

# John Wheatley College

## Student Discipline

### Notes of Guidance for Staff

#### 1. Aims of student Disciplinary Procedures

1.1 Behaviour management should be an integral part of the College's curriculum, which seeks to develop appropriate social skills and awareness of acceptable behaviour in all its students. This is necessary to permit students to participate fully in the life of their home, the College, future employment and the community.

1.2 A behaviour management programme is necessary for a wide variety of reasons which include the need to:

- i) ensure the health, safety and well being of each individual;
- ii) ensure the health, safety and well being of all other students;
- iii) ensure the health, safety and well being of the College's staff and members of the general public;
- iv) protect the interests of students who may be 'at risk' (this is most likely to apply to school-age pupils attending the College on a day-release basis);
- v) protect the College's physical environment and its other assets;
- vi) protect students from self-inflicted abuse or injury;
- vii) divert students from inappropriate to more acceptable behaviour;
- viii) curb or divert disruptive behaviour to permit learning to take place;
- ix) teach students to have self-control and to take responsibility and be more accountable for their actions;
- x) enable the College to assist a local authority to comply with legislative responsibilities which derive from the Children (Scotland) Act 1995;
- xi) allow students to develop and subsequently demonstrate positive abilities and attitudes; and
- xii) ensure protection of the human rights of both learners and members of the College's staff.

## 2. Coping with “Challenging” Behaviour

2.1 The strategies employed by colleges for managing “challenging behaviour” have come under considerable public scrutiny. The Levy Report (1991) on the so-called “pin-down” regime employed in Staffordshire Children’s homes and subsequent media coverage of allegations of physical abuse represent a response to “difficult” young people, which is unacceptable. Such strategies must be designed to ensure that the interests of school age learners are appropriately protected. In addition they are designed to ensure that there is an appropriate respect for human rights of both learners and staff.

2.2 The College is required to establish strategies, which will offer staff an indication of acceptable means of dealing with behaviour displayed by “difficult students”. The strategies will rest upon the following principles:

- i) issues of discipline and control cannot be divorced from systems of good management (including the classroom/workshop experience) or the provision of quality educational experiences and programmes;
- ii) a contention that if the individual needs of students are met, incidents of challenging and disruptive behaviour will be kept to a minimum;
- iii) a major determinant of acceptable behaviour and a positive student ethos will always be the quality of productive relationships between students and staff;
- iv) an effective learning environment is unlikely to be achieved and maintained unless there is an established framework of general routines and consistent individual boundaries of behaviour which are clearly understood by both students and staff;  
and
- v) problems nearly always occur when expectations of behaviour (and not achievement) are unrealistic or inconsistent or where insensitive methods of control and classroom management are employed.

Staff also need to be aware that some challenging behaviour will be symptomatic of mental or physical ill-health. It is essential that unacceptable behaviour of this nature is dealt with in a sensitive, appropriate and supportive manner. Specialist advice may be required to put in place an approach to facilitate this objective. For students of school age this may, for example, be available from local authorities psychological services, social work services or health care professionals.

2.3 The College’s strategy for meeting “challenging behaviour” is underpinned by a range of permitted sanctions and informal forms of controls. The formal sanctions available to the College are fully described in the attached Code of Student Discipline, which is available to all members of the staff. Copies are also kept in both of the College’s libraries. Disciplinary action should not be taken to deal with challenging behaviour which may arise from medical conditions or other health-related causes. In such cases assistance should be sought from appropriate external agencies to provide the necessary support for such learners.

2.4 Nevertheless, there are also a range of informal approaches, which might be used with effect to establish a consistent and sensitive management of classroom and other behaviour. This includes:

- i) the adoption of a system of positive rewards and incentives to encourage appropriate behaviour rather than an undue reliance on the use of negative sanctions;
- ii) a recognition that unacceptable behaviour can often be curtailed by the use of an appropriate oral reprimand of reasonable severity;
- iii) an acceptance that further more formal sanctions will sometimes be necessary to deal with unacceptable behaviour even by the most experienced lecturers. Inappropriate behaviour by learners will not always be a consequence of poor learning/teaching activities or inappropriate classroom management;
- iv) the recognition that the use of “blanket” punishments for certain misdemeanours – where a whole group is punished for the conduct of one or a few students – is unacceptable and is only likely to undermine the relationships upon which good behaviour and discipline are likely to be founded;
- v) the acceptance that any sanctions employed should be appropriate, reasonable and just. That they are employed in a graded manner whenever possible to take account of the particular circumstances which may apply to any incident;
- vi) the recognition that students will require to be made aware of the College’s Code of Student Discipline as part of their induction programme; and
- vii) the recognition that staff fully understand the College’s Code of Student Discipline and have been involved in preparing the guidance given about its operation.

2.5 It is essential that the College’s Code Student Discipline should be comprehensive, easily understood and fair. It has, as consequence, been discussed when being drafted with representatives of the Students’ Association. This document clearly indicates the entire range of sanctions available to the College and its staff to deal with misbehaviour.

2.6 Staff are advised of the need to keep comprehensive and formal records of the any incidents of challenging behaviour, which necessitate the application of sanctions described in the College’s Code of Student Discipline. Written reports should be provided, to appropriate line managers, within 24 hours of the application of such sanctions. Students should always be informed of the reason(s) for these being applied in the manner described in the College’s student disciplinary policies.

2.7 The following sanctions are expressly forbidden:

- a) corporal punishment and other forms of physical abuse;
- b) the deprivation of food, drink, medication or medical treatment;
- c) the use of accommodation to restrict physically the liberty of a student; and
- d) physical searches of a student’s person. Physical searches of students may only be conducted by the Police.

2.8 Physical restraint should only be used to prevent a student from harming him/herself, others or from damaging property. In all cases:

- i) restraint should involve the use of minimum reasonable force and should always seek to avoid unnecessary injury; and
- ii) staff should not seek to restrain a student if they likely to put themselves at physical risk.

2.9 In this context it should be noted that the law does recognise certain justifications for the use of physical force, which are not regarded as a crime. Where, for instance students have put themselves at risk from fighting, appropriate use of physical force by staff might be used in order to restrain them. Such interventions will not normally constitute assault or corporal punishment or physical abuse if its purposes are to avert an immediate danger of physical injury to an individual. It will, of course, be for the courts to determine this in some circumstances. The staff member should not hesitate to act in such an emergency for fear that this/her action might subsequently be judged to contain an element of punishment. The element of force involved must not be more than might be considered reasonably necessary by an objective observer in the particular circumstances. Staff must make judgements about whether or not such an intervention carries an acceptable personal risk.

2.10 Only the Principal or a member of the College's senior management team shall take the decision to call or involve the police in any incident of student indiscipline or in response to a student's breach of the College's published Code of Student Discipline.

2.11 Staff should be aware that challenging behaviour by learners may also derive from domestic or other abuse or neglect. The College has a responsibility to ensure that staff are both sensitive to this potential and able to raise and pass on concerns about such a possibility to the appropriate head of school (or in their absence a member of the senior management team). This responsibility rests on the statutory obligations which relate to learners of school age who are attending the College whilst at school or in the care of local authorities.

The College has a responsibility to advise these agencies of any such concerns related to young people who may be "at risk". Teachers are often the only group of professionals who have regular contact with young people. This puts them in a unique position in being able to listen to young people (specially those still at school) and assess their wellbeing. They are often able to detect even minor changes in an individual's physical, emotional and psychological wellbeing – to notice injuries and patterns of injury; to notice mood swings and listlessness; to recognise any departure from behaviour that is "normal" for that young person; and to recognise "clues" that a child gives, deliberately or otherwise, that all is not well. Staff should be sensitive to such considerations when considering possible formal or informal disciplinary action. College disciplinary action should never inhibit wider consideration of the domestic and other environmental circumstances of the learner and the potential impact of these on their behaviour.

2.12 The College has a Policy which reinforces the need in its operational environment for 'inclusiveness'. This will mean in some circumstances opportunities to attend the College will be extended to those with medical and other behavioural syndromes. Such students may, as a consequence, appear to exhibit challenging behaviour as a symptom of their condition. In such circumstance disciplinary responses to challenging behaviour are not likely to lead to an improvement: it is

more appropriate that specialist external advice be sought (from, for example, educational psychologists) to assist such students to make progress. Some assistance should always in the first instance be sought from members of the Colleges Support to Learn team or the Student's Disabilities Advisor. Approaches of this nature are a logical extension of the College's Inclusiveness Policy and more importantly its statutory responsibilities within the Disability Discrimination Act.

2.13 The provisions of the Race Relations (Amendment) Act require the college to take appropriate action to promote good race relations and to challenge racist behaviour. In these circumstances all staff have an explicit obligation to challenge, refute or take other appropriate action in response to racist comments or actions which may be perpetrated by learners, colleagues and other users of the building. There are no circumstances when such an approach does not apply. Consideration should be given to the manner in which this is undertaken – this might include steps which will most likely lead to more acceptable behaviour in the future. Whilst there is no statutory obligation to do so, the college would also expect other stereotypes which contravene its more general Inclusiveness Policy to be similarly and appropriately challenged.

2.14 All staff have a responsibility both to promote good behaviour and to challenge what is unacceptable. This extends beyond responsibilities for the management of teaching and learning environments to include all public areas of the college. The College's Code of Student Discipline has been drafted with such an approach in mind. However, such an approach may not be appropriate for staff who may have been deployed in areas where the college is not directly responsible for the buildings or teaching facilities. Nevertheless, even in these circumstances, staff have a general obligation to bring unacceptable behaviour in public areas to the attention of the organisation responsible for the management of the premises.

### **3. Personal Contact Between a Student and a Member of Staff**

3.1 No member of staff should permit themselves to be in a situation, which might give rise to allegations of abuse or sexual misconduct. Senior staff will regularly reinforce this advice.

3.2 The College will conduct statutory disclosure checks on the background of all staff and particularly those who might be involved in programmes of study, which are predominately targeted on:

- .. Students with learning difficulties;
- .. Pupils from schools undertaking College programmes; and/or
- .. Pupils who might be 'at risk' within the terms of the Children's (Scotland) Act.

These checks will be undertaken with the assistance of Disclosure Scotland. The College has registered with that agency for this purpose. The commencement of employment may be delayed until the outcome of such a check is known. However, staff should note that all correspondence on such matters from Disclosure Scotland is of a strictly confidential nature.

#### 4. Recording Acts of Indiscipline

4.1 The College is required to keep an Accident and Incident book which records any accident involving a student, member of staff or member of the public which results in physical or other possible injury. Such incidents should immediately be reported to the member of staff's line manager. Cognisance should also be taken of the need to learn from 'near misses'. As a consequence 'significant' incidents should always be recorded regardless of their outcome

4.2 Members of staff are required to record all disciplinary measures taken against students, which utilise the formal sanctions described in the College's Code of Student Discipline. In all cases staff should formally draw such actions to the attention of appropriate members of the College's management teams. This will involve the student being given written explanation(s) about why formal disciplinary action was taken.

Formal intimations of this nature will be responsibility of the appropriate head of school and not the member of staff. However, members of staff will be required to submit an incident report, which highlights, for the College's records, the following information:

- a) explicit details of when and where any incident took place;
- b) the circumstances and significant factors which lead to an incident (including an assessment of informal disciplinary measures which might have previously been used);
- c) the names of any students or staff who witnessed an incident(s); and
- d) a description of any action taken after an incident.

4.3 In circumstances where physical restraint has been used or reasonable levels of force were required to deal with the situation, additionally, the report should contain details of:

- a) the nature of the physical restraint or force that was deemed necessary and why; and
- b) a description of any injury sustained by either the member of staff or the student.

4.4 The Code of Student Discipline contains specific advice on dealing with indiscipline or challenging behaviour exhibited by school-age students (who may be attending the College from school or care services). Specific legislative provisions relating to these individuals requires the school or other responsible agency to be fully apprised and appraised of any significant incidents which may involve such learners. Staff are explicitly reminded of their duty of care in this respect. In particular, where a school age student's college placement is suspended or terminated the education authority will be informed and the student will be returned to their school/care setting. In addition, staff should be aware that where a pupil has been suspended by his/her school (or is otherwise subject to the school's disciplinary processes) it is possible that the disciplinary action may include the suspension or termination of a college placement.