



Newbury College

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Student Code of Conduct Policy and Procedures

Including: Searching a student and/or their possessions

This document can be made available in other formats,
on request

STUDENT CODE OF CONDUCT PROCEDURES

1. Purpose

Newbury College positively encourages its students to behave and communicate with respect for others and their property and to develop responsible approaches that support employability skills and the citizenship skills required to contribute to the wider community. The expected behaviours are detailed in the Code of Conduct which each student agrees to during their induction to their study programme.

A student is considered to be any person enrolled on any type of course at the College or one of its external centres.

The purpose of the Code of Conduct procedures is to support students who have difficulty following the agreed Code of Conduct to develop their understanding and skills so that they can correct their behaviour and take responsibility for their actions.

If a student's behaviour breaks the law the police will always be informed and the code of conduct procedures will be applied.

2. Principles

a) The Code of Conduct is intended to ensure that every student:

- achieves their individual potential
- shows commitment to study and positive behaviour
- shows respect for others and themselves irrespective of disability, age, gender, ethnicity and religion.
- enables students, staff and others using the College to continue their activities without interference of any kind.
- recognises the need to respect the law at all times.
- develops behaviours to support their employability and their contribution to the community as citizens.
- ensures that they and others in the College are safe and secure.

b) The Code of Conduct procedures apply to all students of the College including:

- during lessons, breaks and social opportunities.
- all study locations,
- educational visits,
- residential visits
- travel to and from the College including public transport, college vehicles.
- incidents outside the College environment where they have a direct impact on the College environment and / or other students at the College e.g. fight.

c) The police will be informed if the law has been broken.

d) Every effort will be made to ensure the student continues his/her learning when the code of conduct action is applied.

e) Code of Conduct matters will be settled informally wherever possible.

- f) All Code of Conduct matters will be dealt with in strict confidence and information will only be shared with those who need-to-know.
- g) Records will be maintained for a full academic year, unless they are for Stage 3 Hearings, then this is at the discretion of the Deputy Principal.
- h) If a student is suspended from College while awaiting a Code of Conduct hearing, this suspension is not part of the disciplinary action. For a student under the age of 16, the suspension will be to the 'Support Zone' unless the parent is able to look after them, refer to the 'Exclusion Policy'.

3. Procedure

The procedure for Code of Conduct hearings has five stages which are detailed at the end of this section:

Stage 1: Informal meeting with verbal guidance and agreed action.

Stage 2: Formal meeting written guidance and agreed action.

Stage 3: Final formal meeting to address serious disregard of the Code of Conduct which may have one of the following outcomes:

- o Written guidance and an agreed firm and final action plan,
- o Exclusion from the College. (Details of the exclusion procedure are available as a separate document).

Stage 4: The appeal procedure. This enables a student to appeal any stage of the Code of Conduct procedure if they wish to provide more information or disagree with an aspect of the procedure or how it was applied.

Stage 5: The Exceptional Code of Conduct Procedure. This is used where a student has broken the law and the police provide the option for the College to deal with the incident.

h) The Chair of a Code of Conduct panel will:

- be the most senior post holder involved in the meeting.
- ensure the venue to be used is suitable to meet the individual needs of the student and panel members and their cultural sensitivities
- ensure that the procedure is conducted correctly
- ensure that all relevant records are made available for all those involved in the meeting.
- ensure that the student has support provided in the meeting from a parent / guardian / carer or from a member of staff.
- explain the Code of Conduct procedure.
- explain the behavioural concerns to be discussed and the seriousness of their impact on others.
- explain the appeals procedure.
- ensure there is equality and fairness of treatment and follow the single equality duty guidance.
- ensure that actions set are clearly recorded.
- ensure that arrangements are put in place to monitor the actions and ensure the guidance is followed.

- i) Support for the student is automatic and will take into account their age and learning needs.
- Students aged under 16 and all vulnerable adults must be accompanied by a parent or guardian or legal carer or school representative at all Code of Conduct Hearing Panels
 - Students aged under 19 years of age should be accompanied by a parent or guardian or legal carer or employer. The College must ensure that parent/guardians are informed in advance.
 - Students aged 19+ should be supported by an independent member of staff or a suitable friend.
- j) Any student who believes they have been discriminated against, irrespective of the reason, can have a relevant representative or advocate at any stage of the disciplinary process.
- k) At the end of a Code of Conduct hearing:
- a. Within the meeting: The outcome of the Code of Conduct Hearing will be confirmed verbally.
 - b. Immediately following the meeting: A phone call will be made to the parent/guardian if they were unable to attend the meeting.
 - c. Within 5 working days: The outcome of the Code of Conduct Hearing will be confirmed in writing to the student.
 - d. Within 5 working days: The outcome of the hearing will be copied to the parent/guardian/legal carer/employer/school if the student is under 19.
 - e. Where very serious behavioural issues are being addressed a student may be withdrawn or excluded from the College, refer to stage 3 of the Code of Conduct procedures.
- * 'Withdraw' Where the student voluntarily withdraws from the College, the College agrees to consider an application from that student to undertake study in the academic year following the withdrawal.
- * 'Exclude' Where a student is excluded from College, the College will not consider an application from that student for the academic year following the incident. If the student is under 16 years of age, please refer to the conditions set in the Exclusion Policy.

In both withdrawal and exclusion, the College will assist the student to continue their studies by way of providing information on alternative venues for study. Should the alternative venue ask for a reference, the College will be both truthful and fair in response.

4. Stages of the Code of Conduct Procedure

STAGE 1 – refer to Appendix A for examples

1. Purpose	To discuss and provide verbal warning where the code of conduct has not been followed.
2. Procedure	Interview with student.
3. Notice	Immediately following breach of Student Code of Conduct.
4. Panel	Course Leader (Chair and Recorder) or WBL Coordinator Person witnessing incident (if appropriate) e.g. lecturer
5. Student Representation	Student involved Assessor or Learning Support Mentors Parent or Guardian or legal carer or employer or school representative or other (optional)
6. Outcome/Sanctions	a) Verbal warning and guidance for improvement. b) Withdrawal of privileges e.g. Educational Visits, enrichment clubs, etc. c) Actions and targets agreed d) Referral for action under Stage 2 if the matter considered serious.
7. Follow up	a) Notes of meeting and any warning to be put on student file on CID, confirmed and followed up by the Course Leader or by WBL Coordinators. b) Student may be offered support e.g. learning support/counselling/mentoring or coaching or close supervision. c) For Work-Based Learning, employers may be informed.
8. Student Support	If the student requests it, a friend or parent or guardian or legal carer or employer may be present.

STAGE 2 – refer to Appendix B for examples

1. Purpose	To address and provide written warning in the case of a serious behavioural issue where the code of conduct is disregarded or a repetition of behaviours addressed in a Stage 1 Code of Conduct hearing.
2. Procedure	Code of Conduct meeting otherwise known as 'Hearing' and an interview with student.
3. Notice	<p>Within five working days following breach of Student Code of Conduct or appeal a letter and/or phone call arranging the code of conduct meeting will be given to the student and parent/guardian/legal carer/ employer or other support adult to inform them of the date and arrangements for the hearing.</p> <p>Notice of the Code of conduct hearing panel will be organised by Safeguarding Officer.</p>
4. Panel	Curriculum Manager (Chair and Recorder) or WBL Operations Manager(Chair and Recorder), Course Leader or WBL Coordinator, Safeguarding Officer, and the person witnessing the incident.
5. Student Representation	<p>Student involved</p> <p>Assessor or Learning Mentors / CSAs (optional)</p> <p>Parent or Guardian or legal carer or employer or school representative or other (optional)</p>
6. Outcomes/Sanctions	<p>a) Written warning.</p> <p>b) Withdrawal of privileges e.g. Ed Visits, enrichment clubs, etc.</p> <p>c) Actions and targets agreed</p> <p>d) Appropriate payment of compensation (usually in case of damage to property).</p> <p>e) Refer to actions under Stage 3, if the matter is considered very serious.</p>
7. Follow up	<p>a) Notes of meeting and any warning to be put on student file on CID, confirmed and followed up by the Course Leader or by WBL Coordinators.</p> <p>b) Student may be offered support e.g. learning support/counselling/ mentoring or coaching or close supervision.</p> <p>c) For Work-Based Learning, employers will be informed.</p> <p>d) Written confirmation to student/parent/guardian/employer</p>
8. Student Support	Student to be advised, in case of reference to further Code of Conduct hearing, to seek advice from the Safeguarding Officer.

STAGE 3 – refer to Appendix C for examples

1. Purpose	To take action on the most serious breach of the Code of Conduct and to provide a final warning following continued failure to observe the Code of Conduct. For guidance on Pre-16 students' behaviour, please refer to the Exclusion Policy.
2. Procedure	Code of Conduct meeting otherwise known as 'Hearing' and an interview with student.
3. Notice	<p>Within two working weeks of the breach of the Code of Conduct. A minimum of five working days' notice is to be given formally in writing to the student and parent/ guardian/legal carer/employer or other supporting adult.</p> <p>In most cases, the student will be suspended from College during this period and only allowed back to for attending public exams, such as GCSEs, Functional Skills, etc. Refer to the Exclusion Policy for guidance on 'suspension' or 'fixed term exclusion'.</p> <p>Notice of the Code of conduct hearing panel will be organised by Safeguarding Officer.</p>
4. Panel	The Deputy Principal and/or Learner Services Manager (Chair), Safeguarding Officer (Recorder) Curriculum Manager or WBL Operations Manager
5. Student Representation	<p>Student involved</p> <p>Assessor or Learning Mentors / CSAs (optional)</p> <p>Parent or Guardian or legal carer or employer or school representative or other (optional but actively encouraged)</p>
6. Outcomes/Sanctions	<p>a) Final written warning or Permanent exclusion</p> <p>b) Withdrawal of privileges e.g. Educational Visits, enrichment clubs, etc.</p> <p>c) Actions and targets agreed</p> <p>d) Appropriate payment of compensation (usually in case of damage to property) or legal action by the College depending on the severity of the offence.</p> <p>e) Any other appropriate sanction or a combination of those listed.</p>
7. Follow up (if applicable)	<p>a) Notes of meeting and any warning to be put on student file on CID, confirmed and followed up by the Course Leader or by WBL Coordinators.</p> <p>b) Student may be offered support e.g. learning support/counselling/ mentoring or coaching or close supervision.</p> <p>c) For Work-Based Learning, employers will be informed.</p> <p>d) Written confirmation to student/parent/guardian/employer</p> <p>e) If a student/apprentice withdrawn from their programme of learning is under the age of 19 their name will be given to 'Adviza' for further support</p>
9. Student Support	Student to be advised, in case of reference to further Code of Conduct hearing, to seek advice from the Safeguarding Officer.

STAGE 4 – Appeals Procedure, refer to Exclusion Policy

1. Purpose	To consider appeal by student against action taken under Stage 1, 2 or 3 of the Code of Conduct Procedures. Also please refer to the Exclusion Policy.
2. Procedures	The Principal will receive all applications for an appeal against Stage 3 Hearings, whilst the Deputy Principal will receive appeals against Stage 1 & 2 Hearings.
3. Notice	<p>The Student must appeal in writing within one week of the date of the letter, setting out reasons for appeal, refer to the Appeal Procedure in the Exclusion Policy.</p> <p>In most Stage 3 cases, the student will continue to be suspended from College during this period and only allowed back to for attending public exams, such as GCSEs, Functional Skills, etc. Refer to the Exclusion Policy for guidance on ‘suspension’ or ‘fixed term exclusion’.</p> <p>The Appeal Panels are to be organised by the Safeguarding Officer, supported by the Principal’s PA for stage 3 Appeals only.</p>
4. Appeals Panel	<p>For Stage 3, the Principal (Chair) and two independent members of the College community</p> <p>For Stage 1 or 2, the Deputy Principal (Chair), Safeguarding Officer (Recorder) and Curriculum Manager or WBL Operations Manager</p>
5. Student Representation	<p>Student involved</p> <p>Assessor or Learning Mentors / CSAs (optional)</p> <p>Parent or Guardian or legal carer or employer or school representative or other (optional but actively encouraged)</p> <p>Safeguarding Officer</p>
6. Outcome/Sanctions available	<p>The Appeals Panel will agree outcomes and any actions and targets.</p> <p>For Stage 3, the Appeal Panel may not take place if the Principal deems it that the Hearing Panel has followed College procedure in accordance to the Exclusion Policy.</p>
8. Follow up	<p>Report of the meeting and it’s outcomes to be put on student record</p> <p>In cases of exclusion and/or legal action the Principal is to always be kept informed.</p> <p>Within 5 working days a letter is to be sent to the student and their parent/ guardian/ legal carer/employer/supporter confirming the action taken.</p> <p>Within 5 working days a copy of the student letter is to be sent to the student’s Course Leader / WBL Coordinator and the relevant Curriculum Manager.</p>

THE DECISION REACHED BY THE APPEALS PANEL IS FINAL

Please note: If the issue is a criminal matter and, in discussion with the police, the College decides to take its own disciplinary action, the following appeals procedure will take place.

Stage 5 – EXCEPTIONAL CODE OF CONDUCT PROCEDURE: for a criminal offence or unlawful behaviour

If a student breaks the law, the police will always be called.

Where the police offer the College the option of dealing with the matter formally through a police report, or internally using the College Code of Conduct procedure, the College should choose to deal with the matter internally, except where it is judged to be unsafe or a threat to others. The College will refer to Stage 3.

5. Monitoring

Student Code of Conduct procedures are monitored on a termly basis by the Director of Students, Quality and Curriculum (DSQC) and reported to relevant committees including CMT and the College Corporation.

Course leaders and Curriculum Managers are responsible for monitoring to ensure the student is following the guidance and action plan agreed in the meeting.

6. Membership of Panels

Where a panel member was personally involved in the incident(s) giving rise to the use of the Code of Conduct procedure, their Line Manager will take their place.

7. Appendices A/B/C

The examples given in Appendices A/B/C are not a complete list and may be added to at the discretion of the Principal and Deputy Principal. However, if the list is updated this is to be updated on Moodle and students are alerted to changes to the list.

Appendix A - STAGE 1 Examples

Absenteeism below College target – 85%

Boasting about bad behaviour outside College environment

Eating and drinking in class – unless water in closed bottles

Lateness to class

Mobile phone usage in class – unauthorised

Not prepared for learning – no pens, papers etc

Playing music in public areas loud enough for people to hear

Refusal to do what a member of staff asks when requested, including receptionists, front desk staff, Mitie or Caterlink employees etc

Swearing and bad language – directed to someone or just used in class or public areas

Threatening behaviour – low level eg staring at others, menacing behaviour

Unprofessional behaviour – eg hugging, feet on sofa or tables etc

Wearing a hood or unprofessional dress in class eg a hat/cap in class

Work not submitted on time

Appendix B - STAGE 2 Examples

Repeat of Stage 1 concerns

Inappropriate comments that may be interpreted as bullying, discriminatory, belittling etc
Littering the College premises, including spitting
Plagiarism or other malpractice such as copying others' work
Poor attitude towards teacher or College employees eg rolling of the eyes, abrupt reactions, slamming books on tables etc
Refusing to attend a Stage 1 meeting
Refusing to work in class or being rude to visitors or external clients
Refusing to provide your full name and ID card to a College member or providing the wrong identity

Appendix C - STAGE 3 Examples

Refusing to attend a Stage 2 meeting

Repeat of Stage 2 concerns

Bad behaviour on College bus, in class or in workshops
Cyber and verbal bullying including text messaging, Facebook, Twitter etc
Cheating or disruption in exams
Damage to College, students', staff or clients' property eg cars, bikes, walls tables, blocking toilets etc
Discriminatory comments or innuendos
Disregarding College speed limits
Drug related activities eg in possession of drugs or drugs related tools or deemed to have taken drugs
Hacking College website, Moodle, emails
Inappropriate use or access of e-resources
Interfering with safety equipment eg fire extinguishers, fire alarms, first aid books
Possession of offensive weapons or making such weapons
Refusing to be search for drugs or offensive weapons
Smoking in non-designated smoking areas
Stealing student, staff or College property
Verbal abuse or physical abuse towards a student, teacher or College employee
Breach of Health and Safety guidelines and working in an unsafe manner that puts others at risk
Being under the influence of alcohol

Date: January 2011

Reviewed: March 2012 (no change), September 2013, August 2014, Dec 2014, Aug 15 (minor change)

Review date: August 2016

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Student Code of Conduct Policy and Procedures Supplement: Searching a student and/or their possessions

The College has a zero tolerance for drugs or any activities that may lead to threat or violence.

1. Purpose

This supplement to the College's Code of Conduct Policy and Procedure aims to give guidance on how the College's staff implement the search of a student who may be suspected of being involved in drug related activities, in possession of an offensive weapon or in possession of indecent / inappropriate materials.

2. Clarification

The College's definition of a 'student search' is where a student **volunteers** to show the Safeguarding Officer or a member of the College's Senior Management Team (SMT) that they are not in possession of drugs, drug related tools, an offensive weapon or indecent / inappropriate materials.

3. Responsibility

Only the Safeguarding Officer or a member of the College's Senior Management Team (SMT) is to conduct a student search or ask a student to leave the College premises. Duty Managers and College Staff may be enlisted for support in such situations but only as a witness and not to conduct or assist in a student search or the suspension of a student.

4. Refusal to be searched or to surrender drugs, drug-related tools or offensive weapons

If a student refuses to cooperate with the instructions of a Safeguarding Officer in participating in being searched, or surrendering drugs, drug-related tools, offensive weapons or indecent / inappropriate materials, the Safeguarding Officer will immediately inform the student that he or she is in breach of the College's Code of Conduct Stage 3. Their lack of participation may lead to the Deputy Principal permanently excluding them from the College, following a Stage 3 Hearing.

If the student continues to refuse to participate, then the Safeguarding Officer will ask them to leave the College premises immediately and he or she will be escorted off the premises.

If the student refuses to leave the College's premises, then a member of the College Senior Management Team (SMT) is to be called who will take charge of the situation and may choose to enlist the support of the Police.

5. Procedure

✓ Step1:

If any member of staff suspects a student of being under the influence of drugs or in possession of drugs, drug related tools, an offensive weapon or indecent / inappropriate materials, then he or she should call the Safeguarding Officer immediately.

✓ Step 2:

The Safeguarding Officer will assess whether the situation is suspicious or not. If there is a valid concern, the Safeguarding Officer will call the College's Duty Manager to act as a witness. If the Duty Manager is not available, the Safeguarding Officer is to call the nearest College member of staff to act as a witness.

✓ Step 3:

The Safeguarding Officer will inform the relevant student of the allegation, and that their possessions are going to be subject to a search. If the student refuses to participate, refer to section 4.

✓ Step 4:

The Safeguarding Officer and the Duty Manager will escort the student to the 'Quiet Room' or to an equivalent suitable private room to conduct the search.

If there is more than one student, then the Safeguarding Officer may enlist the support of another staff member to supervise the remaining students. The role of the member of staff is to witness the behaviour of the students whilst the Safeguarding Officer is conducting his / her duties.

✓ Step 5:

The Safeguarding Officer will ask the student to:

- a. Empty all bags, turn out all pockets, open boxes, pencil cases, phones ipads etc.
- b. Take off jackets or other outer garments, unless such actions may be deemed insulting to religion, race or gender or affecting a disability or modesty.
- c. Take off shoes, trainers, boots, etc.

The Safeguarding Officer will not touch any of the student's belongings, garments or the student him / herself, not even to support the student with the exception of electronic devices.

✓ Step 6:

If the student has been found with an item that may be deemed as suspicious, then the Safeguarding Officer is take such item off the student and suspend the student until a Stage 3 Hearing in accordance to the College Code of Conduct. If the student refuses to hand over the suspicious item, refer to section 4.

✓ Step 7:

If the student or any member of the group is not in possession of anything that may be deemed suspicious, then no student should be suspended. However, if one member of the group is found in possession of something suspicious then the entire group is to be suspended.

Student Search Supplement Approvals

Dated: March 2015
EIA 21 April 2015
CMT 23 April 2015
Reviewed August 2015 (no change)

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