



# Newbury College

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## Student Code of Conduct and Exclusion Policy and Procedures

**Including:**

Searching a student and/or their possessions

Examples of unacceptable behaviours

Appeal form

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

## Student Code of Conduct Procedure

### 1. Introduction

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 and good citizenship skills required in the wider community.

A student is considered to be any person enrolled on any type of course at the College or one of its external centres. When a student signs an enrolment form to join a College course s/he are also signing to adhere to the College Code of Conduct as prescribed in this policy.

### 2. Purpose

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 protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity)
- ✓ 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

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

- ✓ during lessons, breaks and social opportunities
- ✓ all study locations, including educational and 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, College services and / or other students at the College e.g. cyberbullying, bullying and harassment

### 3. Principles

- The police will be informed if the law has been broken.
- Any incidents that may be deemed as a possibility of radicalisation must be reported to the Safeguarding Team and the Principal or Vice Principal even if, subsequently, it is deemed to be a false alarm.
- Every effort will be made to ensure the student continues their learning whilst the code of conduct action is applied.
- All Code of Conduct matters will be dealt with in strict confidence and information concerning safeguarding and child protection will only be shared on a need to know basis.

- Records will be maintained for a full academic year, unless they are for Stage 3 Meetings, then they will be retained for future reference in accordance with the Data Protection Policy.
- Details of Stage 3 Code of Conduct meetings may be used to assess a student's suitability to progress onto College courses in the future.
- If a student is fixed term excluded from College while awaiting a Code of Conduct meeting, this exclusion is not part of the disciplinary action. Students under the age of 16 will serve their exclusion in the Pre 16 Hub, until a parent/guardian is able to collect them from college.

#### **4. Procedure**

The procedure for Code of Conduct meetings has five stages as detailed below. Please refer to Appendix A for more step by step information.

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

**Stage 2:** Formal meeting with written guidance and agreed action

**Stage 3:** Final formal meeting may have one of the following outcomes:

- Written guidance and an agreed firm and final action plan
- Exclusion from the College. (See Exclusion policy, procedure and guidance section)

**Stage 4:** The appeal procedure

A student can appeal any stage of the Code of Conduct procedure if they wish to provide more information or disagree with an aspect of the procedure. Appeals must be in writing to the Vice Principal, using the correct form (Appendix G) setting out reasons for appeal. Appeal requests must be sent within one week of the date on the Code of Conduct letter confirming the decision.

If the Vice Principal decides that there is a case to hear, a new investigating officer will be appointed. The role of the investigating officer is to confirm to the Vice Principal the following:

- The Code of Conduct Panel has followed College procedure
- The Code of Conduct Panel has acted fairly and considered all relevant matters
- If there is any new or further information to consider.

If any of the above has not taken place then the Vice Principal will ask for the Code of Conduct meeting to take place again (Appeal Meeting) and they will chair the panel; otherwise the outcome of the original Code of Conduct meeting will be upheld.

If the Vice Principal re-instates an excluded student, a separate meeting between the Student Service Manager and the Appeal Panel will take place to plan the careful re-integration of the student.

**Stage 5:** 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 using the College Code of Conduct procedure, the College will refer to Stage 3.

Any disciplinaries involving apprentices should be notified to the Work Based Learning Manager in advance of the letter being sent out.

If a student is under a criminal investigation and their attendance at College could hinder the investigation, the College has the right to issue a fixed term exclusion. The College will continue to support the student externally by sending work home if necessary.

Refer to Appendix E for examples of unacceptable behaviours.

## **5. Support**

Support for the student is automatic and will take into account their age and learning needs.

- a. Students aged under 16 and all vulnerable adults must be accompanied by a parent/guardian/legal carer or school representative at all stage 2 and 3 Code of Conduct Meetings. Sufficient notice will be given in advance of the meeting.
- b. Students aged under 19 years should be accompanied by a parent/guardian/legal carer or employer. The College must ensure that parent/guardians are informed in advance, although stage 2 and 3 code of conduct meetings can still go ahead without a guardian present.
- c. Students aged 19+ should be supported by an independent member of staff or a suitable friend.

Any student who believes they have been discriminated against, irrespective of the outcome of the meeting can have a relevant representative or advocate at any stage. Advice on the College Complaints Procedure may also be offered.

## **6. Outcomes of Code of Conduct Meetings**

- Within the meeting, the outcome of the Code of Conduct Meeting will be confirmed verbally. In complex situations, the panel may ask for 24 hours reflection time.
- Immediately following the meeting, a phone call will be made to the parent/guardian if they were unable to attend the meeting.
- Within 5 working days, the outcome of the Code of Conduct Meeting will be confirmed in writing to the student
- Within 5 working days, the outcome of the meeting will be copied to the parent/ guardian/ legal carer/ employer/ school if the student is under 19.

Where very serious behavioural issues are being addressed a student may be withdrawn or excluded from the College (See Exclusion Section below). For students under 16, the College will engage the relevant local education authority officer.

### Terminology:

**‘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 permanently excluded from College, the College will most likely refuse 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’ section

In both cases, withdrawal and exclusion, the College will assist the student to continue their studies by way of providing information on alternative venues for education and

training. Should the alternative provider ask for a reference, the College will be both truthful and fair in response.

## **7. Monitoring**

Student Code of Conduct procedures are monitored on a termly basis by the Vice Principal and the Student Services Manager. The outcomes are reported to relevant committees including the College Management Team and the College Corporation.

## **8. Membership of Meeting Panels**

Where the Code of Conduct procedure identifies a panel member (Refer to Appendix D) but this member has been involved in the incident(s) giving rise to the use of the Code of Conduct procedure, their immediate Line Manager will take their place.

Any disciplinaries involving apprentices should be notified to the Work Based Learning Manager in advance of the letter being sent out.

## **9. Exceptional circumstances**

The Principal and Vice Principal or their appointed managers are the only members of the College who can automatically fixed term exclude a student or call an immediate stage 3 meeting, if they deem a student's behaviour warrants serious consideration – refer to Exclusion Section

## **Exclusion policy, procedure and guidance**

The Exclusion Policy is considered when all possible actions identified through the Code of Conduct Policy have been exhausted. It can also be used if the serious nature of the behaviour(s) being addressed require investigation without possible interference or are likely to impact upon the safety of the individual or others in the College.

The Principal or Vice Principal are the only people permitted to permanently exclude a student. They are required to follow the procedures set out in the Code of Conduct Policy, which are designed to ensure fairness and openness and minimise the need for an appeal against the decision.

All Code of Conduct cases including exclusions are treated in the strictest confidence. Only those who need to know the details of exclusion are informed of them.

### **Types of exclusion:**

Students can be excluded from the College in two ways:

1: Suspension or fixed term exclusion

2: Permanent exclusion

### **Post 16 - Fixed term exclusion**

Fixed term exclusion can only be decided by the Principal, Vice Principal or their appointed manager and are not intended to correct student behaviour. This process will only be used when:

- Health and safety is compromised where a student's presence is believed to be a risk to themselves or others
- To allow an investigation to take place following a serious incident where the student's presence may affect the procedure, such as drug related investigation or a fight on College premises
- The student has put themselves beyond the control of the College by breaking the Code of Conduct and rules for their safety and/or the safety of others e.g. A Pre16 age student leaving College premises without permission.
- A police charge brought against a student of the college, where an investigation could lead to a police caution or further court action.

Re-admittance following a fixed term exclusion can only be granted following a Code of Conduct meeting, refer to procedures outlined in the Stage 3 Code of Conduct or Appeal meeting.

### **Post 16 - Permanent exclusion**

Where a Stage 3 Code of Conduct meeting is likely to lead to a permanent exclusion, the Principal/Vice Principal would ensure that all reasonable strategies to address behaviour have been considered and applied. This will include interventions from:

- The Safeguarding Officer
- Student Services Manager
- Curriculum Manager and other support team depending on the student needs
- External agencies

The letter is to state:

- the reasons for the Stage 3 Code of Conduct meeting
- the date of the Stage 3 Code of Conduct meeting
- the parent/guardian's right to attend and provide information
- the parent/guardian's right to see and have a copy of his or her child's record
- the person whom the parent/guardian should contact if they wish to make a personal disclosure (Safeguarding Officer)

### Interviewing a student for a serious Code of Conduct incident

Before the Code of Conduct meeting the student concerned will be encouraged to:

- write, sign and date a statement of what happened in their own words
- agree to an interview to present their side of what happened in an incident

The student's support may act as scribe to record the student's statement if the student has weak literacy skills or is refusing to co-operate.

### Witness statements

The content of witness statements and their sources will be shared with the student as they are entitled to know the source and nature of the evidence. However, if the College has a concern for the health and safety or the emotions of a witness, the Vice Principal may allow the statement to remain anonymous, even if the circumstances lead to a permanent exclusion of the student.

### Proof

The Code of Conduct meeting will draw upon evidence of a student's past behaviour; the risk of a repeat of the unacceptable behaviour and the likelihood to respond positively to the guidance, actions and sanctions available. There is no requirement for the Vice Principal to have hard evidence proof, but sufficient serious suspicion should suffice.

### The decision to exclude

In all cases where a student is permanently excluded, information and guidance will be provided of possible alternative places of study. Students aged 16 to 19 will be referred to the local careers guidance service.

### Parent/Guardian's Responsibilities

If a parent/guardian sends an excluded student, (fixed period or permanent), to the College or refuses to collect them, guidance suggests that the College's duty of care remains, as the College must have responsibility for the student's safety.

For Post 16 students, the College will ensure they have safe and adequate means to travel to their home. However, if a Post 16 student attends the College against advice with the intention of disrupting College's normal working practices or threatening others, the Vice Principal may decide to seek police help to remove the student from College's premises.

### **Pre 16 - Fixed Term Exclusions**

See Flowchart in Appendix B

A student aged under 16 can only be suspended from their timetabled if a parent / guardian collects the student.

At this point, a parent/guardian is reminded of their responsibility to ensure that the student is under their full care and supervision for the full period of suspension  
Re-admittance following a suspension can only be granted following a Code of Conduct meeting, refer to procedures outlined in the Stage 3 Code of Conduct.

Model Letter 1 (Appendix B) will be sent to the parent/guardian informing them of the terms of the fixed term exclusion.

A fixed term exclusion may also apply if police charges are brought against a Pre 16 student. where an investigation could lead to a police caution or further court action.

### **Pre 16 - Permanent exclusion**

See Flowchart in Appendix B

Exclusion meetings concerning Pre 16 students are attended by the Vice Principal, Student Services Manager and Academy Curriculum Manager. The Pre 16 Safeguarding Officer may be asked to attend at the request of the parent. Prior to the meeting the relevant local education authority officer will be informed and given an opportunity to attend. If parents/guardians cannot attend such a meeting, which is likely to result in a permanent exclusion, they must be notified immediately by the Vice Principal or Student Services Manager, ideally by telephone, followed up by Model letter 2 (Appendix C).

Where a Pre16 student is permanently excluded from the College, a managed move to another educational provider will be considered, after engaging the relevant LEA officer. If a managed move is rejected by the parents/guardians, the Vice Principal will put this in writing to evidence that the strategy was suggested. The relevant local education authority will then look to provide alternative education in consultation with the parent/guardian.

Where a parent/guardian notifies the College in writing or orally that they intend to home educate their son or daughter, the College will inform the relevant Local Authority and the Elective Home Education Services before removing their names from the roll. Refer to the Student Recruitment and Admissions Policy.

If a parent/guardian sends an excluded student (fixed period or permanent), to the College or refuses to collect them, guidance suggests that the College's duty of care remains, as the College must have responsibility for the student's safety.

### **Considering the reinstatement of a student**

The Appeals Board will consider the reinstatement of an excluded student within 15 college days of receiving the notice of the exclusion if:

- the exclusion is permanent;
- it is a fixed-term exclusion which would bring the student's total number of college days of exclusion to more than 15 in a term;

- it would result in a student missing a public examination, when the reinstatement of the student will be considered before the date of the examination.

If requested to do so by parents, the Appeals Board will consider the reinstatement of an excluded student within 50 college days of receiving notice of the exclusion if the student would be excluded from College for more than five school days, but less than 15, in a single term. In the absence of any representation from the parents, the Appeals Board is not required to meet and cannot direct re-instatement of the student.

## **Appendix A: Stages of the Code of Conduct Procedure**

STAGE 1 – refer to Appendix B for examples

1. Purpose	To address and provide a 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 Work Based Learning Coordinator for Apprentices, 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 (not compulsory at this stage)
6. Outcome / Sanctions	Verbal warning and guidance for improvement Withdrawal of privileges e.g. Educational Visits, College enrichment, etc. Actions and targets agreed Referral for action under Stage 2 if the matter considered serious.
7. Follow up	Notes of the meeting and any warning issued will be recorded on a College computer system (CID) by the Course Leader/Work Based Learning Coordinators. Student may be offered support e.g. learning support / counselling / mentoring / coaching or close supervision. For Work-Based Learning, employers may be informed.
8. Student Support	If the student requests it, a suitable friend / parent / guardian / legal carer or employer may be present. The College has the right to refuse the presence of any person deemed to be unknown to the College.

STAGE 2 – refer to Appendix B for examples

1. Purpose	<p>To address and provide a written record, where the code of conduct has not been followed, or conditions set at a Stage 1 Code of Conduct meeting have not been followed.</p> <p>A Stage 2 meeting can be issued automatically for serious disregard of the College Code of Conduct, even if Stage 1 was not issued.</p>
2. Procedure	Code of Conduct meeting and an interview with student.
3. Notice	<p>Within five working days of the incident</p> <ul style="list-style-type: none"> <li>- A letter and/or phone call arranging the code of conduct meeting will be given to the student and parent/guardian/legal carer/school/ employer or other support adult to inform them of the date and arrangements for the meeting.</li> <li>- Notice of the Code of Conduct meeting panel will be organised by the College Safeguarding Team.</li> <li>- Notice of the Code of Conduct meeting panel for apprentices will be organised by the WBL team</li> </ul>
4. Panel	Curriculum Manager (Chair and Recorder) or WBL Operations Manager (Chair and Recorder) for apprentices, Course Leader or WBL Coordinator, Safeguarding Officer and witnesses, if required.
5. Student representation	<ul style="list-style-type: none"> <li>- Student involved</li> <li>- Assessor or Learning Support Mentors</li> <li>- Parent or Guardian or legal carer or employer or school representative</li> </ul>
6. Outcome / Sanctions	<ul style="list-style-type: none"> <li>- Written warning and guidance for improvement</li> <li>- Withdrawal of privileges</li> <li>- Actions and targets agreed</li> <li>- Appropriate payment, in case of damage to property</li> <li>- Refer to actions under Stage 3, if the matter is considered very serious.</li> </ul>
7. Follow up	<ul style="list-style-type: none"> <li>- Notes of the meeting and any warning issued will be recorded on a College computer system (CID) by the Lead Safeguarding Officer.</li> <li>- Student may be referred to the Safeguarding team and offered support e.g. learning support/counselling/ mentoring or coaching or close supervision.</li> <li>- For Work-Based Learning, employers may be informed</li> <li>- Written confirmation to student/parent/guardian/employer</li> <li>- Pre 16 learners at stage 2 for poor attendance may be contacted by the West Berkshire Educational Welfare Officers and be served with a compliance order. Also refer to Missing Children in Education (MCE) in the Safeguarding Policy.</li> </ul>
8. Student Support	If the student requests it, a suitable friend / parent / guardian / legal carer or employer may be present. The College has the right to refuse the presence of any person deemed to be unknown to the College

STAGE 3 – refer to Appendix B for examples

1. Purpose	<p>To take action on most serious breach of the Code of Conduct and issue a final warning or terminate the education of the students.</p> <p>To take action on continued failure to comply with Stage 2 of College Code of Conduct conditions.</p> <p>A Stage 3 meeting can be issued automatically for serious disregard of the College Code of Conduct, even if Stage 1 or 2 were not issued.</p>
2. Procedure	Code of Conduct meeting and an interview with student.
3. Notice (Post 16)	<p>Within two working weeks of the breach of the Code of Conduct:</p> <ul style="list-style-type: none"> <li>- A letter and/or phone call arranging the code of conduct meeting will be given to the student and parent / guardian/ legal carer/school/ employer or other support adult to inform them of the date and arrangements for the meeting.</li> <li>- The student may 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 section in appendix E, for guidance on ‘suspension’ or ‘fixed term exclusion’.</li> <li>- Notice of the Code of Conduct meeting panel will be organised by the College Safeguarding Team</li> <li>- Notice of the Code of Conduct meeting panel for apprentices will be organised by the WBL team</li> </ul>
4. Notice (Pre 16)	<ul style="list-style-type: none"> <li>- The relevant local authority will be contacted where a fixed term exclusion has been issued</li> <li>- Parents/guardians will be sent Model Letter 1 for Fixed term exclusion that do not exceed a 5 day period</li> <li>- For exclusion periods exceeding 5 days – parents will be sent model letter 2</li> </ul>
5. Panel	<p>The Vice Principal (Chair) and/or Student Services Manager (Chair), Safeguarding Officer (Recorder) Curriculum Manager or Work Based Learning Operations Manager for apprentices and witnesses, if required.</p> <p>For Pre 16 meetings, a College Governor will be present.</p>
6. Student representation	<p>Student involved.</p> <p>Assessor or Learning Mentors / CSAs (optional)</p> <p>Parent/Guardian/legal carer/employer/school representative/other (optional but actively encouraged)</p> <p>Pre 16 learners must have the relevant representation at the meeting.</p> <p>If a student and their guardian refuses to attend the Chair of the panel may decide to continue with the meeting.</p>

7. Outcomes / Sanctions	<ul style="list-style-type: none"> <li>- Final written warning with guidance for improvement or permanent exclusion (See Exclusion section in appendix E)</li> <li>- For Pre 16 students – please refer to Appendix E</li> <li>- Withdrawal of privileges e.g. Educational Visits, enrichment, etc.</li> <li>- Actions and targets agreed</li> <li>- Appropriate payment, in case of damage to property or legal action by the College depending on the severity of the offence.</li> <li>- Any other appropriate sanction or a combination of those listed</li> </ul>
8. Follow up (if applicable)	<ul style="list-style-type: none"> <li>- Notes of meeting and any warning will be recorded on a College computer system (CID), Actions confirmed and followed up by the Course Leader/Work Based Learning Coordinators.</li> <li>- Student may be referred to the Safeguarding team and offered support e.g. learning support/counselling/ mentoring or coaching or close supervision.</li> <li>- For Work-Based Learning, employers will be informed by the WBL Manager</li> <li>- Written confirmation to student/parent/guardian/employer</li> <li>- Legal action may be taken for Pre 16 learners at Stage 3 for very poor attendance via the West Berkshire Educational Welfare Service.</li> </ul> <p>If a student/apprentice withdrawn from their programme of study is under the age of 19, referral to external careers services will be offered.</p>
9. Student Support	<p>If the student requests it, a friend/parent/guardian/legal carer or employer may be present. The College has the right to refuse the presence of any person deemed to be unknown to the College.</p>

STAGE 4 – Appeals meeting procedure, refer to Exclusion Section

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 Section.
2. Procedures	The Vice Principal or Principal / Teaching & Quality Manager if the Vice is involved in previous meeting, will receive all applications for an appeal
3. Notice	The Student must appeal in writing within one week of the date of the letter, setting out the reasons for appeal and using the College appeal form - Refer to the Appendix D. 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’. The Appeal panels are to be organised by the Safeguarding Officer, supported by the Vice Principal’s PA.
4. Appeals panel	For appeal against Stage 3, the Vice Principal will chair the meeting along with two members of the College community. For Pre 16 appeals, please see Appendix B
5. Student representation	Student involved Assessor or Learning Mentors / Curriculum Support Assistants (optional) Suitable friend / parent / guardian / legal carer / employer / school representative / other (optional but actively encouraged).  For Pre 16 appeals, please see Appendix B
6. Outcome / Sanctions	The Appeal panel will agree outcomes and set action points.  The Appeal panel for Stage 3, may not take place if the Principal / Vice Principal decides that the Meeting Panel has followed College procedure in accordance with the Exclusion Policy.
7. Follow up (if applicable)	Report of the meeting and its outcomes to be put on student record. - 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 - Within 5 working days a copy of the student letter is to be sent to the student’s Course Leader / Work Based Learning Coordinator and the relevant Curriculum Manager

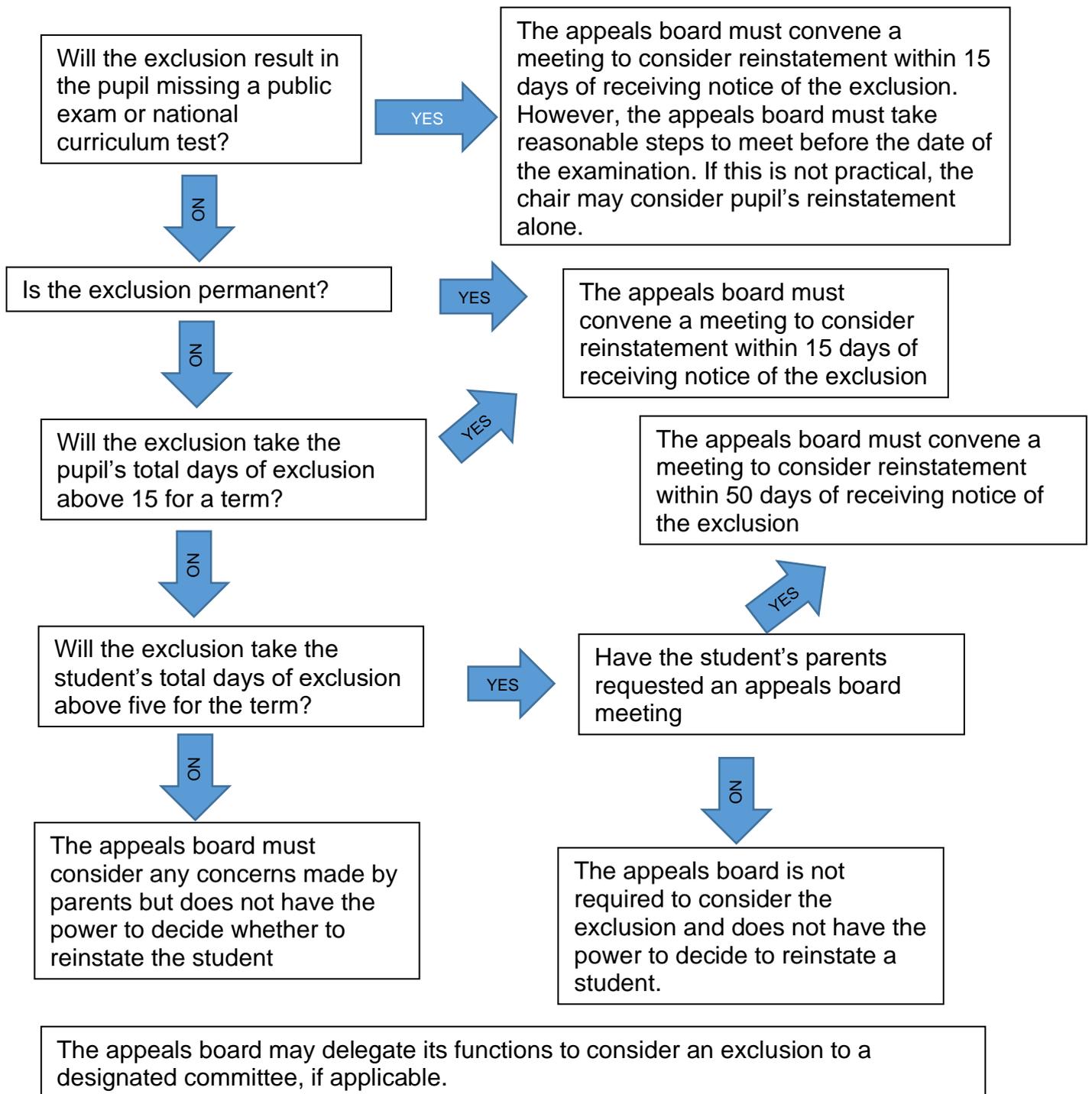
❖ The decision reached by the Appeal panel is final

Date: October 2018, October 2019

Review due: October 2020

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**Appendix B – A summary of the College’s duties to review the Principal/Vice Principal’s Pre 16 exclusion decision**



## **Appendix C – Model letter 1 (Fixed Term Exclusion)**

**From Academy Curriculum Manager**

Dear **[Parent's Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in college for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[reason for exclusion]**.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during college hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Child's Name]** to be completed on the days. Please ensure that work set by the college is completed and returned to us promptly for marking.

If you wish to raise concerns about the fixed term exclusion please contact **[Name of Contact]** Student Services Manager on/at **[contact details — address, phone number, email]**, as soon as possible.

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[Name - Academy Curriculum Manager]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the college to rearrange. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of **[Child's Name]**'s college record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s college record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

**[Child's Name]**'s exclusion expires on **[date]** and we expect **[Child's Name]** to be back in college on **[date]** at **[time]**.

Yours sincerely

Academy Curriculum Manager

## **Appendix D – Model letter 2 (Permanent Exclusion)**

**From Principal**

Dear **[Parent's Name]**

I regret to inform you of my decision to permanently exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this college unless he/she is reinstated by the Appeals Board. I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded because **[reasons for the exclusion — include any other relevant previous history]**.

You have a duty to ensure that your child is not present in a public place in college hours during the first 5 college days of this exclusion, i.e. on **[specify the precise dates]** unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during college hours on those dates. It will be for you to show reasonable justification.

I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education. You can contact them at **[give contact details]**.

As this is a permanent exclusion, the appeals board must meet to consider it. At the appeal meeting you may make representations to the appeals board, if you wish and ask them to reinstate your child in college. The appeals board have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion. The date of the appeal board hearing will be within 15 days of the board being notified. If you wish to make representations to the appeals board and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Appeals Board of the time, date and location of the meeting.

You have the right to see a copy of **[Name of Child]**'s college record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of **[Name of Child]**'s college record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Yours sincerely

**[Name]**

Principal/Vice Principal/Student Services Manager

## **Appendix E: Examples of unacceptable behaviours**

The examples given below are not a complete list and may be added to at the discretion of the Principal, Vice Principal and Student Services Manager.

### **STAGE 1 Examples**

Lateness to class

Absenteeism below College minimum requirement

Not prepared for learning – no pens, papers etc.

Mobile phone usage in class – unauthorised

Eating and drinking (including soft drinks) in class – unless water in closed bottles

Eating and drinking in non-designated areas

Not having Newbury College Parking Permit clearly displayed

Playing music in public areas loud enough to disrupt other people

Refusal to comply with a staff member's request, including receptionists, front desk staff, Mitie or Catering employees etc.

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

Refusal to wear the College lanyard on College premises

Threatening behaviour – low level e.g. staring at others, menacing behaviour

Unprofessional behaviour – e.g. hugging, feet on sofa or tables etc.

Wearing a hood or inappropriate dress in class

Work not submitted on time

WBL – cancelling assessor visits

Boasting about bad behaviour outside College environment

Pre 16 – Smoking anywhere on College premises

Pre 16 – Repeated failure to sign in or out of College.

Pre 16 – Using areas that are not authorised for Pre 16 students

Pre 16 – Refusal to wear the College uniform/student lanyard

### **STAGE 2 Examples**

Repeat of Stage 1 concerns

Refusing to attend a Stage 1 meeting

Continued poor attendance

Inappropriate comments that may be interpreted as bullying, **harassing**, discriminatory, belittling etc.

Littering the College premises, including spitting

Parking vehicle in non-designated space

Driving vehicle unsafely on College premises and/or above the requested speed limit

Poor attitude towards teacher or College employees e.g. rolling of the eyes, abrupt reactions, slamming books on tables etc.

Refusing to work in class or being rude to visitors or external clients

Refusing to provide your full name and ID card to College staff or providing the wrong identity

Smoking in non-designated areas

### STAGE 3 Examples

Repeat of Stage 2 concerns

Refusing to attend a Stage 2 meeting

An unauthorised attendance below 85% in the first six weeks

Police charges brought against a student or concerns deemed under the PREVENT agenda

Disrespectful/inappropriate behaviour on College premises

Disrespectful/inappropriate behaviour on College or public transport, to include educational visits

Cyber and physical/verbal bullying, harassment including text messaging and online activity.

Cheating or disruption in exams / assessments

Damage to College, students', staff or clients' property e.g. cars, bikes, walls, tables, blocking toilets etc.

Discriminatory comments or innuendos

Disregarding College speed limits

Drug related activities e.g. in possession of drugs or drugs related tools or deemed to have taken drugs

Refusing to be searched for drugs or offensive weapons – See Appendix C

Hacking College website, Moodle, emails

Inappropriate use or access of e-resources

Interfering with safety equipment e.g. fire extinguishers, fire alarms, first aid books

Possession of offensive weapons or making such weapons

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 drugs/alcohol

Being in possession of drugs/alcohol on College property

## **Appendix F: Searching a student and/or their possessions**

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

### **Purpose**

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

### **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.

### **Responsibility**

Only the Safeguarding Officer, Learner Services Manager or a member of the College's Senior Management Team (SMT) is to conduct a student search. 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.

### **Refusal to participate**

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 Vice Principal or Learners Services Manager permanently excluding them from the College, following a Stage 3 meeting.

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.

### **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 the above 'Refusal to participate' section.

### 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:

- Empty all bags, turn out all pockets, open boxes, pencil cases, phones, iPad etc.
- Take off jackets or other outer garments, unless such actions are insulting to the protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity) or modesty.
- Take off shoes, trainers, boots, etc.

The Safeguarding Officer will not touch a student.

### Step 6:

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

### Step 7:

If one member of a group is found in possession of something suspicious then any student considered to be implicated in the incident is to be suspended. If the student or any member of the group is not in possession of anything that may be deemed suspicious, then no further action will be taken.



