



Student Support and Disciplinary

Policy and Procedure



| | |
|-------------|-------------------|
| DEPARTMENT | QUALITY ASSURANCE |
| DATE ISSUED | NOVEMBER 2022 |
| REVIEW DATE | SEPTEMBER 2023 |
| VERSION | 2 |

Bringing talent to life...



CONTENTS

| | | |
|-----|--|----|
| 1. | INTRODUCTION | 3 |
| 2. | SCOPE | 3 |
| 3. | PURPOSE | 3 |
| 4. | ROLES AND RESPONSIBILITIES | 4 |
| 5. | READY, RESPECT, SAFE AGREEMENT | 4 |
| 6. | POLICY STATEMENT – SUPPORTING POSITIVE BEHAVIOUR..... | 6 |
| 7. | ATTENDANCE AND PUNCTUALITY | 8 |
| 8. | STUDENT SUPPORT AND DISCIPLINE LEVELS/STAGES | 12 |
| 9. | PRIOR TO A MEETING..... | 15 |
| 10. | CONDUCTING A MEETING..... | 15 |
| 11. | ZERO-TOLERANCE DRUGS/ALCOHOL/SUBSTANCES APPROACH | 15 |
| 12. | SUSPENSION | 16 |
| 13. | EXCLUSION..... | 17 |
| 14. | POLICE INVOLVEMENT | 20 |
| 15. | APPEALS | 20 |
| 16. | APPENDIX ONE - POWERS TO SEARCH..... | 22 |
| 17. | POSITIVE HANDLING | 22 |

SUMMARY OF CHANGES

| Section/Page | Description | Rationale |
|--|--|-----------------------------|
| <p>Table: row 3, column 4</p> <p>Page 11</p> | <p>Outcomes will be determined by the Level 3 Disciplinary Panel, with the exception of EHCP/Care Experienced students, who will always be invited to a <i>preliminary meeting, which will offer support and personalised focus resulting in recommendations to the Level 3 Disciplinary Panel. This may include the:</i></p> | <p>Provide more clarity</p> |
| <p>10.3</p> <p>Page 15</p> | <p>At Level 3, concerns/allegations will be reviewed by a panel, subject to the severity of the incident, with the exception of students with an EHCP/Care Experienced students, who will always be invited to a <i>preliminary</i> meeting.</p> | <p>Provide more clarity</p> |

To request a copy of this document in an alternative format such as large print, please contact 01922 657000.

1. INTRODUCTION

- 1.1 At Walsall College, everyone is treated with respect. Staff and students work together to create a Ready, Respectful and Safe learning environment, as outlined in the Ready Respect Safe Agreement.
- 1.2 The [Ready Respect Safe Agreement](#) is shared with all students at induction and brought to life throughout the year in a variety of events and experiences. The agreement provides sensible boundaries within which the whole College can work positively together.
- 1.3 The College's expectations provide a consistent set of standards that everyone can follow, to:
- clearly set out behavioural expectations for all students;
 - ensure all students receive appropriate support;
 - ensure that investigatory procedures are fair and independent;
 - minimise potential barriers to reporting and disclosing instances of harassment and sexual misconduct.
- 1.4 Walsall College is committed to supporting students in their understanding of what is expected of them in terms of attitude, behaviour and attributes. The College's **Support Register** is a system which allows us to set an individual 'Student Status Rating' and offers timely and appropriate intervention and targeted support where required. In most cases, students are swiftly supported back on track by Tutor (and Tutor team) interventions.
- 1.5 In circumstances where the Ready Respect Safe Agreement (or any College rules) are breached, the College will take the relevant action laid out in this **Student Support and Discipline Policy and Procedure**.

2. SCOPE

- 2.1 This policy applies to all students.
- 2.2 This policy also covers behaviour **outside College premises**. As a student, you are representing Walsall College **both inside and outside of College**.

3. PURPOSE

- 3.1 To ensure a ready, respectful and safe learning environment for all, which supports a culture of mutual respect.

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 3 of 25 | Review Date – Sept 2023 |

3.2 To ensure consistency and transparency for all.

4. ROLES AND RESPONSIBILITIES

4.1 Overall responsibility for implementation lies with the Assistant Principal – Quality and Higher Education.

4.2 Day-to-day responsibility lies with all College staff. Advice in delivering the Policy and Procedure is available from College managers.

5. READY RESPECT SAFE AGREEMENT



Ready

- Attend ALL timetabled classes
- Turn up on time
- Have ALL necessary equipment with you
- Have a positive attitude to learning
- For online learning be prepared to log in with a camera and microphone
- Complete classwork and homework to the highest standard
- Complete all examinations and assessments
- Only take water into classrooms and workshops
- Submit work within agreed deadlines
- Make sure all of your work is your own
- Make the most of enrichment and work experience opportunities
- Take pride in your learning
- Be ready to contribute and have your say

Bringing talent to life...

 Walsall College

Respect

- Do not use mobile phones in lesson, unless directed by your tutor
- Use positive language
- Respect others and your environment
- Behave in a way that does not offend others
- Keep the College environment litter free and tidy
- Promote British values;
 - Democracy
 - Rule of Law
 - Respect and Tolerance
 - Individual Liberty.
- Take pride in others

Bringing talent to life...

 Walsall College

Safe

- Wear your student ID pass at all times
- Be safe and keep others safe
- Stand up in corridors
- Understand Prevent duty
- Adhere to the College's IT
- Acceptable Use Agreement
- Follow Health and Safety rules and regulations at all times
- Take pride in yourself

Bringing talent to life...

 Walsall College

6. POLICY STATEMENT – SUPPORTING POSITIVE BEHAVIOUR

- 6.1 Students are supported to develop positive behaviours through Walsall College Graduate (WCG). These are Skilled, Professional and Enterprising.
- 6.2 We ensure that students receive an induction and tutorial sessions throughout the academic year, covering a variety of safeguarding subjects, for example on-line safety, sexual and criminal exploitation, substance misuse, sexting, peer-on-peer abuse, gangs, knife and violent crime and the risks of radicalisation and extremism. We also promote respect and British Values and expect our students to demonstrate these values day-to-day in college.
- 6.3 To support our students further, we have a Security Team, a team of Pastoral Support Officers, Learning Mentors and a college-wide Safeguarding Team (including fully qualified counsellors). All College staff have undertaken safeguarding training and the College works with partner agencies in the Walsall area, including Walsall Local Authority, Children and Adult Services and West Midlands Police. We also work with our wider partner agencies from other local authorities across the Black Country.
- 6.4 At various points throughout the academic year, we plan activities with West Midlands Police. This may include having 'drugs dogs' on the premises who will identify any member of the college community who may have drugs. We also use a metal detector/arch to ensure that the college detects anyone who chooses to carry an offensive weapon, so that appropriate action can be taken.

- 6.5 Student Support and Disciplinary action is used as a tool to help keep students on track and is instigated promptly where tutoring conversations and subsequent support have failed to have sufficient impact.
- 6.6 If a student that is at risk of exclusion is on an Education Health and Care Plan (EHCP), an Emergency Review involving the relevant Local Authority must be held.
- 6.7 All Student Support and Disciplinary intervention and outcomes are assessed on an individual basis. Staff apply this process in a fair and considered way. Swift action at an early stage is proven to be far more supportive and effective than allowing a situation to continue.
- 6.8 **If the student fails to keep to the agreed actions, the next level of this policy will be applied. If the student has already exhausted all previous levels of the procedure and has been given sufficient, formal warning, for example through a previous meeting where the actions to improve were clearly communicated and accepted by both parties, then this will move directly to exclusion.**
- 6.9 The College reserves the right to **invoke any level of the process, or move directly to [Suspension](#) (point 12) or [Exclusion](#) (point 13)**, depending on individual circumstances. This is particularly relevant where the action is relating to criminal matters, such as (but not exclusive to) drugs, weapons, physical altercations, gang involvement or sexual assault and where an individual fails to declare a criminal conviction.
- 6.10 All students will be given an appropriate period of notice for any meetings to take place.
- 6.11 Curriculum Administration staff will notify parent(s)/guardian(s) when a Student Support Plan (SSP) meeting has been held and inform them in writing of the outcomes of this meeting.
- 6.12 Curriculum Administration staff arrange all Level 2 meetings and will notify the student in writing that a meeting is going to take place. This must specify:
- The type of meeting;
 - The concerns to be discussed;
 - Where and when the meeting is to be held;
 - That the student can have support at the meeting. This can be up to two people who may be a parent, guardian, Course/Students' Union Representative, or Local Authority representative.

6.13 If the student is under 18, then their Parent(s)/Guardian(s)/School (Pre-16s) will also be notified and invited to attend the meeting. For apprentices, the employer will be notified and invited to attend the meeting.

6.14 If the situation warrants, the Police will be notified.

6.15 Instances of substantial illegal substance possession, sexual assault or related offences or possession of a weapon will always be reported to the Police.

7. ATTENDANCE AND PUNCTUALITY

7.1 All Walsall College, students are required to attend every session of their course, on time, to prepare them for higher education, employment, or as expected from their current work placement or employment.

7.2 We will monitor and support your attendance through:

- Curriculum Administration Team (absence reporting and administration);
- Pastoral Support Officers (PSOs) – mentoring and support;
- Personal 1-1 Tutors – mentoring and support;
- Work Placement Officers – mentoring and support;
- College Managers – through meetings;
- Parents/Guardians.

7.3 Responsibilities

7.3.1 Students are responsible for:

- Adhering to the Ready Respect Safe Agreement/College Rules.
- Arriving at **all lessons** on time and ready to learn, with the necessary equipment;
- Logging in with a camera and microphone, for online learning, ready to learn;
- Informing us if you know that you are unable to attend, or you will be late;
- Not disrupting the learning of others, if you are late;
- **Making up any learning missed due to lateness or missed lessons.**

7.3.2 Your Course Tutors are responsible for:

- Ensuring that online registers are accurately completed at the start of each lesson;
- Providing support to you (should you need it) to ensure your attendance and punctuality is always good;
- Following up with your parents/guardians/carers and employers when your attendance and/or punctuality become a cause for concern;

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 8 of 25 | Review Date – Sept 2023 |

- Liaising with cross-college functions to provide support, if it is required;
- Developing Student Support Plans (SSPs) with you, where necessary;
- Organising/Conducting Student Support and Disciplinary meetings if you are persistently late or have poor attendance.

7.4 Our commitment to you:

- You will be provided with a timetable detailing start times, finish times and the location of all scheduled lessons and support sessions that you are required to attend.
- You will be informed of the procedures relating to attendance and absence reporting at induction.

7.5 Punctuality/Lateness

- Non-attendance and lateness (punctuality) will have an impact on your progress. Lateness will also disturb others in that session.
- You are late if you are not in class at the time showing on your timetable.
- Lateness will be recorded on the register (in minutes).
- You tutor will address lateness with you at the end of the class.
- Persistent lateness will be discussed at your WCG Review and may lead to further action through this policy.

7.6 How to tell us that you will be late or unable to attend:

The **only authorised absence (with supporting evidence)** is listed below:

- Medical appointments (doctor, midwife, dentist or hospital).
- Interviews (job or Higher Education).
- Court appearances.
- Proof of your appointment will need to be shared with your tutor **before** authorised absence is agreed.
- Non-attendance for faith-based absences may be recorded as an authorised absence if the student has discussed and agreed this in advance with the tutor. Students will be expected to complete any work that they have missed.

If you are unable to come into College unexpectedly, e.g. sickness, you need to:

- Call the College on 01922 657000 and select **option 3, at least 15 minutes before the start of your class.**
- If you are **under 18**, your absence will need to be reported by a parent.

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 9 of 25 | Review Date – Sept 2023 |

- If your class is in the evening, please email your tutor directly, or contact the College, as above, before 5:00 p.m.
- Your call will be taken by the Curriculum Administration Team from 8 a.m.
- The Curriculum Administration Team will tell the tutor you have called, if you make contact before the start of the session.
- You can also report absence through our website on the **Contact Us Page** - <https://www.walsallcollege.ac.uk/contact/> You will need to provide the date of birth of the student, the name of the person reporting the absence and the reason for absence.

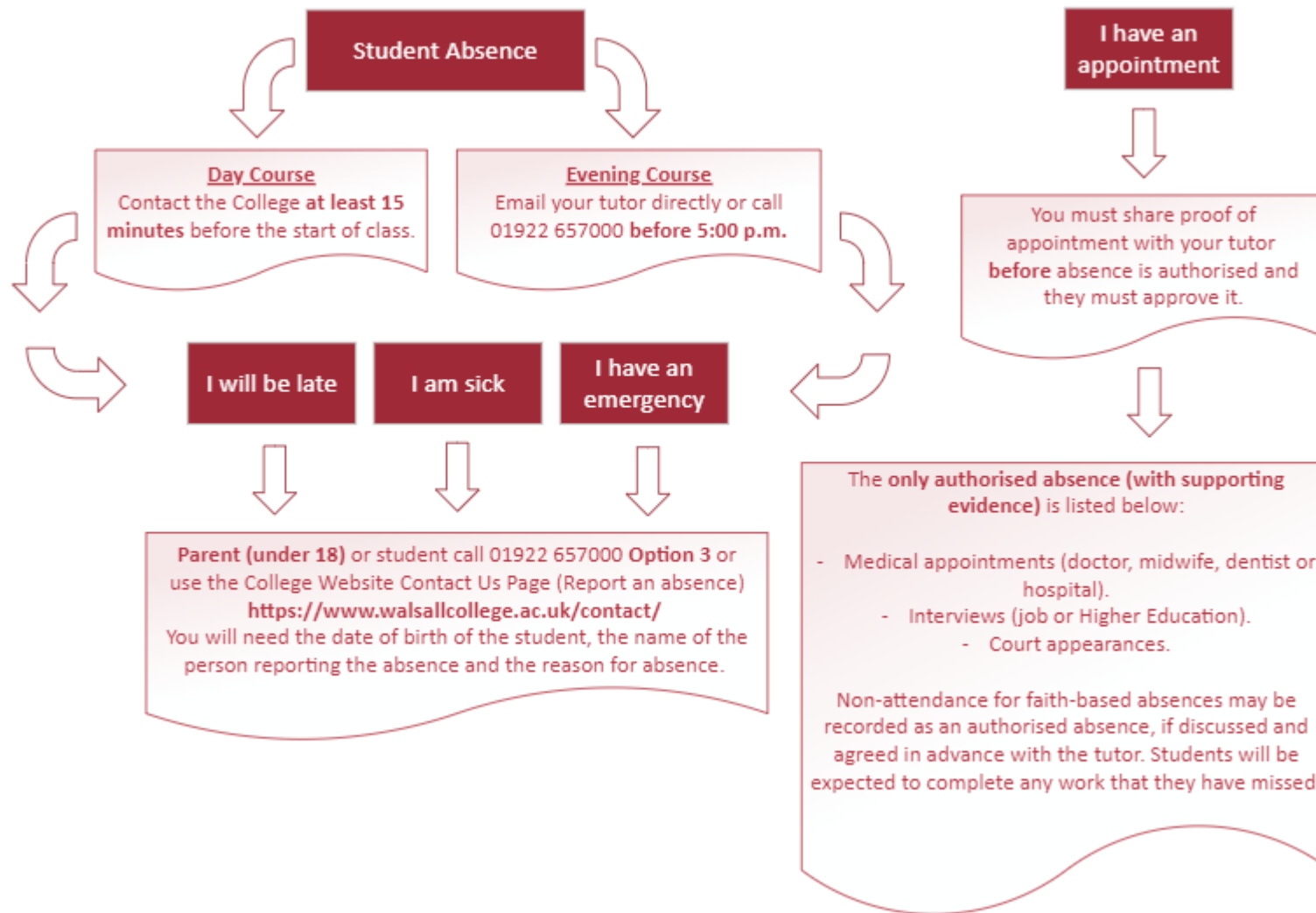
7.7 What we will do if your lateness is a concern or you are absent and do not tell us why:

- If you are absent and do not inform us of the reason, we will contact you or your parents(s)/guardian or employer.
- All instances of absence (including the reasons) will be logged on the Support Register. Attendance issues will be discussed during your Walsall College Graduate (WCG) Review and a Student Support Plan (SSP) will be agreed, if appropriate. Sickness will also be recorded and can be reviewed on WCG.
- If there is no improvement, we will progress to Level 2 of this process, which may lead to withdrawal from your course.
- If you are an adult student (19+) that is paying for your qualification, you may be withdrawn from your course of study due to poor and continued non-attendance and you will not be entitled to a refund. We will support you with attendance opportunities as far as we can, however the expectation for attendance lies with the individual student.
- If you have an Education, Health and Care Plan (EHCP) or receive High Needs Funding (HNF) from your Local Authority (LA), we are required to report your attendance. It could affect your funding and you may need to attend an Emergency Review meeting.
- If you have a Student Loan, unauthorised absence may be shared with the Student Loan Company.

7.8 We will share attendance concerns with:

- Parents/Guardians of all students under the age of 18.
- Parents/Guardians of all students with additional learning needs/SEND.
- Local Authorities where students have Education, Health and Care Plans (EHCP) and/or High Needs Funding.
- Schools (14-16s).
- Employers sponsoring a student's attendance on a programme.
- The Student Loan Company (if applicable).

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 10 of 25 | Review Date – Sept 2023 |



8. STUDENT SUPPORT AND DISCIPLINE LEVELS/STAGES

| Level | Level 1 Student Support Plan (SSP) | Level 2 Support Meeting | Level 3 Disciplinary Panel |
|--|--|--|--|
| Procedure/ Examples | <p>Minor concerns will initially be raised through a Student Support Plan (SSP).</p> <p>Examples (include but are not limited to):</p> <ul style="list-style-type: none"> Breach of the Ready Respect Safe Agreement (any College rules); Unacceptable behaviour in/outside of class (including minor disruptive behaviour); Inappropriate dress/uniform. Encouraging others to act inappropriately. | <p>Examples (include but are not limited to):</p> <ul style="list-style-type: none"> Breach of Level 1 Student Support Plan (SSP) actions; Breach of the Ready Respect Safe Agreement (any College rules); Unacceptable behaviour in/outside of class (including repeated/very disruptive behaviour); Encouraging others to act inappropriately; | <p>Examples (include but are not limited to):</p> <ul style="list-style-type: none"> Breach of Level 2 Student Support Plan (SSP) actions; Breach of the Ready Respect Safe Agreement (any College rules); Possession of a weapon or any instrument that could cause harm; Possession, use or suspicion of being under the influence of drugs and/or alcohol or any other substance; Theft (on or off site). Damage to College property/ equipment; Unacceptable behaviour in/outside of class (including repeated/serious disruptive behaviour); Failure to pay fees on time. |
| Responsibility | <ul style="list-style-type: none"> Tutor/Vocational Coach. Curriculum Administration Team. | <ul style="list-style-type: none"> Curriculum Delivery Manager (CDM)/Area Sector Manager (ASM). Curriculum Administration Team. | <ul style="list-style-type: none"> Director of Faculty. Security Manager Curriculum Administration Team. |
| Attending the meeting (if required) | <ul style="list-style-type: none"> Not applicable. SSP is completed by the tutor, in collaboration with the student. | <ul style="list-style-type: none"> Student (and up to two people who may be a parent, guardian, Course/Students' Union Representative, or Local Authority representative). | <p>Outcomes will be determined by the Level 3 Disciplinary Panel, with the exception of EHCP/Care Experienced students, who will always be invited to a preliminary meeting, which will offer</p> |

| Level | Level 1 Student Support Plan (SSP) | Level 2 Support Meeting | Level 3 Disciplinary Panel |
|------------------------------|---|---|--|
| | | <ul style="list-style-type: none"> Tutor/Vocational Coach CDM/ASM. | <p>support and personalised focus resulting in recommendations to the Level 3 Disciplinary Panel. This may include the:</p> <ul style="list-style-type: none"> Student (and up to two people who may be a parent, guardian, Course/Students' Union Representative, or Local Authority representative. Quality Assurance Manager. HN/Safeguarding Representative. Director of Faculty. |
| <p>College Action</p> | <ul style="list-style-type: none"> Complete a Level 1 Student Support Plan (including actions). The student (and parent/guardian/carer if under 18) will receive a copy of the SSP unless the student is estranged from their family or there is a safeguarding reason for not doing so; Parents of students with an EHCP (including 19+ students) will also receive a copy of the SSP; Update the SSP to record if actions have been met. Breach of SSP actions will result in further action at Level 2. | <ul style="list-style-type: none"> Complete a Level 2 Student Support Plan (including actions). Actions of Outcome Letters are sent to the student by the Curriculum Admin Team. The student (and parent/guardian/carer if under 18) will also receive a copy of the SSP unless the student is estranged from their family or there is a safeguarding reason for not doing so; Notify the school for 14-16 students. Update the SSP to record if actions have been met. Breach of SSP actions will result in further action at Level 3. | <ul style="list-style-type: none"> Keep a written record of the Panel meeting and outcomes. Actions of Outcome Letters are sent to the student by the Admin Team. Curriculum. The student (and parent/guardian/carer if under 18) will also receive a copy of the SSP unless the student is estranged from their family or there is a safeguarding reason for not doing so; Notify the school for 14-16 students. Students will be given the opportunity to appeal the Panel's decision (Level 3 Disciplinary Appeal) which will conclude the internal process. |

| Level | Level 1 Student Support Plan (SSP) | Level 2 Support Meeting | Level 3 Disciplinary Panel |
|--------------------------|---|--|---|
| Failure to attend | <ul style="list-style-type: none"> Failure to attend any arranged meeting will result in the meeting taking place in the student's absence and actions agreed without student input. | <ul style="list-style-type: none"> Failure to attend any arranged meeting, without 48-hours' notice, will result in the meeting taking place in the student's absence and actions agreed without student input. | <ul style="list-style-type: none"> Failure to attend any arranged meeting, without 48-hours' notice, will result in the meeting taking place in the student's absence and actions agreed without student input. With regards to a Level 3 offence, depending on the nature of the situation, the student may be excluded from the College without a Level 3 meeting. If a Level 3 written warning is still 'live' at the time a student leaves, it will be retained to form part of any decision regarding re-admittance to further studies at the College. Failure to attend Level 3 meetings will also form part of re-admittance discussions. |
| Internal Appeal | <ul style="list-style-type: none"> Not applicable. | <ul style="list-style-type: none"> All students have the right to appeal the outcome of the behaviour management process at Level 2. This should be submitted in writing within ten working days of the date of the outcome letter. | <ul style="list-style-type: none"> All students have the right to appeal the outcome of the behaviour management process at Level 3. This should be submitted in writing within ten working days of the date of the outcome letter. |
| External Appeal | <ul style="list-style-type: none"> Not applicable. | <ul style="list-style-type: none"> ESFA OIA (Higher Education) | <ul style="list-style-type: none"> ESFA OIA (Higher Education) |

9. PRIOR TO A MEETING

- 9.1. Where a meeting is required, all relevant evidence will be gathered and relevant parties invited.
- 9.2. The College reserves the right to suspend any level of intervention in light of additional evidence relevant to the situation being presented.

10. CONDUCTING A MEETING

- 10.1. The member of staff conducting the meeting will clarify the purpose and explain the way that the meeting will be conducted. Information relating to concerns/allegations is presented by the member(s) of staff conducting the meeting.
- 10.2. The student and their representative(s) will be given an opportunity to respond at Level 2.
- 10.3. At Level 3, concerns/allegations will be reviewed by a panel, subject to the severity of the incident, with the exception of students with an EHCP/Care Experienced students, who will always be invited to a preliminary meeting.
- 10.4. The member(s) of staff conducting the meeting will then make an appropriate decision, based on the evidence presented. If they feel that there is sufficient evidence, then action will be taken to ensure that the incident is not repeated. This may include the option to exclude (either temporarily or permanently). In some cases, they may postpone decision-making until others have been consulted.
- 10.5. Written notes of the meeting will be kept. This will be summarised on the relevant Student Support Plan for Levels 1 and 2. Records will be retained for three years, unless a suspension/exclusion is for a longer period.
- 10.6. Outcomes of the meeting and subsequent action required will be sent to the student in writing by the Curriculum Administration staff.
- 10.7. Records are held centrally on the Student Support and Disciplinary System.

11. ZERO-TOLERANCE DRUGS/ALCOHOL/SUBSTANCES APPROACH

- 11.1 Students with an illness related to alcohol or drugs, or students who admit to having a problem, are encouraged to disclose this at the earliest opportunity to ensure relevant support and guidance is provided and to prevent College misconduct.

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 15 of 25 | Review Date – Sept 2023 |

- 11.2 Walsall College has a zero-tolerance approach to drugs. The possession of illegal drugs is a criminal offence and students found to be using, dealing or in possession of drugs will be subject to disciplinary proceedings.
- 11.3 In instances where there is reasonable suspicion that a student is under the influence of illegal substances or otherwise intoxicated, a decision may be made to suspend the student for safety reasons under the Health and Safety at Work Act 1974. This is particularly appropriate where the student is expected to perform in an environment that would be hazardous in nature, including, but not limited to, workshop environments, laboratories and practical classrooms.
- 11.4 Drug education in the College will aim to provide opportunities for students to develop awareness, knowledge, understanding and attitudes to, and of, drugs. This will be delivered within the curriculum, personal development sessions and in partnership with external agencies.
- 11.5 Students disciplined as a result of substance misuse will be referred to Beacon (a drug and alcohol recovery service based in Walsall). Students can also seek advice from Talk to Frank, which is a national drugs and alcohol support and advice service: 0800 776 6000 or www.talktofrank.com

12. SUSPENSION

- 12.1 Suspension will only be used in situations where it is not safe, or appropriate, to have a student on the premises whilst a meeting is arranged.
- 12.2 All incidents relating to drugs and/or possession of a weapon will result in automatic suspension.
- 12.3 Examples of behaviour that may result in Suspension:**

Examples (include but are not limited to):

- Breach of Level 3 actions;
- Possession of a weapon or any instrument that could cause harm;
- Deliberate act of harm, e.g. aggression, threatening, violent or dangerous behaviour.
- Safeguarding breach;
- Bullying;
- Possession of an illegal substance with evidence of the likely intent to supply to others (this may include clear sealable bags, unusual amounts of money, multiple phones etc.)
- Possession of drugs paraphernalia;
- Possession/use/being under the influence of alcohol, legal highs or banned substances (especially in a workshop/laboratory);

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 16 of 25 | Review Date – Sept 2023 |

- Breach of Health and Safety rules and regulations that could place an individual(s) at risk of harm;
 - Encouraging others to be involved in violence or conflict, including gang-related incidents;
 - Breach of the Prevent Act/attempts to radicalise others/spreading hate;
 - Sexual harassment/assault;
 - Accessing inappropriate material.
 - **All of the above apply to behaviours on and offsite.**
- 12.3 To minimise disruption to learning, we will attempt to keep suspension time to a minimum.
- 12.4 Suspension can be requested by tutors but must be authorised by a College manager.
- 12.5 The terms of suspension will be on an individual basis and in conjunction with timetables and appropriate approval. The College reserves the right to seek input from external agencies where appropriate.
- 12.6 **In instances where the situation presents an immediate threat to the safety and wellbeing of students, members of staff or the College community, we reserve the right to move straight to suspension. We may also suspend where a threat cannot be fully determined without an investigation taking place.**
- 12.7 Students who are suspended cannot attend College until a Level 3 Panel Meeting outcome has been communicated. Suspended students can only return onto College premises with the permission of the relevant Director of Faculty or Assistant Principal.
- 12.8 The College will contact the student on suspension as soon as possible to arrange this meeting, within 15 working days. Where a student is under 18, the College will automatically also contact parents or guardians with this information.

13. EXCLUSION

- 13.1. Exclusion is only used in extreme circumstances where no other course of action is possible, or where the behaviour or incident is deemed serious enough to move directly to this sanction.
- 13.2. The person(s) involved will cease to be considered a College student because they have broken their contract with us in an untenable way, or represent a risk to the wellbeing and safety of students or staff. They are, therefore, excluded from all College facilities, courses and premises.

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 17 of 25 | Review Date – Sept 2023 |

- 13.3. When students are excluded, they will also no longer be able to access College systems.
- 13.4. Where students are enrolled to qualifications that involve working with children or protective services, we will also have a duty of care to consider their suitability for their chosen career path.
- 13.5. All exclusions will be authorised by a Senior Manager, with evidence gathered formally and recorded as a Level 3 Disciplinary outcome.
- 13.6. **Examples of behaviour that may result in exclusion:**

Examples (include but are not limited to):

- Breach of Level 3 actions;
- Possession of a weapon or any instrument that could cause harm;
- Deliberate act of harm, e.g. aggression, threatening, violent or dangerous behaviour.
- Safeguarding breach;
- Bullying;
- Possession of an illegal substance with evidence of the likely intent to supply to others (this may include clear sealable bags, unusual amounts of money, multiple phones etc.)
- Possession of drugs paraphernalia;
- Possession/use/being under the influence of alcohol, legal highs or banned substances (especially in a workshop/laboratory);
- Breach of Health and Safety rules and regulations that could place an individual(s) at risk of harm;
- Encouraging others to be involved in violence or conflict, including gang-related incidents;
- Breach of the Prevent Act/attempts to radicalise others/spreading hate;
- Sexual harassment/assault;
- Accessing inappropriate material.
- **All of the above apply to behaviours on and offsite.**

13.7. The College reserves the right to involve or refer instances to the Police for any incident. The list above is indicative and not exhaustive.

13.8. The length of the exclusion will be decided on a case-by-case basis but will always stay on the student's record for a period of at least 12 months after the decision, depending on the nature of the exclusion.

13.9. **The College reserves the right to permanently exclude students.**

13.10. The terms of the exclusion will be notified to the student in writing, and will detail the time period that the exclusion is in place for. If the exclusion is for a set

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 18 of 25 | Review Date – Sept 2023 |

period, we will also include information on the **Reasonable Adjustment process** they will have to go through to be reconsidered for entry to the College.

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 19 of 25 | Review Date – Sept 2023 |

13.11. Further copies will be sent to the following, as appropriate:

- Parents/Guardians of all students under 18.
- Parents/Guardians of all students with additional learning needs/SEND.
- Local Authorities where students have Education, Health and Care Plans and/or High Needs Funding.
- Employers sponsoring a student's attendance on a programme.
- Schools (14-16 students).
- The Student Loan Company (if applicable).

14. POLICE INVOLVEMENT

- 14.1. In some cases, the Police may be carrying out their own enquiries/actions where criminal matters are involved.
- 14.2. The Police taking (or not taking) formal action against the student is irrelevant as far as the College's right to initiate this policy is concerned, however, the outcome of any investigation completed by the Police may be used to determine the student's future at Walsall College.
- 14.3. If information is supplied to us by the Police regarding criminal behaviour that the individual has not disclosed personally beforehand, the individual will be suspended with immediate effect and referred to the Reasonable Adjustment process.
- 14.4. **If the nature of the incident reported to the police is classed as high risk*, such as safeguarding matters involving abuse or criminal behaviour targeting children or vulnerable adults, sexual assaults and rape, crimes of violence or substantial involvement in high-level criminal activity, the College reserves the right, without prejudice, to terminate any dealings with the individual immediately. *This list is not exhaustive.**

15. APPEALS

- 15.1. It is important that students are aware of their right to appeal (Levels 2 and 3) and that the appeal will be treated fairly. The appeal must be in writing and received by the College within ten working days of the date on the outcome letter.
- 15.2. The student has lost their right to appeal, if no communication is received within the above timescale outlined in point 15.1.
- 15.3. **If an appeal is received on behalf of a student who is 18 or over, we must obtain their permission, prior to undertaking an appeal and disclosing any information.**

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 20 of 25 | Review Date – Sept 2023 |

- 15.4. Appeals are considered by an independent College manager (not involved in the original decision) acting as the Appeal Lead. Level 3 appeals will be considered by a Senior Manager.
- 15.5. A formal appeal meeting does not have to be held but the Appeal Lead may feel they need to interview those involved to help them make a decision.
- 15.6. **Appeals will only be considered if:**
- **New evidence has become available.**
 - **It can be proven that College processes were not adhered to in a way that could have affected the outcome.**

If the appeal is successful then the outcome can be either overturned completely or amended.

- 15.7. The Appeal Lead must keep a written record of the review process.
- 15.8. The outcome of the appeal concludes the internal process.

External Appeal

- 15.9. If you do not agree with the outcome and were studying on a **course funded by the Education and Skills Funding Agency (ESFA)** and the above Appeals Process has been exhausted, you can contact the ESFA within 12 months of the issue, using the contact details below:

Complaints team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

You can also email their Complaints Team at:
complaints.ESFA@education.gov.uk

- 15.10. The ESFA will reply to let you know what will happen next.
- 15.11. If your complaint relates to a **Higher Education (HE) course** and the College's appeals process has been exhausted, you can contact the Office of the Independent Adjudicator (OIA) in writing (using the OIA Online Complaint Form - <https://www.oiahe.org.uk/myoia/>) within 12 months of the complaint decision.

A PDF version of the OIA Complaint Form and Guidance Notes is also available from their website or by using this link:

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 21 of 25 | Review Date – Sept 2023 |

<https://www.oiahe.org.uk/media/2286/oia-pdf-complaint-form.pdf>

16. APPENDIX ONE - POWERS TO SEARCH

16.1 The Education Act 2011 widens the powers of members of staff of Colleges to search students for prohibited items. **If members of staff have reasonable grounds for suspecting a student has a prohibited item in their possession, they may carry out a search.**

- The search must take place on College premises;
- The member of staff may not require the student to remove any clothing, other than outer clothing, but the staff member can require the student to remove a hat, gloves, scarf and shoes.
- The member of staff must be the same sex as the student and only search in the presence of another member of staff of the same sex.
- Anything found which the member of staff has reasonable grounds for suspecting is an offensive weapon may be removed, but must be handed over to the Police as soon as possible.
- The member of staff can remove anything they reasonably suspect is a prohibited item or is evidence in relation to an offence. Alcohol or controlled drugs which are removed should be handed to the police. A search can now be made for equipment such as mobile phones, iPods, iPads, MP3 players and other electronic gadgets. The move follows a series of incidents in which students have taken photos and videos of teachers then uploaded compromising images on to the internet. Staff can also look for legal highs, pornography, cigarettes and fireworks – without claims that searches threaten their legal rights.

17. POSITIVE HANDLING

17.1. The College recognises that there may be occasions where staff may be required to use reasonable force against an individual, either to defend themselves or to protect others from injury. However, the use of force to control or physically direct another person should be regarded as a last resort. Physical intervention is a high-risk strategy to prevent harm to students and staff. Wherever possible it will be carried out by trained staff, however, any member of staff may use reasonable force to prevent a student from harming themselves, harming others or damaging property.

17.2. The key objective of this procedure is to maintain the safety of students and staff by minimising the risk of a harmful, violent and/or dangerous situation arising. Adherence to this procedure will help to protect students and minimise the risk of false allegations of assault against members of staff. The use of force will be rare and will be proportionate to the incident.

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 22 of 25 | Review Date – Sept 2023 |

17.3. The Procedure applies to the use of force to control or direct students. It covers incidents arising on College property and in all situations off-site where students are being supervised by a member of staff e.g. off-site trip.

Procedure

17.4. All staff will be expected to vigilantly monitor behaviour and act to prevent a harmful, violent and/or dangerous situation arising.

17.5. In teaching and learning classrooms and spaces, students should be engaged in purposeful learning activities, where members of staff should be alert to changes in the climate of the learning environments and/or the student group's dynamics and act to prevent negative tensions building.

17.6. Staff are expected to reinforce the high standards of behaviour expected through consistent interaction with students acting outside of those standards.

17.7. In social, service and public areas of the College, all members of staff should be proactive in approaching students who are not following the College's standards of behaviour. They should try to minimise the chance of harmful, violent and/or dangerous situations arising by:

- Creating a calm, orderly and supportive College climate that minimises the risk of violence of any kind;
- Avoiding actions that may be seen as inciting violence;
- Effective management of individual incidents – remaining calm, using non-threatening language and giving verbal instruction;
- Where positive handling is required, it should only be done by trained staff. If additional support is required the Security Team will be called to assist. If this fails to calm the situation and if appropriate the Police will be called;
- If students are using/threatening to use weapons, the Police will be called immediately;
- First aid treatment will be available following incidents.

Staff Training

17.8. All staff should be made aware of this procedure, including staff in support areas. Also any person/s who is working on College premises, on College business who are not employees of the College.

17.9. Employees who work with students where there is a high risk of physical violence will be trained in Team Teach – a BILD (British Institute of Learning Disabilities) accredited training programme. The security team will also be trained in Team Teach. The Team Teach definition of restraint is: 'The positive application of force by staff, in order to overcome rigorous resistance;

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 23 of 25 | Review Date – Sept 2023 |

completely directing, deciding and controlling a person's free movement. The purpose of its application should be to safeguard the person, other people or prevent significant damage to property.'

17.10. Staff using positive handling techniques will have been trained to BILD (British Institute of Learning Disabilities) standards which are approved for use within education. These staff will use this procedure and will be fully supported by the College in the event of any legal action taken by a student as a result of the use of force, in compliance with this Policy. The process of control using positive handling techniques can be found in Appendix 2.

Recording and Reporting Incidents

17.11. When positive handling has been used the incident will be reported immediately to:

- Security Team;
- Assistant Principal for Quality and Higher Education;
- Health and Safety Manager;
- Director of Faculty;
- Parents/Carers/Guardians.

17.12. 1A Positive Handling Incident Record will be used to record any incident where positive handling was used. The College Accident/Incident Form will be used to record the incident. The incident will be fully investigated by a senior member of staff.

Post-incident support

17.13. The Assistant Principal – Quality and Higher Education will call a post incident review meeting within 24 hours of the incident. The review will consider:

- The appropriateness of any action.
- The way that positive handling was managed.
- Whether communications with others have been appropriate. It may be necessary to share the incident with the Safeguarding Board if the person is under 18, or a vulnerable adult.

17.14. Serious incidents can be upsetting and can result in injuries. We will ensure that any staff or student who has been affected by the incident have continuing support for as long as necessary by using the College's existing support network.

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 24 of 25 | Review Date – Sept 2023 |

Complaints and Allegations

17.15. Students and their families have a right to make a complaint about actions taken by College staff. All complaints will be dealt with using the College's Complaints Policy and Procedure. An early discussion with the student to make clear the College procedure and reasons for actions taken may reduce the number of incidents and aid the investigation.

17.16. The College will provide support if an allegation of misconduct is made. This is on the condition that this procedure has been fully complied with and if training has been provided it has been used as instructed.

Relevant National Legislation

- Management of Health and Safety at Work Regulations.
- Education Act 2011.

| | |
|---|-------------------------|
| Ref – Student Support and Discipline Policy and Procedure | Issue Date – Nov 2022 |
| Page 25 of 25 | Review Date – Sept 2023 |

Positive Handling Flowchart

