

# **John Wheatley College**

## **Board of Management**

### **Code of Student/Learner Behaviour**

#### **1. Statement of Purpose**

The College produces its Code of Student/Learner Behaviour to provide clarity and support to College students in relation to their behaviour in the College and when undertaking College activities. It is intended to assist the College to provide an environment that is welcoming to all and is conducive to effective learning.

The Code of Student/Learner Behaviour is also intended to provide staff with a framework which promotes and supports a positive learning environment.

This Code of Student/Learner Behaviour and related guidance, such as that on Challenging Behaviour, will be issued to staff and made available to all students. Where this code is invoked its purpose is to bring about an improvement in student behaviour.

#### **2. Student Obligations**

The College has a Student Charter which is displayed in each learning area, the College Prospectus and the College Web Site. The Student Charter indicates what the College will provide for learners, a statement of student entitlement and a statement of student responsibilities. The basis of this Code of Student/Learner Behaviour is the College's Student Charter.

Learners are required to complete and sign an enrolment form which is a 'contract' with the College. Signing the enrolment form commits learners to the responsibilities contained in the Student Charter. The responsibilities are designed to ensure that students, individually and collectively, are able to achieve their full potential as a consequence of engaging in an effective formal and informal learning process.

The responsibilities established in the Student Charter require that learners, when they attend the College, will:

- follow and conform to Health and Safety regulations and related codes of practice;

- attend classes regularly and punctually and follow a negotiated programme of study;
- undertake course work and other assignments as appropriate;
- complete set work within the agreed timescale;
- accept and observe the College code of academic standards;  
and
- observe the College Code of Student Behaviour.

### **3. Standard of Behaviour**

Learners are responsible for their behaviour while at College and are expected to treat staff and fellow students with courtesy and respect at all times.

College staff have a responsibility to ensure that its learning environment is appropriate to the needs of all students and to enforce health and safety procedures during all College activities. They also have a responsibility to challenge behaviour which is unacceptable and is likely to disrupt or degrade the learning experience of other students. They will, for example, challenge racist behaviour and stereotyping which contravenes the College's Equal Opportunities Policy.

It is anticipated that if College staff are required to challenge behaviour they find unacceptable that students will respond appropriately and the exhibited behaviour will improve.

In the unlikely event that an individual or group of individuals continues to display unacceptable behaviour the College has identified a number of sanctions available to staff with a view to correcting the unacceptable behaviour.

### **4. Behavioural Sanctions**

The College has identified a number of sanctions which may be applied in the event of unacceptable behaviour on the part of learners. These sanctions are indicated below. The type of sanction will depend on the student and the extent of the unacceptable behaviour.

Staff have a responsibility to treat learners with courtesy and respect at all times and also have to exercise a duty of care to all learners on behalf of the College. In the application of these sanctions students will not normally be excluded from a class and never sent home from the

College without being referred to a member of College staff at Assistant Associate Principal or above.

Special conditions will apply to learners who attend school or are otherwise in local authority care. In this case the College is responsible for the initiation of primary action for and ensuring that learners are free from danger. If it is necessary to respond to unacceptable behaviour or exclude a student in this category they must be immediately referred to their local authority. This may involve a members of the College's staff escorting the student to school or other care centre as appropriate and the College subsequently informing the local authority in writing of the reason for such action being taken. It is expected that the local authority will then initiate its own policy in respect of such a referral. This procedure is further outlined in Annex 1.

In the event that a student breached the Code of Student/Learner Behaviour and, normally, after being given the opportunity to be heard the student may be:

- i) informally reprimanded. An informal reprimand will not normally be recorded;
- ii) formally reprimanded;
- iii) temporally suspended from attendance at the College or College activities; or
- iv) permanently excluded from the College and College activities.

Any student who is the subject of one or more of the above sanctions will have the right of appeal against the sanction to a more senior member of College staff.

The outcome of any formal application of behavioural sanctions will be communicated to the student in writing and a record maintained by the Assistant Principal. Where appropriate the College may inform the student's parent (if they are under the age of 18), employer or other sponsoring agency (if they pay the student's fees) of action taken and the reasons for that action.

In circumstances where there is a breach of the law the College will normally be required to inform the police in addition to any sanctions it applies. In addition the College may institute proceedings which would seek to require students (or their legal guardian) to pay for any damage wilfully and deliberately caused to its property.

## 5. Application of Behavioural Sanctions

Responsibility for the application of this Code of Student/Learner Behaviour rests with the Board of Management of John Wheatley College. The Principal is delegated to implement the Board's Code of Student/Learner Behaviour and certain functions within the Code are delegated to members of staff in the College. These delegations are indicated in Annex 2.

In all cases relating to the application of a behavioural sanction the individual who is the subject of the sanction will have the right to be heard prior to the application of the sanction.

In exceptional circumstances where it is necessary to protect the individual, the physical and other safety of other learners, or the learning environment of other students a precautionary temporary suspension may be applied. In such circumstances a hearing convened to consider the matter which gave rise to such action the next College day. The precautionary suspension will apply until the hearing.

A record relating to all formal behavioural sanctions will be made by the College staff involved. All records will be passed to the Assistant Principal for retention. No other records relating to these matters will be kept by members of College staff.

A student who is to be the subject of a behavioural sanction has the right to be heard before the application of that sanction. This excludes a precautionary suspension when the hearing will be the next College day.

The opportunity for the student to be heard should be informal and organised in a non-intimidatory manner. A broad outline for the conduct of a hearing is given in Annex 3.

Students will have the right of appeal against any formal behavioural sanction applied against them. The appeal will normally be heard by the next senior College manager within five College days but this may be varied in appropriate circumstance. The appeals procedure is outlined in Annex 4. Unless there are extenuating circumstances it will be normal for the sanction to be applied awaiting the outcome of the appeal hearing.

There shall be no further right of appeal within the College.

At all times this Code of Student Behaviour will be applied within the terms of codes and legislation which applies to the College. The main documents which likely to apply are the:

- College Inclusiveness Policy;

- College's Student Charter;
- Further and Higher Education (Scotland) Act 1992;
- Protection of Children (Scotland) Act 2003;
- Data Protection Act 1998; and
- Human Rights Act 1998.

## **6. General Purposes Committee**

Members of the General Purposes Committee will be informed of all permanent exclusions and the reasons for such action. Normally papers related to such decisions considered at the General Purposes Committee will not be lodged, for reasons of confidentiality, in the public domain. Similarly minutes of any decision discussed will not identify the individuals concerned.

Files relating to such decisions will be available on a confidential basis, from the Assistant Principal, to members other than those with a potential conflict of interest (notably student and staff representatives).

AK  
John Wheatley College  
25 November 2003

## **Annex 1**

### **Students Attending School or Otherwise in the Care of a Local Authority**

All decisions relating to students of school age, attending local secondary schools or otherwise in the care of a local authority, are notified to the appropriate head of service. This will be the Director of Education or the Director of Social Work respectively.

It is the responsibility of Heads of School to bring any concern of this nature to the immediate attention of the Assistant Principal who will recommend that the Principal notify the appropriate head of service. This notification will normally be sent by recorded delivery within five College days.

It is particularly important that where the College makes a decision to exclude a school age student from any College activity that the student is returned to their school or care setting. Appropriate arrangements will be made to escort such students to their school or care setting.

The College reserves the right in specific circumstances to terminate a school age student's placement with the College. This will be communicated in advance to either the Director of Education or the Director of Social Work. Copies of correspondence will also normally be sent to the learner's school or care setting.

## Annex 2

### Behavioural Sanctions Delegated to Members of College Staff

The Principal has delegated authority within the College's Scheme of Delegation to implement the Board's Code of Student/Learner Behaviour.

#### Informal Sanctions

- **Verbal reprimand to individuals or groups of students** – delegated to all College staff.

#### Formal Sanctions

- **Formal reprimand** – delegated to all teaching staff and senior managers.
- **Temporary suspension from College and College activities for up to less than one College day.** This type of suspension is to be used as a precautionary measure and a hearing arranged for the next College day – delegated to Senior Lecturers, Assistant Associate Principals, Associate Principals, Assistant Principal, Depute Principal and the Principal.
- **Temporary suspension from College or College activities** for:
  - a full-time student for up to a maximum of five days on which they would normally have attended classes;
  - a student attending on any other mode of attendance for up to a maximum of the next six occasions on which they would have normally attended.

- delegated to Assistant Associate Principals, Associate Principals, Assistant Principal, Depute Principal and the Principal.

- **Temporary suspension from College or College activities** for:

- a full-time student for up to a maximum of ten days on which they would normally have attended classes;
- a student attending on any other mode of attendance for up to a maximum of the next twenty occasions on which they would have normally attended.

This sanction would be considered in relation to a more serious breach of the code - delegated to Assistant Principal, Depute Principal and the Principal.

- **Exclusion from the College and College activities for the remainder of an academic session** - Assistant Principal, Depute Principal and the Principal.
- **Exclusion from the College and College activities for a period of up to three years** - Assistant Principal, Depute Principal and the Principal.

## Annex 3

### Conduct of a Hearing Related to Behaviour

The procedures which will apply at a hearing related to behaviour are outlined below.

- A hearing will be convened as soon as possible.
- The individual will be invited to the hearing by means of a recorded delivery letter. The letter will indicate:
  - the date, time and place of the hearing;
  - the behavioural matter to be discussed;
  - the right of the individual to be accompanied by a friend or colleague to the hearing.
- The hearing will begin by the an appropriate manager conducting the hearing introducing everybody present.
- The purpose of the hearing will be explained by the manager conducting the hearing and the behavioural matter to be discussed will be explained.
- The member of College staff making the allegation will be asked to explain the reason why the student's behaviour was unacceptable.
- The student will be given an opportunity to explain their behaviour. Normally the individual accompanying the student will be given an opportunity to address the hearing but will not be able to speak on behalf of the student. However in some circumstances there might be grounds for such support. These should normally be agreed with the manager conducting the hearing a minimum of one College day prior to the hearing. Grounds which might convince a manager to accept such a position could, for example, include a specific learning difficulty or medical condition.
- The manager conducting the hearing may ask questions of either party but cross questioning will not be allowed.
- The manager conducting the hearing will draw it to a close by asking each party for final comments.

- The manager conducting the hearing will conclude it by informing the student that they will be informed in writing of the outcome within one College day.
- The manager conducting the hearing will make a decision on the facts of the case and write to the student with the outcome. If appropriate the student should be informed of their right of appeal. This will normally be conveyed by recorded delivery letter within five College days.

## **Annex 4**

### **Appeal Procedure**

The procedure which relates to an appeal made against formal behavioural sanctions is outlined below.

- An appeal must be made formally (in writing) to the Assistant to the Principal within five College days of the student being informed of the original decision.
- An appeal hearing will be convened by the Principal as soon as possible but not later than twenty-one days from the student's formal request for an appeal.
- An appeal panel will consist of two senior College managers who have not been involved in the case. This would normally be the Principal and the Assistant Principal. There may be other observers at the Principal's discretion.
- The student shall be invited to attend by letter informing them of the date, time and place of the hearing and the behavioural matter to be considered.
- If the student fails to appear at the hearing, unless the absence is supported by a medical certificate or other appropriate documentation submitted before the stipulated time of the hearing, it will be presumed that the student has abandoned the appeal.
- The student may be accompanied by one friend, colleague, parent or representative of the National Union of Students and both the student and the accompanying person will have the right to be heard.
- Should the student wish to be accompanied by another adviser the Principal should be notified by letter five College days prior to the hearing. The Principal may, in such a case, decide to have appropriate additional representation.
- Both the College and the student may call witnesses and produce written evidence. It is the responsibility of the student to arrange the attendance of any witnesses they wish to call in support of their case.
- The appeal Panel shall have the right to:
  - set aside any decision to apply a behavioural sanction against a student;

- confirm or decrease a period of temporary suspension from the College or College activities;
  - confirm a permanent exclusion from the College and College activities; or
  - substitute a period of temporary suspension for a permanent exclusion from the College and College activities.
- The decision of the appeal Panel will be final and its decision will be communicated to the student in writing by recorded delivery.