require the student to remove a hat, gloves, scarf or shoes.
- The person conducting the search must be of the same sex as the student and may only carry out the search in the presence of another member of staff of the same sex as the student.
- Anything found which the Principal and delegated member of staff has reasonable grounds for suspecting is a knife, blade or in law an offensive weapon may be seized but must be handed over to the police as soon as reasonably practicable.
- The Principal and delegated staff exercising the power may in doing so use such force as is reasonable in the circumstances. Where the staff member anticipates force may be required it may be advisable to call the police if it is feasible to postpone the search until they arrive.

Rights of Search

There is no statutory power to search using reasonable force for anything but offensive weapons. An offensive weapon is something designed to do harm but also something adapted (broken beer glass) or used (a hockey stick) to do harm.

The statute explicitly says that this in no way removes any right to conduct other searches. The right to private life is qualified. It may be infringed lawfully to prevent crime. A student's admission to the College is conditional on acceptance of a search of belongings and of any storage provided by the College for students for the purposes of safeguarding against illegal substances or stolen goods.

A student's admission to the College is also conditional on the acceptance of a search of clothes. A student who refuses to turn out their pockets may either be subject to the College's disciplinary procedure or have their place may be withdrawn.

Seizure and Confiscation of items

- A member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where an article is thought to be a weapon it must be passed to the police.
- Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceeding brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

Restraint

College staff have the power to use reasonable force to restrain students to prevent injury to others or damage to property.

Implementation

The College has adopted both restraint and search powers and has consulted fully with staff, students, staff representatives and governors.

It is not expected that the powers would be invoked often, but where there is reasonable suspicion of possession of offensive weapons, illegal substances or stolen goods the College reserves the right to search student's clothing, belongings or storage spaces either on the College site or during a College activity.

Powers of restraint/search will be limited to a small number of senior staff. In addition however members of staff managing trips will also have exceptional powers to do this if necessary. The following support measures have been implemented:

1. All senior staff authorised to undertake searches for weapons have received appropriate training and may be called upon to restrain a student.
2. All members of staff are covered by public liability insurance to meet any claim which may be made by a student arising from the exercise of such powers.
3. On occasions when it is obvious that the behaviour of an individual (either student or other person/intruder) is extreme then all staff have been advised to exercise caution and without delay ensure that the police are contacted.
4. The College will ensure that every occurrence of the use of these powers is appropriately recorded.
5. An annual report will be presented to the Finance & Resources Committee of the Local Governing Body and as soon as possible where they have been used to deal with any serious incident.

Informing parents of students aged under 18, record keeping and dealing with complaints

- The College is not required to inform parents of students aged under 18 before a search takes place or to seek their consent to search their son/daughter.
- There is no legal requirement to make or keep a record of a search, however, it is regarded as good practice and the College will keep such records.
- The College will also inform the parents or guardians of students aged under 18 when prohibited items are found, although there is no legal requirement to do so.
- Where a student is of statutory school age, and also attending school, the College will inform the school when a search has taken place and if any prohibited items have been found.
- Complaints about searching should be dealt with through the normal College complaints procedure.

DRESS CODE

Why Does Worcester Sixth Form College Need a Dress Code?

Students must be mindful that the College is a working environment and they should not wear items of clothing that are a distraction to others, that display offensive texts/images or give rise to concerns about safety.

Students should, for example, avoid wearing items that expose significant amounts of flesh. Such items might include athletes' vests, low cut tops or exceptionally brief shorts. Clothing displaying expletives, discriminatory or sexual slogans or images must not be worn. Students who come to College wearing such items may be sent home to change. To assist the identification of intruders and engagement with staff students should avoid wearing head coverings e.g. hoods, inside the building except where done for religious or cultural reasons. Footwear which may give rise to safety concerns should be avoided in the relatively crowded College environment.

The examples given here are not intended to be a definitive list of inappropriate clothing and students must accept that College staff will always be the arbitrators of acceptability and safety. The College is keen to avoid disputes with students about dress and we hope that everyone concerned will exercise discretion and common sense in enforcing this guidance.

How to appeal against an exclusion or suspension from College

Written confirmation of exclusion or suspension sent to a student and/or their parent/guardian will contain notification of the right of appeal.

An appeal against exclusion or suspension must be submitted to the College in writing within ten working days of the College's notification of exclusion signed by the parent(s)/carer(s) of the student (if under 19 years) or from the student (if aged 19 or above) for an appeal to be heard. The written request for an appeal must state the ground(s) for the appeal and the remedy sought.

An appeal against exclusion or suspension will be heard by a Student Exclusion & Suspension Appeal Panel. The panel will consist of two governors and the Chair of the Student Exclusion and Suspension Appeal Panel.

The date set for the appeal hearing will be notified to the student, and his/her parents/carers if under the age of 19 years, and they will have a right of attendance to express their views.

The decision of the Student Exclusion and Suspension Appeal Panel regarding an appeal will be final. The procedure for Student Exclusion and Suspension Appeal Panel hearings is set out in Appendix 1 of the Student Conduct Policy.

If you are still not satisfied with the outcome of your appeal or the procedures followed, you can take the matter further by contacting the Regional Director of the ESFA:

West Midlands
Regional Director
Education & Skills Funding Agency
53-55 Butts Road
Earlsdon Park
Coventry
CV1 3BH

Tel: 0370 000 2288

A full copy of the Student Conduct Policy is available from the College Reception on request.

APPEAL FORM

You do not have to use this form but if you do it ensures we get the information we need to consider your appeal;

Name:

Address:

.....

.....

Tel:

Relationship to the College, eg. student, parent/carers:

.....

Please answer questions a and B below

A. What are the grounds for your appeal?

Please select one or more of grounds specified below 1-3 (✓)

1. The College failed to comply with the procedures set out in the college Student Conduct Policy. ()

Please describe in what way the college failed to comply:

.....

.....

(Please continue on a separate sheet if necessary)

2. The sanction (exclusion or suspension) imposed was inappropriate.

HOW TO APPEAL AGAINST AN EXCLUSION OR SUSPENSION FROM COLLEGE

Please describe in what way the sanction was inappropriate:

.....
.....
.....

3. Any other reason why you should not have been excluded or suspended.

Please describe what this reason is:

.....
.....
.....

B. What result or outcome do you want from your appeal?

.....
.....
.....

Signed Date

Please send this form to: the Clerk to the Local Governing Body Worcester
Sixth Form College, Spetchley Road, Worcester WR5 2LU or leave it at
College Reception.



Tel: 01905 362600

Fax: 01905 362633