

## Bury College Policy and Procedures

# Student Behaviour, Pastoral Policy & Procedures (Incorporating the Bullying and Harassment Policy)

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## Policy Statement

### **This policy applies to all students of all ages across all types of provision, including Adult Provision, Apprentices and Higher Education**

Bury College is committed to developing students work related skills that prepare them for life and work. We understand our responsibility for developing these skills and the critical nature of the role they play in their personal lives.

This Policy and Procedure sets the College's expectations of attitudes and behaviour of all members of its community. It is the purpose of the Policy to promote and encourage positive behaviours in all parts of the College and across all activities associated with the learning programme both on and off the College site.

This is to promote a safe, inclusive, and positive culture for learning and personal development, to support all to develop positive behaviours for work and further learning. Both staff and students are expected to comply with the policy and processes outlined below and within the code of conduct for the whole College community. The code of conduct states that's the College expects high standards of behaviour from all members of the College community.

**Bury College** strives to build a nurturing, caring ethos which permeates our College environment and supports all to do their best. This policy and the related processes places safety, securing and positive relationships as its emphasis. So that all students and staff can thrive within a 'do no harm' trauma and wellbeing informed approach. This is to enable both academic vision of the College and the importance of supporting the wellbeing of everybody in the College community to be:

We aim to make students:

- More Committed
- More Confident
- More Collaborative
- More resilient

### **Bury College is also committed to:**

- Providing a safe, secure and caring teaching and learning environment in which all individuals have the right to be respected and the opportunity to study and work without interference from others.
- Carrying out its duty of care to students and staff.
- Preserving its reputation, maintaining its standards and values, creating an ethos of respect and achievement.

- Ensuring that all alleged cases of gross misconduct, as defined in this policy, are investigated thoroughly within the resources, and means available to the College and that students who go through the College's Disciplinary Procedure receive fair supportive and nurturing process treatment and access to an appeals procedure.
- A zero-tolerance approach to any kind of bullying or harassment including sexual harassment.
- Educating young people to provide them opportunities to reflect on their behaviours and take positive steps to becoming well rounded well prepared young people who are ready for life and work.

### **To enable the fulfilment of this commitment:**

#### **Students are required to:**

- Respect the rights of all members of the College community including teachers, all staff, students, visitors and people they come into contact with as part of their studies.
- Work purposefully towards their identified learning goals.
- Behave in a responsible manner and show respect to others.
- Comply with the College Regulations as detailed in the Student Contract, Health & Safety Contract and Computer Users Contract.

#### **All members of staff are required to:**

- All Personal Tutors to make contact via email to build relationships and introduce themselves
- Promote the above expectations to students.
- Implement the 'Be Ready to Learn', 'Our College Our Community Our Conduct' and 'Respect Policy' standards across the campus.
- Treat all students consistently, fairly and with respect.
- Challenge unacceptable behaviour and all forms of bullying whenever and wherever they encounter it in the College or become aware of it.
- In order to manage the early identification and intervention for students, every tutor will need to take responsibility for their students and implement this process
- Call upon specialist support staff and services and make use of the Pastoral Support System and Disciplinary Procedure as appropriate.
- Tutors should reiterate behaviour expectations in lessons-and consistently address inappropriate behaviours

#### **Heads of Curriculum/ Assistant Curriculum Directors**

- Ensure that AT Risk meetings take place on a weekly basis for every team
- Ensure pastoral managers are invited
- Ensure that each Tutor has a Tutor Group and the caseload is managed fairly
- Ensure that at the meetings the distribution of actions is distributed fairly
- Ensure that tutors have followed up actions to support students

- Work with Assistant Principal responsible for behaviour to establish a package of support for tutors to manage behaviour effectively
- Ensure that tutors follow all process consistently

### ***Pastoral/Senior Pastoral Managers***

- Ensure that AT Risk meetings take place on a weekly basis for every team
- Provide support and guidance to HOC's, ACD's and tutors in implementing this policy
- Ensure a fair and consistent approach to the application of this policy
- Consider the use of other policies such as Fitness to study and Fitness to Practice
- Identify whether the issue is also a safeguarding concern and follow the appropriate processes within those policies
- Where the behaviour relates to Sexual Harassment and Sexual Violence, Immediate action must be taken in line with the policy
- Consult the Safeguarding a Prevent Manager where it is identified that students may pose a risk to others.
- Ensure the inclusion of Additional Learning Support staff where there may be an unidentified LDD, additional need or a student has a diagnosed LDD. This includes students whose prior education was alternative provision.

### **Safeguarding and Prevent Manager**

- Ensure that all incidents of Sexual Harassment and Sexual Violence are followed up in line with the policy
- Ensure Safeguarding referral that may breach the behaviour policy are referred to Pastoral Managers
- Ensure that Looked After Children, C and those under section 47 are supported appropriately through the disciplinary process
- Ensure that Pastoral managers and relevant HOC's or ACD's are made aware of any students that may pose a risk to others in terms of breaches of the disciplinary policy
- Ensure that risk assessments and support plans are in place for students that may pose a risk to others.

### **Definitions**

**EHCP** stands for 'Education, Health and Care Plan'. The educational health and care plan is for children and young people who have special educational needs (SEND) and/or disabilities.

**LAC** stands for 'Looked after children' (LAC) means children in public care, who are placed with foster carers, in residential homes or with other relatives. Children become

looked after when their parents are unable to provide ongoing care in either a temporary or permanent capacity.

**CL** stands for 'Care Leavers' This is any adult who has spent time in care. The legal definition of a care leaver comes from The Children (Leaving Care) Act 2000 which states that a Care Leaver is someone who has been in the care of the Local Authority for a period of 13 weeks or more.

**CIN** stands for 'Children in need'. These are children who are aged under 18 and need local authority services to achieve or maintain a reasonable standard of health or development. The services work together to prevent significant or further harm to health or development.

**ACEs** stands for Adverse Childhood experiences: these are traumatic events in a young person's life that can have negative, lasting effects on a person's health and wellbeing. These experiences can be categorised as abuse or neglect and household dysfunctions such as abuse, neglect, mental health, parental substance abuse, death or family separation.

## **1. Scope**

1.1. The behaviour requirements of Students outlined in this document apply to all students and apprentices of the College, whether full or part-time, irrespective of whether their course or programme of study is validated by or associated with any other institution, and irrespective of their age. For the purpose of this policy the term 'student' refers to anyone studying at the College including apprentices.

1.2. The procedures outlined in this document will be followed and the sanctions outlined applied in relation to behaviour and incidents occurring in College or in close proximity to it, away from College on study related activities or where reputational damage may take place. However, the College reserves the right to follow the outlined procedures and apply the outlined sanctions with regard to behaviour and incidents occurring away from College but involving College students, if it is considered that failure to do so will result in the possibility of further incidents occurring in College or the learning of one or more students being adversely affected.

1.3. The behaviour requirements of students outlined in this document apply to students taking part in out of College activities such as work experience placements, educational visits and residential activities but additional behaviour requirements specific to the activity may apply.

1.4. The College is working to civil law and in the case of alleged criminal offences the College is not bound by the results of any criminal proceedings against students.

## **2. Obligations of Students in College**

2.1. The obligations of students while at College are summarised in the College Regulations, which are to be found on the Student Portal.

2.2. On commencement of their studies at Bury College, all students are required to sign an Enrolment Form, which confirms they have read and agreed to accept and abide by the College Regulations, Health and Safety Contract and Computer Users' Contract and through them, implicitly, the conditions and spirit of College membership. These documents are available via the Student Portal.

2.3. In signing the enrolment form the students confirm they have read the contracts referred to in 2.2. above, students agree and accept that any breach of the contracts may result in the College's Disciplinary Procedure being applied.

2.4 The role of Assistant Principal for Personal Development is to ensure that appropriate training is provided for staff and that the training is in line with the ethos of this trauma and wellbeing informed policy. Assistant Principal for personal Development will chair the Gross misconduct disciplinary panels and ensure appropriate support, nurture and action is taken with the student including signposting to the Pastoral Team for support.

### 3. Classification of Behaviour Which Will Lead to Disciplinary Action Being Taken by the College

3.1. All behaviour that is liable to expose the student to disciplinary action by the College is classified as **poor performance, misconduct** or **gross misconduct**.

3.2. **Poor performance** covers persistent absence, unexplained or unsatisfactorily explained absence, lateness, late submission or non-submission of work, not fully engaging in lessons and not meeting 'Be Ready to Learn' expectations.

3.3 **Misconduct** covers any behaviour that is in breach of the student code of conduct. Any behaviours that cannot be addressed through the respect policy. Behaviours that disrupt the learning of the student or other students.

3.3. Isolated instances of **poor performance** and **misconduct** will not automatically trigger the Disciplinary Procedure as lecturers and other members of the College staff will address these isolated instances using the Pastoral Support System with the individual student or students involved, informally, as they occur or as the opportunity to address them occurs, but without recourse to the Disciplinary Procedure.

3.4. When poor performance is repeated despite informal intervention the member of staff who is dealing with the matter should record *on ProMonitor*, using the dropdown Concern Note. The Personal Tutor will then deal with the matter with the student, in the case of full-time students. Concerns regarding, HE students should be sent via *ProMonitor* to the Head of Curriculum and ACM, logged as Concern Note. Concerns regarding apprentices should be sent to both Learning and Skills Coach and Head of Apprenticeships. Concerns regarding Adult students should be sent via *ProMonitor* to the Head of Curriculum and ACM, logged as Concern Note

3.5. The Concern Note (*via ProMonitor*) referred to in 3.4 puts the issue or incident officially on record and the number of *concerns* accumulated by an individual and the issues to which they refer may be taken into consideration at any future disciplinary hearing.

3.6. Once a member of staff receives an e-mail alerting them to a Concern Note about one of their students, they are required to discuss with the student the issue raised or behaviour described in it by the sender. If, considering the circumstances, they conclude that the student has a case to answer, they will agree with the student a course of action, which will be recorded in *ProMonitor* as a follow-up comment. An automatic email is sent to the sender of the original concern enabling direct access to *ProMonitor* and follow-up comments which inform them that the matter has been dealt with and SMART targets have been agreed.

3.7. Failure by the student to address the poor performance issues outlined in the meeting with the Tutor will result in the moving up the stages of the disciplinary process.



### 3.8. Gross Misconduct includes:

- Assault or violent behaviour
- Sexual harassment or sexual violence
- Stalking
- Threatening, aggressive, abusive or anti-social behaviour – physical or verbal directed at other students and staff
- Offensive language or hate speech relating to race, religion, ethnic origin, national origin, sex, disability, sexual orientation and gender identity
- Bullying or harassment in any form, either physically, verbally or cyber bullying through messages or images transmitted electronically or through social media
- Inappropriate sexual behaviour
- Theft
- Vandalism of College property, equipment or resources.
- Exam malpractice – a breach of regulations in the course of any examination or assessment, including the use of AI
- Fraud – falsifying information and forging signatures
- Exam or assessment malpractice - cheating in examinations, plagiarising coursework, forging signatures, falsifying information, using AI to complete assignments
- Bringing into College anything that can be used as an offensive weapon
- Drug or substance abuse – dealing, being in possession, coming into College under the influence, smelling of drugs, in possession of drug paraphernalia
- Alcohol abuse – being in possession or under the influence of alcohol
- Refusing to comply with College search procedure
- Breach of College ID policy and procedures
- Dangerous or irresponsible behaviour which causes a major health and safety risk
- Accessing another person's computer network account, hacking of any description or gaining unauthorised access to data in any system or computer, this includes tampering with any students work or try to access their computer whilst they are logged on
- Persistent misconduct or poor performance
- Not following the College complaints procedure to report concerns about the College course. For example, using social media to complain rather than using the official process.
- Sharing of images of any student or staff member whilst in College
- Taking screen shots of the tutor or other students whilst in class
- Behaviour that brings that damages the Colleges reputation
- Any other unacceptable behaviour

## 4. Sanctions and the Disciplinary Procedure

### 4.1 6 Week Review Period

All Students are subject to a 6-week review period to ensure that students have enrolled on the right course, at the right level to achieve their goals and prepare them for work and life in modern Britain. We offer every young person this period to make sure that they have made the right decision. If it is agreed that the student is not on the right course then both the Personal Tutor and Head of Curriculum/ Progress Manager will work in partnership with the relevant departments to do the swap don't drop.

Throughout the 6-week review period the following will be reviewed against the College expectations:

- Attendance to all aspects of their study programme (vocational study, A level's, English and Maths as appropriate)
- Punctuality to all lessons
- Has completed at least 1 assessment or task to a good standard and handed in before the deadline
- Has not received any causes for concern or disciplinary action
- Demonstrates commitment to the programme and is engaged in all aspects of learning, including enrichment and Student voice
- Always brings the required materials to learn. This can be pens and paper, Personal Protective Equipment, Maths equipment etc.

### **Where a student is not meeting expectations based on the 6-week review period**

Where a student is not meeting expectations based on the 6-week review period, a meeting **must** be arranged between the Personal Tutor, Head of Curriculum or Pastoral Manager with the Student and appropriate parents/guardians (any other relevant parties e.g. Learning Support) and logged as an intervention meeting. A clear rationale should be provided as to why they are not meeting expectations and SMART Targets should be provided detailing what they need to do to improve.

Where learning support is involved or the student has an additional need, the learning support team should be consulted prior to the meeting and invited where necessary.

Where a student is unable to make progress towards the expectations with the support put in place, a meeting should take place with the HoC, PM, Assistant Principal, and the Director for Personal Development to consider whether or not all support aspects have been considered. If it is deemed that the student has not made sufficient progress then a final meeting should be arranged with the student and Parents Guardians/ Carers to discuss other alternatives either within the College or externally. Students should then

be referred to the information and guidance team, the team should be provided with all information regarding the reasons that the student has been referred.

Note where students have been through the disciplinary process in the previous academic year at stages 3 and 4 and the previous behaviour patterns reoccur in the first 6 weeks, that student will meet with the Assistant Principal responsible for behaviour under a stage 4 meeting.

- 6 Week review flow chart
- **1<sup>st</sup> Warning** – To be issued by PT - 1st Warning requires **Parent contact**, this can be by phone or face to face meeting to discuss concern. The tutor must meet with the student. Make clear that further concerns will result in parent meeting invite and 2nd Warning. (Where student has an EHCP / LAC/ CIN then parent/ carer / social worker / PM / ALS link person should be invited for a meeting in College) Recorded as At Risk 1<sup>st</sup> Warning with SMART target to be reviewed within 2 weeks by Personal Tutors
- **2<sup>nd</sup> Warning** – To be issued by PT - Students who continue to not meet expectations and have not made improvements should now result in **PT/Parent** meeting and **2<sup>nd</sup> Warning**. (where student has an EHCP / LAC/ CIN then parent/ carer / social worker / PM / ALS link person should be invited for a meeting in College) Recorded as At Risk 2<sup>nd</sup> Warning with SMART target to be reviewed within 2 weeks by Personal Tutors
- **3<sup>rd</sup> Warning** – To be issued by PM or HoC - Students who have shown no improvement at this stage to be referred to **HoC & PM**. HoC & PM to meet with **student and parents** to make a decision around continued progression. 3<sup>rd</sup> Warning meeting should be recorded with SMART target to be reviewed within 2 weeks by Personal Tutors. Recorded as At Risk 3<sup>rd</sup> Warning
  - All students at risk should be carefully monitored with actions recorded and discussed weekly during At Risk meetings.
  - Parents and internal representatives should be invited to any meetings arranged (including ALS staff, support workers).
  - All relevant parties, especially the student need to be aware of the **targets** they have and the **progress** they are making towards their targets. These **must** be reviewed by the Personal Tutor at least every fortnightly.
  - The targets should be considered daily by all staff in contact with the student.
  - At each meeting it is important to reiterate expectations.
  - Establish reasons for not meeting expectations. Consider support avenues, referral to learning support, referral to IAG (Information and Guidance), Counselling, etc.
  - Is there an underlying issue, is there prior history, is the student on the right course?

- SMART targets must be agreed and students should be made aware, and reviewed within 2 weeks. All information should be logged on ProMonitor.
- See Appendix Quick Guide to 6 Week Review Period

### **Disciplinary Process used after the first 6 weeks with the exception of gross misconduct**

To ensure effective implementation of the Disciplinary process it is essential that all staff follow the correct processes and procedures at each stage of the process.

The Assistant Principal responsible for behaviour has the overview of the entire process and can be consulted at any stage if there is any confusion about how the processes should be applied, and **MUST** be involved in all aspects of the formal part of the disciplinary process at stage 4 to ensure a consistent approach.

The Tutors will play a key role in supporting the disciplinary process, particularly in the informal stages, but a member of the Curriculum team should always be involved, and English and Maths staff where necessary.

At each stage of the disciplinary process, checks **must** be made with Learning Support to see if a student has an identified learning difficulty and/or disability so that support can be offered either in the meetings or with the interventions identified.

### **Stages of the disciplinary process (Appendix 3)**

- Stage 1
- Stage 2
- Stage 3
- Stage 4/Gross misconduct

**\*Please note any inappropriate behaviour can be dealt with at any stage.**

The disciplinary process does not have to start at a Concern Note and work through the stages. If the behaviour warrants it can move straight to stage 1, 2 or 3 and if the behaviour constitutes Gross Misconduct then the process begins at stage 4, often with a suspension. If in doubt as to the stage needed staff should contact either a Pastoral Manager or the Assistant Principal responsible for behaviour. A student can have more than one disciplinary process running. For example, a student on a stage 3 for a serious breach can also require action for poor attendance. These can be dealt with separately rather than escalating to a stage 4.

## **Suspension**

A decision will be made whether or not to suspend a student. This can be for a number of reasons:

- To safeguard the student
- To ensure that a situation does not escalate
- To provide opportunity for further investigation
- To safeguard other students

Students can only be suspended by an Assistant Principal or a Pastoral Manager. The Assistant Principal will where possible seek the support of a Pastoral Manager who can identify if there are any safeguarding issues in relation to suspension.

Suspension is a matter of procedure and does not imply guilt or otherwise. In such a case the Head of Curriculum will make arrangements for the student to work independently at home, if deemed necessary.

Short suspensions are also used to address poor performance where an urgent student/parent meeting is needed.

In line with our trauma and wellbeing informed approach, Bury College acknowledges that any form of punishment, suspension or exclusion can have a significant detrimental impact on student's relationship with and trust of College staff, and their sense of safety. Therefore, through this policy we aim to use our best endeavours and make reasonable adjustments for our most vulnerable students, particularly those with ACE experience. When suspension or exclusion is necessary, this will be used as a last resort and **only** where attempts have been made to **connect, correct and repair** the relationships between the student, their family and the College.

### **Failure to attend a disciplinary meeting:**

- At any stage failure to attend will result in a second meeting being arranged at the next level
- Failure to attend a stage four disciplinary may result in the hearing being held and a decision made about the incident in the absence of the student. This may include a decision to exclude.

### **Concern notes using ProMonitor – low-level breach – Discussion – Expectation – Action**

Where there has been low-level breach of the Code of Conduct, the teacher will issue a Concern Note.

- The Concern Note will include details of the discussion with the student in the ProMonitor comment with clear expectations from the student. The discussion **must** include **Discussion – Expectation – Action** “Sam came to the maths lesson with no bag, paper or pen. We discussed expectations surrounding BRTL and they have agreed to bring equipment to the next session”
- The member of staff dealing with the student will tell them that the behaviour is unacceptable and that they are creating a concern note and this will be sent to their Personal Tutor who will follow this up with the student.
- A concern note can be found on ProMonitor and should be recorded on the student profile and should be marked ‘FAO all staff’
- An informal discussion should be held with the student explaining why the concern note has been issued, checking that the behaviour was dealt with and where appropriate will issue clear guidance for improvement. If needed, an action plan with SMART targets to improve will be issued (see Appendix 7 SMART Targets Examples) arrangements made for any intervention to support this.
- A student may receive up to **three Concern Notes** before the matter is escalated to a formal Stage 1 Disciplinary
- The Concern Note’s stage is an opportunity to begin dialogue with a student and engage them in seeing why the behaviour is inappropriate; ensuring that they understand support is available if they need it, and encouraging them to take responsibility for their actions. The following restorative questioning technique will support this:
  - Tell me about it?
  - What were you thinking about at the time?
  - What have you thought about it since?
  - Who was affected and how were they affected?
  - What are you going to do to put this right?
  - How are we going to fix it?

This approach can be used at all levels

**Note** If a student has no parental support, an advocate should be provided

**Note for all meetings** ALS must be in attendance for EHCP or SEND to ensure reasonable adjustments have been made under the Equality Act and SEND Code of practice.

### **Stage 1 disciplinary:**

A Stage 1 disciplinary is a formal discussion which will be held with the **Student, Personal Tutor/** or designated team member to hear what the student has to say. A check should be made to ascertain whether or not the student has a learning difficulty and/ or disability, and whether or not a representative from Learning Support Team would be needed at the meeting. Also, checks should be made to see if there are any other influencing factors outlined in the ‘scope section.

If it is agreed that sanctions are required the student should be issued a Stage 1 and an action plan with SMART targets to improve. This should be recorded as a Stage 1 disciplinary meeting.

- A **face to face** meeting with the **Student. Parents** to be informed by **telephone** of a stage 1 meeting with the student and the outcome of the meeting
- A letter or email should be sent out after the meeting to the student and parent/ guardian confirming the stage 1 disciplinary outcome, this can be requested through the curriculum administrator. Tutors should request a response from parents to confirm this has been received.
- Any notes should then be recorded on ProMonitor as Stage 1 meeting by the Personal Tutor or designated team member
- The Personal Tutor and curriculum teams should monitor the actions within any agreed timescales and report back to the Head of Curriculum/ Pastoral Manager during the At-Risk weekly meeting. The Head of Curriculum will then report back to the Assistant Principal.
- When the SMART targets are reviewed, there is still no improvement, or further recurrence of misconduct, a referral should be made to the Head of Curriculum for a **Stage 2** disciplinary.

### **Stage 2 disciplinary:**

Once a student reaches stage 2 of the process the **Head of Curriculum** should be involved to ensure that at this stage we have consistency of approach.

A Stage 2 disciplinary is a formal **face to face meeting** held with the **Student and Parents/ Guardians**. This will be dealt with by the Head of Curriculum to hear what the student has to say. A check should be made to ascertain whether or not the student has a learning difficulty and/ or disability, and whether or not a representative from Learning Support Team would be needed at the meeting. Also, checks should be made to see if there are any other influencing factors outlined in Sections 1. If it is agreed that sanctions are required then the student should be issued a Stage 2 and an action plan with SMART targets to improve as identified by the Head of Curriculum. This should be recorded as a Stage 2 disciplinary meeting. Stage 2 letter or email should also be sent out to student and parent inviting them to this face to face meeting, this can be requested through the curriculum administrator.

- A **face to face** meeting with the **Student / Parent / Guardian or representative** detailing the outcome of the meeting
- A letter or email should be sent out after the meeting to the student and parent/ guardian confirming the stage 2 disciplinary outcome, this can be requested through the curriculum administrator. Tutors should request a response from parents to confirm this has been received.
- Any notes should then be recorded on ProMonitor as Stage 2 meeting by the Head of Curriculum
- The Personal Tutor and curriculum teams should monitor the actions within any agreed timescales and report back to the Head of Curriculum/ Pastoral Manager during the At-Risk weekly meeting. The Head of Curriculum will then report back to the Assistant Principal.
- When the SMART targets are reviewed, there is still no improvement a referral should be made for a **Stage 3** disciplinary.

NB: Letters to parents and students through each of stages 1-2 would normally be arranged through Curriculum Admin.

### **Stage 3 disciplinary:**

Once a student reaches stage 3 of the process the **Pastoral Manager, Personal Tutor and Head of Curriculum** *must* be involved to ensure that at this stage we have consistency of approach, particularly in defining the boundary between a stage three and stage four.

A Stage 3 disciplinary is a formal meeting held with the **Student and Parents/ Guardians**. This will be dealt with by the **Pastoral Manager, Personal Tutor and the Head of Curriculum** to hear what the student has to say. A check should be made to ascertain whether or not the student has a learning difficulty and/ or disability, and whether or not a representative from Learning Support Team would be needed at the meeting. Also, checks should be made to see if there are any other influencing factors outlined in Sections 1. If it is agreed that sanctions are required then the student should be issued a Stage 3 and an action plan with SMART targets to improve as identified by the Pastoral Manager. This should be recorded as a Stage 3 disciplinary meeting. Stage 3 letter or email should also be sent out to student and parent.

- A face to face meeting with the student /parent / guardian or representative detailing the outcome of the meeting
- A letter should be sent to the student and parent/ guardian confirming the stage 3 disciplinary
- Any notes should then be recorded on ProMonitor as Stage 3 meeting by the Pastoral Manager
- The Personal Tutor and curriculum teams should monitor the actions within any agreed timescales and report back to the Head of Curriculum/ Pastoral Manager during the At-Risk weekly meeting. The Head of Curriculum will then report back to the Assistant Principal.
- When the SMART targets are reviewed, there is still no improvement a referral should be made for a **Stage 4** disciplinary.
- A short-term personalised programme maybe considered if appropriate and in line with what is reasonably practicable for the student to make improvements and achieve targets.

### **Stage 4 disciplinary/ gross misconduct:**

If the decision is taken to escalate to a stage 4 or the student has committed Gross Misconduct the hearing must be heard by the **Assistant Principal responsible for behaviour, the Director of Curriculum, Pastoral Manager and the Head of Curriculum or a nominated representative from the Curriculum area**. The Parents/Guardians or representatives for 16-18 students should be invited. A check should be made to ascertain whether or not the student has a learning difficulty and/ or disability, and whether or not a representative from Learning Support would be needed at the meeting. Checks should also be made to see if there are any other influencing factors outlined in the Scope section. A letter and email should be sent to parents, carers and any other relevant representative.



Depending on the outcome of the meeting the student may be permanently excluded, or given a further Final Written Warning with very tight SMART targets to improve or removal from class and referral to the Personalised Learning Centre (PLC) for completion.

- The PLC offers students a final chance to complete their studies when they need to be withdrawn from the main programme following the disciplinary process. The decision to offer completion in the PLC is entirely at the discretion of the manager chairing the stage four meeting.
- Curriculum will arrange for letters to go to students and parents with details of the final outcome of the stage four process and the appeal process for students excluded.
- If the student is allowed back into College with a SMART action plan this will be monitored and reviewed by the Pastoral Manager and reported back to the Head of Curriculum
- If when the targets are reviewed there is still no improvement the matter should be referred back to the Chair of the disciplinary meeting for a decision regarding whether or not the student should continue in College.

The Assistant Principal Personal Development can delegate to a Pastoral Manager to chair a Gross Misconduct meeting or stage 4. The Pastoral Manager can use any of the outcomes except temporary or permanent exclusion. If the Pastoral Manager feels that no other outcomes are suitable, the meeting must be deferred and reconvened with the Assistant Principal Personal Development.

4.1. The outcomes available within the Disciplinary Procedure are:

- No further Action
- The requirement to follow / work towards agree targets
- To hear the disciplinary at another level
- To attend on a personalised program or timetable
- Final Written Warning

Only to be issued by Assistant Principal Personal Development

- Temporary exclusion from College
- Permanent exclusion from College.

4.2. The College operates an At risk system to identify, monitor and support closely students with ongoing behaviour, attendance or academic performance concerns. It is also used for single acts of misconduct or gross misconduct.

4.3. The At risk system is designed to monitor closely students placed on contracts and to support them in acquiring the habits, routines and behaviours necessary to study effectively in order to achieve their qualification aim/s and develop appropriate employability skills to progress into a positive destination.

#### 4.4. There are four levels of disciplinary

Contract Level	Issued By	Reason and Stage
At Risk 6 Weeks Review Period	Personal Tutor Head of Curriculum Pastoral Manager	<p>To provide support over the first six weeks as a condition of re-enrolment for students:</p> <ul style="list-style-type: none"> <li>• who did not successfully complete their last course</li> <li>• who show poor early engagement immediately following enrolment</li> <li>• have transferred from another institution</li> </ul> <p>Meetings to take place with student and parents/ Guardians and carers where the students is not meeting expectations 'Be Ready To Learn'</p> <p>Throughout the 6-week period the structure is            At risk 1<sup>st</sup> Warning – PT / Student            At risk 2<sup>nd</sup> Warning – PT/ Student / Parent /Guardian            At risk 3<sup>rd</sup> Warning – HoC / PM / Student / Parent/Guardian</p> <p>If the student has an EHCP / is a LAC/ CIN then Parent/ Guardian / social worker / PM / ALS link person should be invited for a meeting in College</p> <p>The outcome of each meeting should include:            Targets            Support measures            Warning issued 1-3            Students who have received a 3<sup>rd</sup> warning should meet with the HoC and PM to discuss the students place on the course</p>
Stage 1	Personal Tutor	<ul style="list-style-type: none"> <li>• Poor performance (See 3.6.)</li> <li>• Unacceptable behaviour</li> </ul>
Stage 2	Head of Curriculum	<ul style="list-style-type: none"> <li>• Continued poor performance</li> <li>• Misconduct (See 3.7.)</li> </ul>
Stage 3	Pastoral Manager	<ul style="list-style-type: none"> <li>• Continued poor performance</li> <li>• Misconduct</li> </ul>
Stage 4	Assistant Principal responsible for behaviour or delegated to PM Assistant Principal	<ul style="list-style-type: none"> <li>• Persistent poor performance</li> <li>• Serious misconduct</li> </ul>

	PM & Head of Curriculum	
Gross misconduct	Assistant Principal responsible for behaviour  Assistant Principal  PM & Head of Curriculum	<ul style="list-style-type: none"> <li>• Gross misconduct – condition of returning to College following a disciplinary hearing</li> <li>• Students that return to College after establishing gross misconduct has taken place will be given a Final Written Warning. If the student is to breach any other conduct that would be considered as gross misconduct, they will be permanently excluded.</li> <li>• Only the Assistant Principal for Personal Development can exclude a student either permanently or temporarily</li> </ul>

4.6. When a student under the age of 19 is not meeting expectations, a meeting will be arranged and parent or carer will be invited. They will be asked to come into College to discuss with the Tutor, Head of Curriculum, Pastoral Manager, or Assistant Principal the issues that have led to the student meeting taking place. When an apprentice is issued with a disciplinary, the employer will be informed by the Apprenticeship Manager.

4.7. When a student is accused of or considered to have committed gross misconduct they will be immediately suspended whilst the allegation/incident is investigated by a Pastoral Manager. If the Pastoral Manager decides the allegation/incident is potentially gross misconduct a Disciplinary Hearing will be convened. Parents are kept informed by the Pastoral Manager throughout the process.

4.9. The Disciplinary Hearing will be convened by the Assistant Principal responsible for behaviour, or in their absence a member of the Leadership Team. The Pastoral Manager for the student will attend the Disciplinary Hearing.

4.10. A student must to be accompanied by a representative and for students under the age of 19 it is expected that this will be a parent or carer. Students with severe learning difficulties or considered to be vulnerable adults would be expected to be represented by a parent or carer up to the age of 25. If this is not possible, the College will provide an advocate to support the student. Apprentices are entitled to also be accompanied by their employer. Advocates should be provided where no parental support is available.

4.11. The Disciplinary Hearing will give the student the opportunity to state their case and will also consider College records such as ProMonitor, academic reports and attendance data, as appropriate, as well as statements from witnesses and evidence from CCTV cameras and computer records, in compliance with the relevant laws, as appropriate. It will also review commitment and academic progress at College alongside progression towards a career aim.

4.12. If the student fails to attend and cannot be contacted, the hearing can go ahead and a decision will be made in their absence.

4.13. If the decision is to exclude temporarily or permanently, it will be made by the Assistant Principal responsible for behaviour based on the evidence of the case.

4.14. When a student is temporarily excluded they will be given the earliest date they are able to apply to return to College and details of any conditions they need to meet, for example, successfully completing a Princes Trust personal development programme.

4.15. For students with SEND who may have difficulty following a Disciplinary Hearing, a case conference will be convened. All relevant professionals will be invited to attend the case conference, for example, Social Worker, Key Worker, ALS Manager. The case conference will be chaired by the Assistant Principal responsible for Foundation Learning and Additional Support.

4.16. In certain situations, it may be more appropriate for a case conference to be chaired by another member of the Leadership Team. When this happens, to ensure the Student Behaviour Policy is applied fairly and consistently, the chair will consult with the Assistant Principal responsible for behaviour before confirming the outcome.

There is no right to appeal a Final Written warning. A final written warning essentially states that a student must not breach the college's expectations of policies or procedures.

## **5 Appeals Procedure for Exclusions**

When establishing the facts in relation to an exclusion, the Assistant Principal will apply a civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that fact is true, rather than a criminal standard of beyond a reasonable doubt. This means that the Assistant Principal should accept that something happened, if it is more likely that it happened, than it did not happen.

5.1 The Appeals procedure can only be used where there are adequate grounds for doing so and may not be used simply because the complainant is not satisfied with the outcome of the disciplinary hearing.

5.2 Appeals will only be considered where there is evidence that the College has not followed the Student Behaviour Policy (or other policies as appropriate). The complainant must state clearly in the letter of appeal why this is the case. If no clear case of a breach of policy is provided then the appeal will not be considered.

5.3. If the student wishes to appeal against the Disciplinary Hearing decision of exclusion either permanent or temporary, they should do so in writing within one calendar week directly to the Principal, via the Principal's PA, email address: [joanne.greenhalgh@burycollege.ac.uk](mailto:joanne.greenhalgh@burycollege.ac.uk)

5.4. Upon receipt of an appeal against the decision of a Disciplinary Hearing the Principal consider the evidence provided and will respond in writing within two calendar weeks.

5.5. The decision of the Principal following the Appeal is final and there are no further opportunities to appeal.

## **6 Power to Discipline**

6.1. All members of staff have a duty and responsibility to combat challenging behaviour within College as it occurs and are empowered to take reasonable steps to prevent or stop it. See also Bury College *Safeguarding Young People & Vulnerable Adults Policy and Procedures* document.

6.2. Members of staff are required to report all serious incidents and cases of gross misconduct of which they become aware directly to a Pastoral Manager or member of the Pastoral Team and record as a Comment on ProMonitor.

6.3. It is acceptable, as a legitimate part of their class management, following the implementation of the Respect Policy, for a tutor to insist that a student takes no further part in a session. However, this option should only be a last resort when the student has continued to be disruptive despite warnings or failed repeatedly to comply with instructions (see Respect Policy). In all such cases the concern should be recorded in *Student Comments as a Concern Note on ProMonitor* and marked for the attention of the Personal Tutor and copied to the Pastoral Manager.

6.4. In the case of a student not having the necessary PPE, clothing or equipment to take part in the session, the teacher should explore all options before excluding the student from the session and in such a case should provide alternative work for the student to do.

6.5. Only Pastoral Managers, the Pastoral Team, Assistant Principals and Senior Leadership Team have the power to temporarily suspend students from College.

6.6. Only the Assistant Principal responsible for behaviour has the power to exclude students permanently from College for gross misconduct (see 4.14 for SEND students).

6.7. Students arriving late to a class should be allowed to enter the class. The teacher should minimise the disruption that late entry may cause and not challenge the student in front of the class. The register for the class should accurately record the late mark (L) and the number of minutes late. Refusal of entry to a class must not be used as a sanction.

6.8. The Violent Crime Reduction Act 2006 brought in new sections to the Further and Higher Education Act 1992 (section 85b), enabling the searching of students. Searches can be carried out only where there are reasonable grounds for believing that a student is in possession of an offensive weapon. Searches can also be carried out where there are reasonable grounds for believing that a student is in possession of prohibited substances or stolen property. All suspicions or knowledge should be reported immediately to security or a Pastoral Manager, who will investigate the allegation. If they consider that a search is appropriate they will organise the search and ensure that it is carried out in compliance with the College's search procedure. Refusal to be searched will be treated as gross misconduct. The search will be conducted in the presence of a member another member of staff. The search would require students to empty pockets, remove jackets/ coats and shoes. The search involves as little touching as possible and would only be conducted in relation to weapons or drugs. Where security are present in a search they should turn on their body cameras.

## **7. Monitoring of Behaviour**

7.1. Behaviour issues are summarised and the numbers of students attending Disciplinary Hearings is reported to the Leadership Team 3 times per year in report

## **8. Arrangements for Out of College Activities**

8.1. Students taking part in out of College activities, including travel on College coaches, are still bound by their Student Contract whilst out of College but are also required to adhere to any instructions given to them and any ground rules agreed at the pre-activity briefing.

8.2. If a student's behaviour is deemed to be in breach of their Student Contract or the instructions given and ground rules agreed for the activity, the activity leader has the authority to impose an appropriate sanction.

8.3. In the case of behavioural incidents on residential trips, the sanction of sending a student home should be applied only after contact has been made with the Assistant Principal and their authorisation given.

8.4. Incidents occurring on trips are dealt with following the Disciplinary Procedure outlined in 4.

## **9. Pastoral System Procedure for Pre-16 Students**

9.1. For 14-16 students the Personalised Learning Coordinator takes on the role of Personal Tutor and works with the Pastoral Manager and the Assistant Principal to implement all elements of the Behaviour Policy.

9.2. Where behaviour requirements are not being met the Pre-16 Coordinator will inform the school or centre and, if necessary, the parent or carer.

## **10 Pastoral System Procedure for Apprentices**

For apprentices the Learning and Skills Coach takes on the role of Personal Tutor and the Head of Apprenticeship's works with the Pastoral Manager and Assistant Principal to implement all elements of the Behaviour Policy.

## **11. Related Documents**

- Bury College Student Computer Users' Contract
- Bury College Student Health and Safety Contract
- Bury College Safeguarding Young People and Vulnerable Adults Policy
- Bury College Search Procedures
- Bury College ID Policy & Procedures
- Violent Crime Reduction Act 2006  
<http://www.legislation.gov.uk/ukpga/2006/38/contents>
- Safeguarding Policy
- Fitness to Study Policy
- Fitness to Practice Policy
- Equality, Diversity and Inclusion policy
- ALS Policy
- Bullying and Harassment is incorporated in this document
- Peer on Peer Sexual Violence and Sexual Harassment Policy
- KCSIE 2023
- Filtering and Monitoring Standards
- Cyber Security

Appendix 1 The Disciplinary Process Week 1-Week36

Appendix 2 Process for the First 6 weeks - Warnings 1- 3, 6-week review

Appendix 3 The Disciplinary Stages 1-4 – Week 7 – Week 36

Appendix 4 Information for HOC's, ACD's and Tutors on preparation for at risk meetings

Appendix 5 Attendance

Appendix 6 Punctuality

Appendix 7 Lanyards

Appendix 8 SMART Target Examples

Appendix 9 Bullying and Harassment policy & procedures

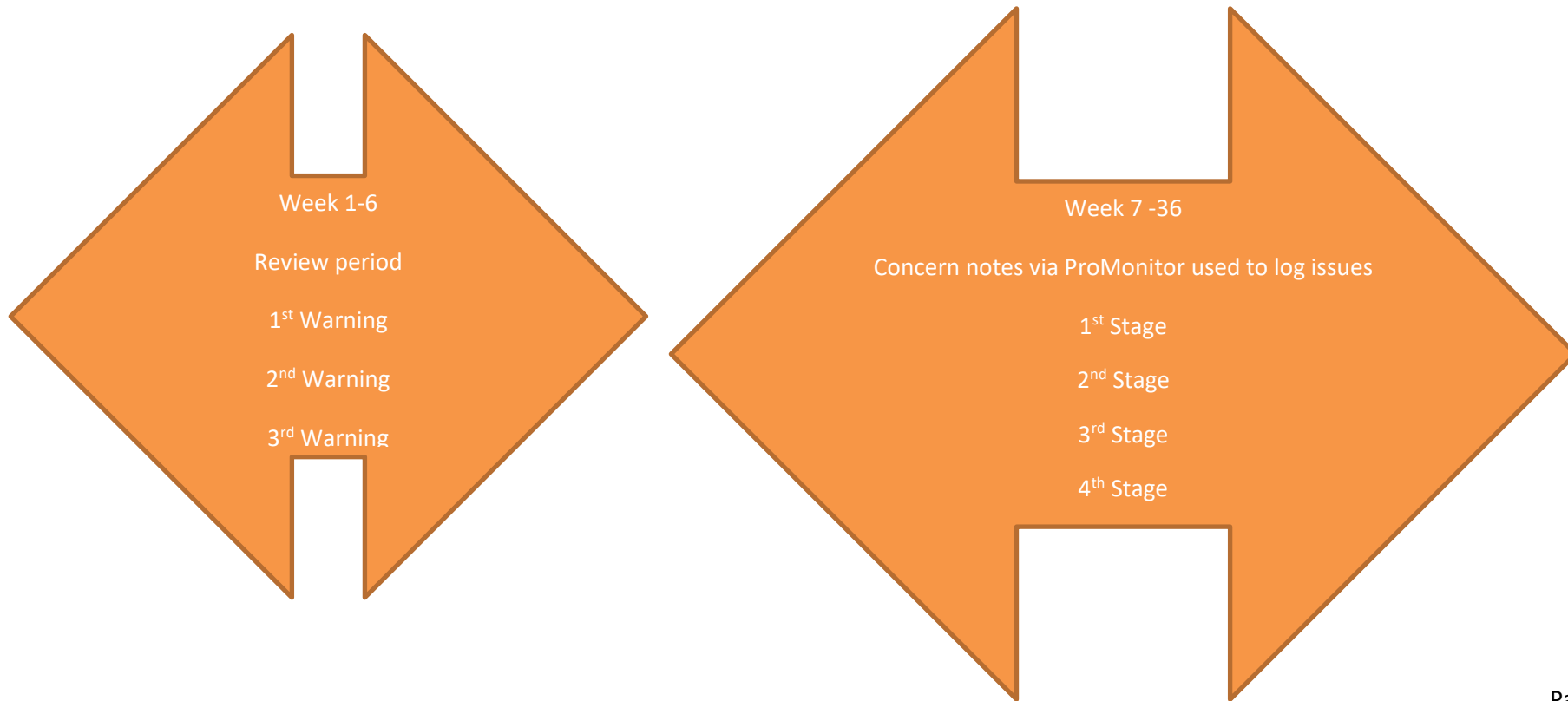
Appendix 10 Physical Intervention Guidance



**Appendix 1 The Disciplinary Process Week 1-Week36**

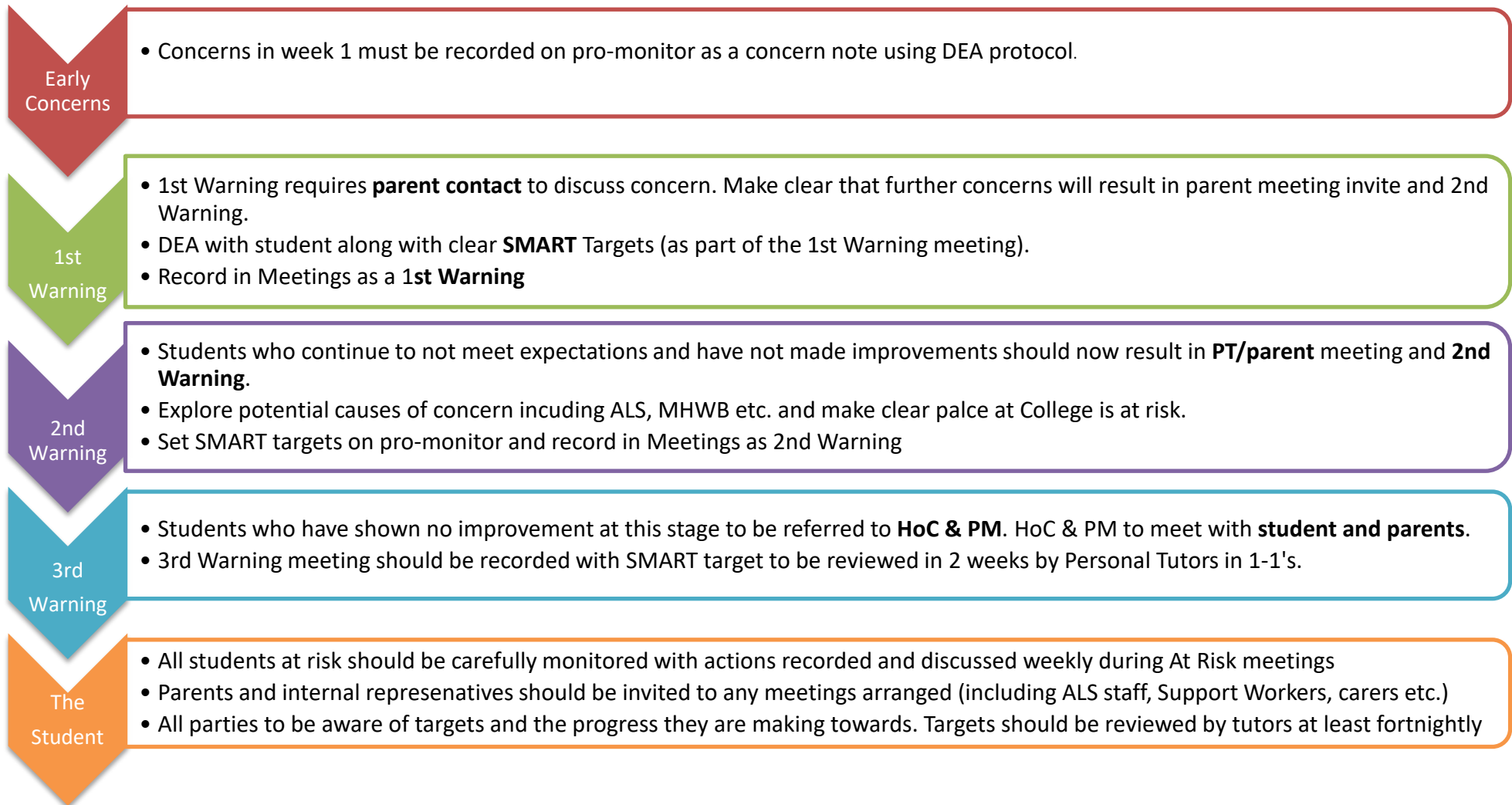
The students journey Week 1 – Week 36

Gross Misconduct – Can run alongside other disciplinary from Week 1 - 36

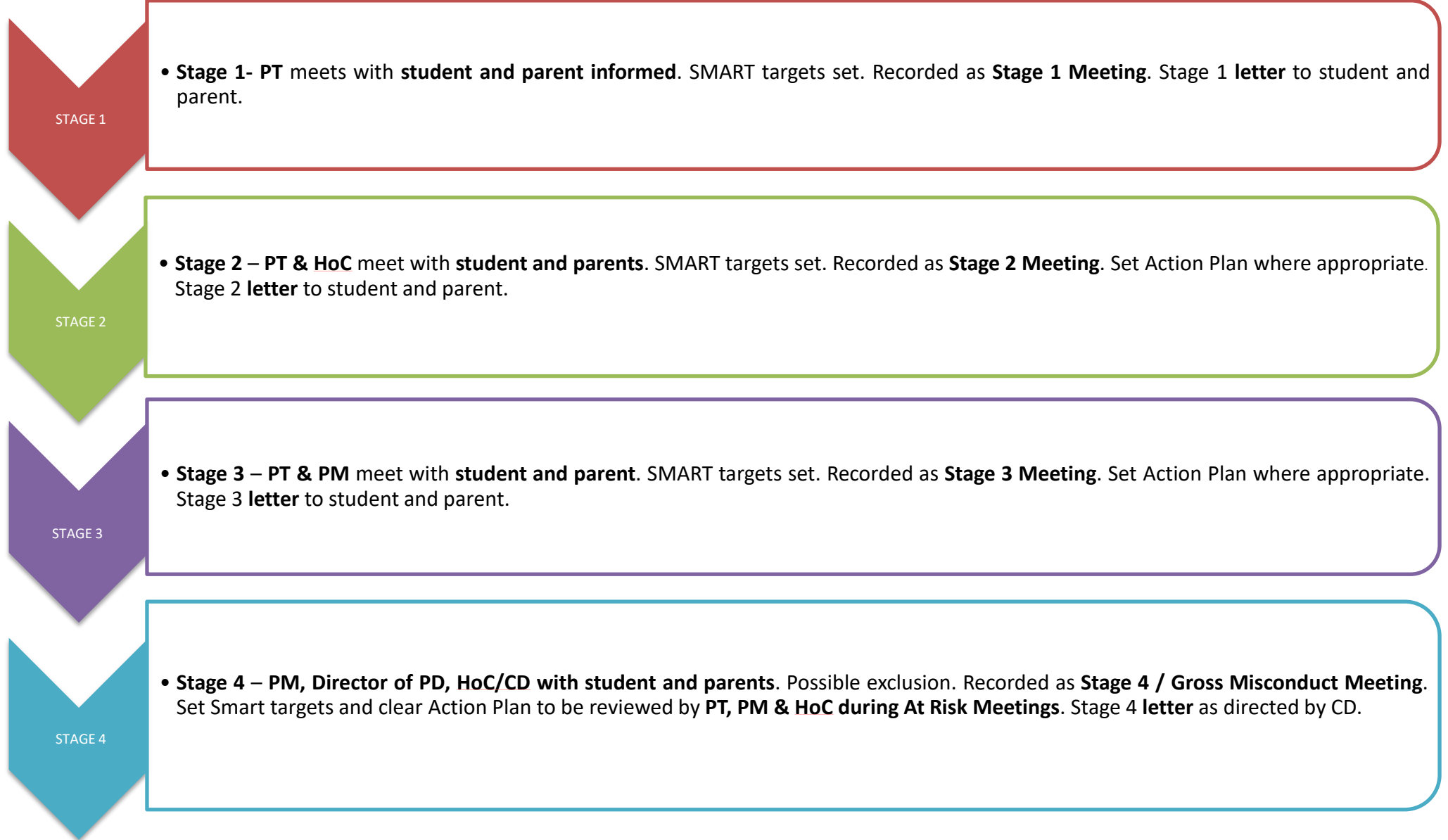


## Appendix 2 Quick Guide to 6 Week Review Period Flowchart

- At each meeting it is important to reiterate expectations
- Establish reasons for not meeting expectations. Consider support avenues, referral to learning support, referral to IAG, Counselling, etc.
- Is there an underlying issue, is there prior history, is the student on the right course?

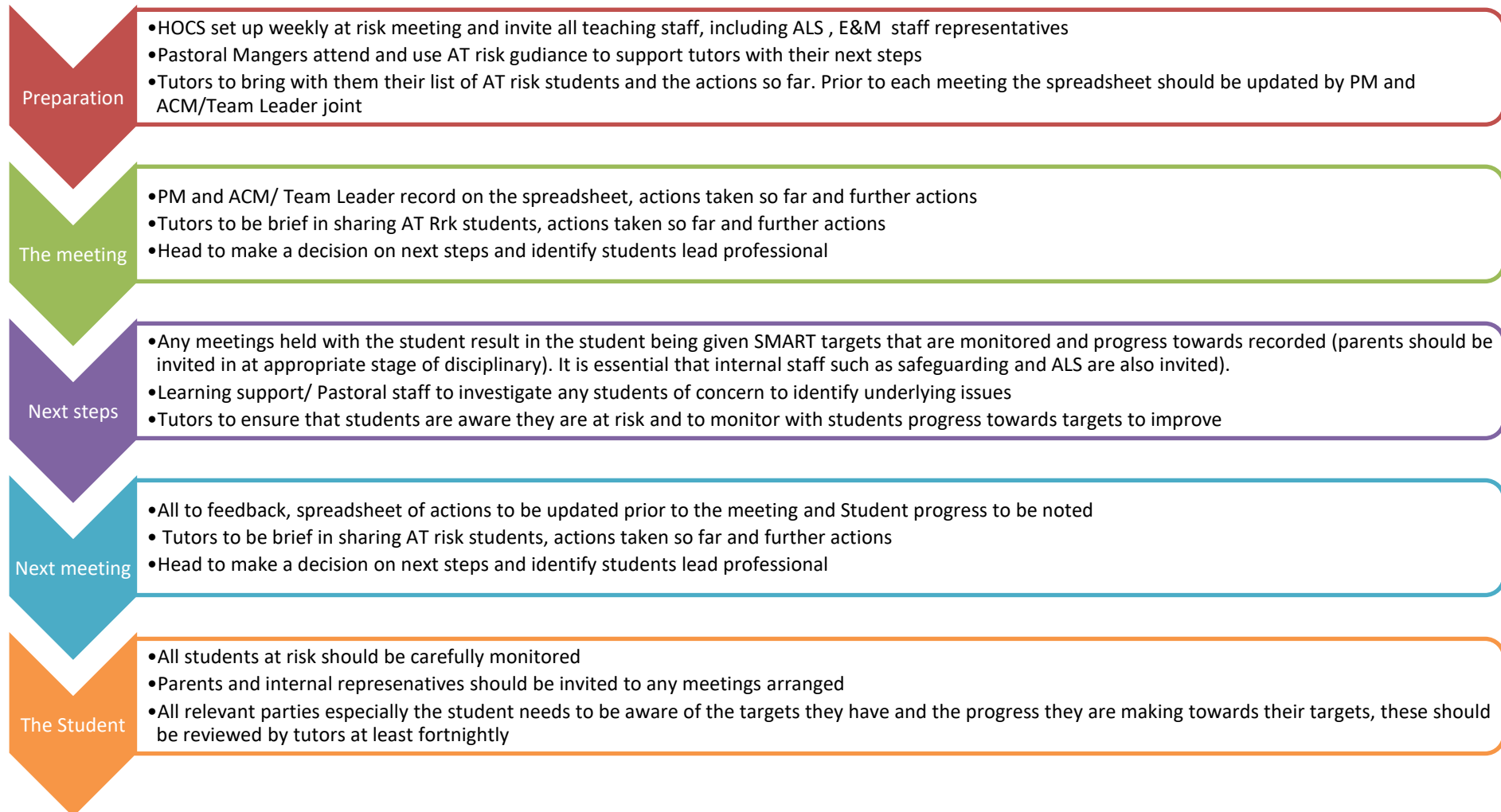


### Appendix 3 Quick Guide to Stages Flowchart



## Appendix 4

### Information for HOC's, ACD's and Tutors on preparation for at risk meetings



## Appendix 5

This should be used where punctuality alone is the issue. The intervention at each stage gives clear guidance to personal tutors and curriculum teams. This runs over a term.

Guidance to be used where attendance is a concern after 42 days.

STAGE	ATTENDANCE (Main qualification/GCSE)	ACTIONS
	95%	<ul style="list-style-type: none"> <li>Personal Tutor makes telephone call to student parents/carers informing of low attendance. Records call on Promonitor and sets SMART target with student.</li> <li>Letter is also sent home detailing attendance policy and stages.</li> </ul>
1	90%	<ul style="list-style-type: none"> <li>Personal Tutor makes telephone call to student parents/carers informing of low attendance PT/ACM to discuss reasons for absence. (PM where appropriate)</li> <li>Stage 1 Disciplinary</li> <li>SMART Targets discussed and set with student and time scales discussed.</li> <li>Copy emailed to parent/carer by PT</li> </ul>
2	85%	<ul style="list-style-type: none"> <li>Parents/carers are invited in for a formal meeting with HoC and PM (for GCSE the HoC or ACM of said subject should also be in attendance).</li> <li>Reasons for absence discussed and recorded on Promonitor</li> <li>Stage 2 Disciplinary</li> <li>Clear guidance should be given that progression opportunities are limited if there is not improvement</li> </ul>
3	80%	<ul style="list-style-type: none"> <li>Parents/carers meeting with Director/PM (Assistant Director of Maths and English when GCSE)</li> <li>Discussion surrounding non-improvement of attendance and reasons for this recorded on Promonitor</li> <li>Final Stage 3 Disciplinary</li> <li>Inform parents of Disciplinary/Appeal process should there be no improvement</li> <li>Automatic temporary suspension at 70% for persistent non-attendance</li> </ul>
4	75%	<ul style="list-style-type: none"> <li>No improvement</li> <li>Meeting with Director Personal Development</li> </ul>

## Appendix 6 Punctuality Strategy

This should be used where punctuality alone is the issue. The intervention at each stage gives clear guidance to personal tutors and curriculum teams. This runs over a term.

<b>STAGE</b>	<b>PUNCTUALITY</b> <b>Main course/GCSE</b> <b>(Number of lates)</b>	<b>ACTIONS</b>
Verbal Warning	5	Personal Tutor makes telephone call to parents/carers informing of poor punctuality. Records call on Promonitor and sets SMART target with student.
<b>1</b>	10	<ul style="list-style-type: none"> <li>• Personal Tutor makes a second call to parents stating that there has been no improvement and this is now at a Stage 1 cause for concern.</li> <li>• SMART Targets discussed and set in presence of student</li> <li>• Copy emailed to parent/carer by PT</li> <li>• Letter is also sent home detailing punctuality policy and stage. Also includes how many minutes of class time the student has missed through lateness</li> </ul>
<b>2</b>	15	<ul style="list-style-type: none"> <li>• Parents/carers are invited in for a formal meeting with HoC and PM (for GCSE the HoC or ACM of said subject should also be in attendance).</li> <li>• Reasons for lateness discussed and recorded on Promonitor</li> <li>• SMART target set with parents/carers present</li> <li>• Inform Parent/carer of next stage should there be no improvement</li> </ul>
<b>3</b>	25	<ul style="list-style-type: none"> <li>• Parents/carers meeting with Director/PM (Assistant Director of Maths and English when GCSE)</li> <li>• Discussion surrounding non-improvement of punctuality and reasons for this recorded on Promonitor</li> <li>• Final stage 1 contract signed for punctuality issues</li> <li>• Inform parents of Disciplinary process should there be no improvement</li> </ul>

## Appendix 7 Lanyard Strategy

This runs over the first term alongside the disciplinary issues

<b>STAGE</b>	<b>Lanyard replacement (Number)</b>	<b>ACTIONS</b>
Verbal Warning	1	<p>Personal Tutor speaks to student about the Lanyard policy and the importance that they remember to bring the lanyard. Tutor provides supportive strategies on how to remember it.</p> <p>Tutor discuss and identifies if there may be additional factors, ALS, disability, home and living situation</p> <p>Records call on Promonitor and sets SMART target with student.</p>
1	2	<ul style="list-style-type: none"> <li>• Personal Tutor makes a call to parents stating that the student has got their 2<sup>nd</sup> replacement badge and this is now at a Stage 1 cause for concern. Tutor discuss and identifies if there may be additional factors, ALS, disability, home and living situation</li> <li>• SMART Targets discussed and set in presence of student</li> <li>• Copy emailed to parent/carer by PT</li> <li>• If relevant ALS informed</li> </ul>
2	3	<ul style="list-style-type: none"> <li>• Parents/carers are invited in for a formal meeting with HoC</li> <li>• HOC to discuss and identifies if there may be additional factors, ALS, disability, home and living situation</li> <li>• SMART Targets discussed and set in presence of student</li> <li>• Inform parents of Disciplinary process should there be no improvement</li> <li>• If relevant ALS invited</li> </ul>
3	4	<ul style="list-style-type: none"> <li>• Parents/carers meeting PM and/or HOC</li> <li>• Tutor discuss and identifies if there may be additional factors, ALS, disability, home and living situation</li> <li>• SMART Targets discussed and set in presence of student</li> <li>• Inform parents of Disciplinary process should there be no improvement</li> <li>• If relevant ALS invited</li> </ul>

## **Appendix 8 SMART Target Examples**

EXAMPLES of TARGETS/ Actions

**If these are logged on ProMonitor with a review date this identifies the time aspect of SMART TARGETS**

### **Behaviour**

- Meet my Tutor daily to review my contract
- Attend my session with specialist support on a weekly basis
- Attend my 1:1 session with learning support on weekly basis
- Follow tutor instructions in all sessions
- To wear my ID card at all times whilst in College
- To place mobile phone in the phone box at the beginning of every session – reviewed in two weeks
- Not to use mobile phone in classes unless instructed by the tutor to be reviewed weekly
- Not to use an E-cigarette in the College building, on-going
- Bring PPE to all practical sessions, on-going
- To use appropriate language at all times to members of staff, students and visitors, on-going
- To attend a reduced or personalised timetable to enable the learner to improve behaviour or transition back to College following a period of ill health/ personal issues/ anxieties (must all occur following discussion with the Head of Curriculum)

### **Attendance**

- I will attend all timetabled sessions for a week (dates)
- I will obtain an up-to-date copy of my timetable today
- I will set up reminders on my mobile phone by .....
- I will ring in by (time) to report any absences
- I will bring in evidence of my appointments (doctors etc) by .....
- Attend all functional skills classes on time and with appropriate equipment
- Improve attendance/ punctuality by \_\_\_% to be reviewed in two weeks

### **Punctuality**

- I will pick up a bus/train timetable today/tomorrow
- I will buy an alarm clock by.....
- I will set my alarm clock/mobile phone (half an hour) earlier by.....
- I will now set off from home at..... time to ensure I arrive at College on time starting from (date)
- I will manage my time to ensure that I am back in the classroom by..... (breaks/lunch)



- Attend all functional skills classes on time and with appropriate equipment
- Improve attendance/ punctuality by \_\_\_% to be reviewed in two weeks

### **Not meeting deadlines**

- I will write an action plan of tasks on.....
- I will buy a diary by.....
- I will write the deadline dates in my diary on.....
- I will see m course tutor by..... to discuss
- I will set reminders in my mobile phone by.....
- I will attend the drop-in centre in the vista on.....
- 

### **Struggle to plan assignments. – Organisation**

- I will use my diary to plan when I will work on my assignments by (date)
- I will complete a mind map by (date) to get my ideas down
- I will attend the drop-in centre in learning support on/ by .....
- I will make an appointment with my Learning support/Tutor by ..... to discuss strategies.
- 

### **Don't know what to do next? -Progression**

- I will make an appointment to see IAG on .....
- I will look at courses on the College Website by .....
- I will pick up next year's prospectus by .....
- I will complete and return a course application form by .....
- I will complete my course interview for ..... by.....

## Appendix 9 Bullying and Harassment policy & procedures

### 1. Introduction

Bury College is committed to providing a supportive and safe learning environment for all students of all ages in all types of provision. In appreciating human diversity, the College takes all forms of bullying seriously and will not tolerate any forms of harassment or bullying. When an incident is reported it will be dealt with promptly and other agencies, such as the Police, will be involved, if appropriate.

### 2. Scope

This policy applies to all students whilst on College premises or whilst undertaking any activities off College premises which are approved by the College. Instances of Cyber Bullying may be perpetrated off College premises and are included in the scope of this policy. Regardless of whether an incident occurs on or offsite the College will support the students and support in referral to the appropriate organisations. Bury College is obliged to take all reasonable steps to prevent harassment of staff in the course of their employment, including by students. The law expects this of employers.

### 3. Definitions of Harassment and Bullying (including sexual harassment)

**Harassment** may be defined as any conduct that is unwanted by the recipient, or any conduct which affects the dignity of any individual, or group of individuals. It is important to consider that language, imagery or forms of behaviour which may not affect some may offend others. The transmission of language or imagery may be made in person or by text, computer image, in writing, through graffiti. Behaviour which is harassing to an individual or group may also be reported by a third party who has no connection to the bully or harasser.

Harassment may be repetitive, or an isolated occurrence against one or more individuals.

All students and staff should be made aware of this policy.

Harassment could be:

Physical

- Unwanted contact (e.g. unnecessary touching), assault or gestures, intimidation, aggressive behaviour, standing too close, physical threats

## Verbal

- Unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter which are based on a person's sex or race or which refer to a person's age, disability, sexuality, religion or personal appearance. The verbal comments may be communicated face to face, through social networking websites or by telephone.

## Non-verbal

- Offensive literature or pictures, video clips, graffiti and computer imagery, isolation or non-co-operation and exclusion from social activities.

## Cyber Bullying

This is

- Sending or posting of insulting, harmful or cruel text or images using mobile phones, e-mail, messaging systems and services, the internet, social networking sites or other digital communications devices
- Using threatening language or imagery which is scaring to the victim or unwanted by its nature in telephone conversations, text messages, e-mails or on social networking sites.

## Other

- Written and verbal in the form of letters, electronically transferred communications including e-mails, text messages, internet materials which contain offensive language or images

## Reasons for Harassment

The reasons for which individuals may be subjected to harassment are wide ranging, including an individual's

- Race, ethnic origin, nationality or skin colour
- Gender, transgender or sexual orientation
- Unwillingness to challenge harassment (leading to victimisation)
- Membership, or non-membership, of a social group, trade union or other organised event
- Disability, including sensory or mobility impairments or learning difficulties
- Status as an ex-offender
- Age
- Medical condition, including AIDS/HIV or mental health issues
- Physical characteristics

- Personal or religious beliefs

This list is not definitive. It is possible for people to abuse their power over others in all sorts of ways. It is the impact on the recipient of the behaviour which is key.

**Bullying** is a particular form of personal harassment which may be carried out by an individual or group of individuals. It can be persistent, threatening, offensive, abusive, intimidating or insulting behaviour, and it is recognised that such conduct may make the recipient feel upset, humiliated or vulnerable and may cause them to suffer stress.

Some examples of bullying are:

- Consistently undermining someone for whatever reason
- Shouting and use of sarcasm at an individual to get things done
- Derogatory or belittling remarks in front of others regarding appearance, work or personal attributes
- Unwarranted exclusions or victimisation
- Racist bullying where there are persistent, threatening, offensive, abusive, intimidating or insulting attack on an individual on the basis of their ethnicity, culture, religious beliefs and colour.
- Sexist or homophobic bullying where there is persistent, threatening, offensive, abusive, intimidating or insulting attack on an individual on the basis of their gender or gender attributes, alleged sexual behaviour or their sexuality
- Use of aggression towards another
- Use of threats towards another to engender fear
- Use of internet or digital communication devices to transmit menacing, threatening or otherwise inappropriate words or images which cause offence to an individual

## **Child on Child Abuse**

All Bury College staff are aware safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but not limited to:

- Bullying (including cyber bullying, prejudice based and discriminatory bullying)
- Abuse in intimate personal relationships between peers
- Physical abuse such as hitting, kicking, biting, hair pulling or otherwise causing physical harm (this may include an online element which facilitates, threatens or encourages physical abuse)
- Sexual Violence, such as rape, assault by penetration and sexual assault (this may include an online element which facilitates, threatens and/or encourages sexual violence)
- Sexual Harassment, such as sexual comments, remarks, jokes and online sexual harassment, which may be stand alone or part of a wider pattern of abuse
- Causing someone to engage in sexual activity without consent such as forcing someone to strip, touch themselves sexual or engage in sexual activity with a third party

- Consensual and Non-Consensual sharing of nudes or semi nude's imagery or videos (also known as sexting or youth produced sexual imagery).
- Upskirting, which involves taking an image under a person's clothing without their permission, with the intention of viewing their genitals or buttocks for sexual gratification or to cause the victim humiliation, distress or alarm.
- Initiating/hazing type violence and rituals, this can include activities involving harassment, abuse or humiliation used as a way of initiating somebody into a group.

Staff must challenge any form of derogatory and sexualised language or behaviour. Staff should be vigilant to sexualised/aggressive touching/grabbing particularly towards girls. Behaviours by young people should never be passed off as 'banter' or 'part of growing up'. The DFE states 'peer on peer abuse should be taken as seriously as abuse by adults and should be subject to the same child protection procedures. sexual violence and sexual harassment;

Professionals should not dismiss abusive behaviour as normal between young people and should not develop high thresholds before acting. All staff should be able to reassure victims that they are being taken seriously and that they will be supported and kept safe. A victim should never be given they are creating a problem by reporting abuse, sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. Concerns should be referred to the Designated Safeguarding Lead. Victims of peer on peer harm will be supported by the safeguarding team and referred to specialist agencies if appropriate

Bury College has an anti-bullying and positive behaviour policy, along with a Student Code of conduct.

## **Sexual Violence and Sexual Harassment**

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. It is acknowledged that this can also occur between students of all ages. All victims would be supported by the College regardless of age or type of provision and a Zero tolerance approach applies to this. The approach to supporting adult learners would remain the same.

Children/young people who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

Staff should be aware of the importance of:

- Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- Not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”;
- Challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them; and
- Upskirting which typically involves taking a picture under a person’s clothing without them knowing, with the intention of viewing their genitalia or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm

It is important that College staff are aware of sexual violence and the fact young people can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

- Rape: A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.
- Assault by Penetration: A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.
- Sexual Assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.
- What is consent? Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

### **Sexual Harassment**

When referring to sexual harassment we mean ‘unwanted conduct of a sexual nature’ that can occur online and offline. When we reference sexual harassment, we do so in the context of young person on young person sexual harassment. Sexual harassment is likely to: violate a young person’s dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- Sexual “jokes” or taunting;

- Physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and Colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
  - Non-consensual sharing of sexual images and videos;
  - Sexualised online bullying;
  - Unwanted sexual comments and messages, including, on social media;
  - Sexual exploitation; coercion and threats; and
  - Upskirting.

## **Response to a report of Sexual Violence or Sexual Harassment**

The initial response to a report from any student is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

Staff must challenge any form of derogatory and sexualised language or behaviour. Staff should be vigilant to sexualised/aggressive touching/grabbing particularly towards girls. Behaviours by young people should never be passed off as 'banter' or 'part of growing up'.

Professionals should not dismiss abusive behaviour as normal between young people and should not develop high thresholds before acting. All staff should be able to reassure victims that they are being taken seriously and that they will be supported and kept safe. A victim should never be given they are creating a problem by reporting abuse, sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report. Concerns should be referred to the Designated Safeguarding Lead. Victims of peer on peer harm will be supported by the safeguarding team and referred to specialist agencies if appropriate

If staff have a concern about a young person or a young person makes a report to them, they should follow the safeguarding referral process. As is always the case, if staff are in any doubt as to what to do they should speak to the designated safeguarding lead (or a deputy). College behaviour and disciplinary policy will support any sanctions. The Sexual Violence and Harassment Policy provides further details on how incidents are dealt with.

Children/young people\ adults who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. It is important that all victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

Staff should be aware of the importance of:

- Making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- Not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”;
- Challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them; and
- Upskirting which typically involves taking a picture under a person’s clothing without them knowing, with the intention of viewing their genitalia or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm

#### 4. Effects of Bullying and Harassment

Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked; create problems for students and the College as a whole. This can include poor morale and student relations; loss of respect for staff and students; poor performance; increased absenteeism due to sickness and unauthorised absence, and ultimately could impact on the student’s success. It is in the interest of all students that the College takes some form of action if an incident of bullying or harassment is reported.

#### Signs and Symptoms of Bullying

- Being frightened of walking to or from the College
- Change in usual routine
- Becoming anxious or withdrawn
- Attempted or threatened suicide
- Crying
- Nightmares
- Feeling ill
- Truancy
- Doing poorly at College
- Coming home with clothes or books torn
- Possessions “go missing”
- Asking for, or stealing money
- Unexplained cuts or bruises
- Coming home hungry (money/lunch has been stolen)
- Becoming aggressive and unreasonable
- Lacking in confidence
- Bullying other students or siblings



## **5. Responsibility of College Staff**

Every member of staff has a responsibility to:

- 5.1. Ensure students are treated with dignity and respect. Any act of harassment, discrimination, victimisation or bullying is a ground for disciplinary proceedings, which may lead to the student being excluded, temporarily or permanently.
- 5.2. Ensure their own conduct does not cause offence or misunderstanding.
- 5.3. Report bullying, they have witnessed, been informed of or suspect to the relevant Personal Tutors – i.e. to the Personal Tutor of the bully and the victim, if they have different Personal Tutors.

In addition,

- 5.4. Tutors have particular responsibilities to give personal support to their students through any investigations into allegations of bullying and or harassment.
- 5.5. Assistant Principals and HOC' and ACD's have a responsibility to ensure that the delivery of the curriculum does not contravene the requirements or spirit of this policy. Teachers must ensure that they deliver all mandatory aspects of curriculum to students including, Induction, Tutorial, reminders and ensure the implementation of the policies and procedures within these components.

## **6. Student Responsibilities**

- 6.1. To treat all students, staff and members of the public with dignity and respect. To ensure their own conduct does not cause offence or misunderstanding. Bury College is obliged to take all reasonable steps to prevent harassment of staff in the course of their employment, including by students. The law expects this of employers.
- 6.2. To co-operate with the College in any investigations into allegations of bullying and/or harassment. If accusing another person of bullying or harassment, or if accused of these, this co-operation includes keeping the complaint confidential and not contacting the other party or their witnesses until the College investigation is completed.
- 6.3. To report to College staff any incidences of harassment or bullying that they are aware of or subjected to.
- 6.4. To use computer and other digital technology provided by the College for the

purposes outlined in the *Computer User Contract*.

- 6.5. To be aware that the use of College computers by all users is monitored and recorded and that it is the responsibility of users to comply with the *Computer User Contract*.
- 6.6. To take all reasonable steps to prevent and stop cyber-bullying – for example, to password protect email accounts and not to give out passwords to others; to block social networking accounts to others who may use them inappropriately; to refrain from entering into inappropriate communications – text message exchanges, telephone conversations, etc.

## 7. Reporting an Incident of Bullying or Harassment

Students who feel they are being bullied or harassed should deal with this through informal and formal procedures

### Informal Procedures

- Students may seek help, advice and support from any member of staff, Pastoral Managers or the Safeguarding Team. At this stage the help and advice given can be confidential by agreement with the Student.
- Tell the perpetrator to stop whatever it is they are doing on the basis that their action is causing distress. Where a student finds it difficult to tell the person themselves, they should use the Personal Tutor as an intermediary.
- If a student feels they are a victim of bullying or harassment they should keep a written record of all the relevant incidents, including times, dates and, if appropriate, the names of any witnesses to the incident(s) and any other information or evidence such as text messages, screen shots of comments on social networking sites etc.

### Formal Procedures

- 7.1. In the first instance a student should speak to their Personal Tutor for support and resolution of the issue.
- 7.2. **In all cases**, the Personal Tutor should report the allegations to their Pastoral Manager. The Pastoral Manager will work with the Safeguarding and Prevent Manager using the appropriate safeguarding processes to commence fact find the allegations **within twenty-four hours** with a view to resolving the issue as quickly as practicable in the circumstances.

- 7.3. Upon becoming aware of a case of bullying the Pastoral Manager will refer it **immediately** to the Assistant Principal (CD) for dealing with **if it is severe or through a safeguarding referral and through the Assistant Principal responsible for behaviour if it is sexual harassment** – i.e. if it is reasonable to consider that there is imminent physical danger to the complainant or if the allegation, if proven, would lead to temporary or permanent exclusion.
- 7.4. Pastoral Managers should make Assistant Principals aware of **all** cases of bullying and harassment they are involved through ProMonitor Comments and follow-up meetings where necessary.
- 7.5. Pastoral Managers will report all cases – numbers, breakdown by curriculum areas, gender and ethnicity, issues, outcomes etc. This information will be summarised in report LT 11 which is presented to the Leadership Team three times a year.
- 7.6. Where an intervention by a Pastoral Manager fails to stop the bullying or harassment, the case will be referred to the Assistant Principal responsible for behaviour. The College disciplinary procedures will be invoked which may lead to a student being temporarily or permanently excluded.
- 7.7. Where a case of bullying is reported to the Personal Tutor by a third party – e.g. Subject Teacher, ESW, other students, the Personal Tutor will follow the above procedure to investigate it.
- 8. Investigating an allegation of bullying or harassment**
  - 8.1. Statements of allegation or witness statements must be signed and dated.
  - 8.2. Usage of CCTV footage from College cameras during investigations must comply with the *Bury College CCTV Code of Practice*.
  - 8.3. The College reserves the right to insist that students alleged to have been involved in harassment and bullying do not come into College or have contact with the complainant and their witnesses during an investigation. This is a procedural matter and does not imply guilt. In such a case, arrangements will be made for the suspended person to do College work at home.
  - 8.4. The alleged bully has the right to be accompanied at any meeting to discuss the allegation - for example, by a parent, social worker, APP member of staff – but not by a legal representative.

## APPENDIX 10 Physical Intervention Guidance

### Introduction

1. This guidance should be read in conjunction with the Learner Behavioural Policy.
2. The use of any physical intervention must be a reasonable and a proportionate response to prevent the risks in a given situation. Personal safety is always a paramount concern as such staff are not expected to use physical intervention if it is likely to put themselves at risk.
3. The College is committed to ensuring that all our staff and adults with responsibility for learner's health, safety and welfare will deal professionally with all incidents involving aggressive or reckless behaviour, and only use physical intervention as a last resort in line with College Code of Conduct and the DfE Guidance document "the use of force to control or restrain learners". If physical intervention is used at all, it will be in the context of a respectful, supportive relationship with the learner. We will always aim to ensure minimal risk of injury to learners and staff.
4. The College provides for, welcomes and encourages learner feedback to ensure that the environment and atmosphere within College minimises the risk of incidents requiring the use of force arising. This approach identified through the Behaviour Policy creates and maintains good order and relationships through positive approaches.
5. All staff should attempt to de-escalate any incident and only use force as a last resort and when the risks involved in doing so are outweighed by the risks involved in not using force.
6. Where possible staff should request the support of security who will support and de-escalate.
7. Where physical force is used, the staff member and any witness should provide a written account on CPOM's detailing any intervention used, as soon as possible after the event and within 24 hours.

### Objectives of the Guidance

8. The key objective of the Guidance document is to ensure and maintain the safety of learners and staff. The College recognises that there is a need, reflected in law, to intervene when there is an obvious risk of safety to its learners, staff and property.
9. The guidance aims to give all members of the College community clear guidance so that any physical intervention that they undertake is carried out in a way that supports the values and principles described in the staff Code of Conduct. In particular, it aims to describe the circumstances in which restrictive

physical intervention is an appropriate response and how staff at College will fulfil their responsibilities in those circumstances.

#### Authorised Staff

10. The legal right to use force is extended to all members of staff who have lawful control over the Learners which includes educational trips and visits. Those exercising the use of force must consider any particular special educational need and/or disability that a learner might have.

**Note: It is always unlawful to use force as a punishment**

11. The search procedures also make reference to restraint and must be read and understood along with this guidance. If a student refuses to be searched, restraint should not be used. If there is a concern that the student is in position of something that may cause injury to themselves or others the police should be called.

#### When to Use Force

Reasonable force must only be used to control students or to restrain them where there is no other alternative. If used any physical intervention must be a reasonable and a proportionate response to prevent the risks in a given situation. Personal safety is always a paramount concern as such staff are not expected to use physical intervention if it is likely to put themselves at risk.

- Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
- Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

#### **When can reasonable force be used?**

- Reasonable force can be used to prevent students from hurting themselves or others, from damaging property, or from causing disorder.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.
- Some students with SEND, may have behaviours that become apparent throughout their course, as a last resort to safeguard the student, other students or staff, restraint may be used. This would only be done by a trained member of staff. Following an incident where this has taken place, a meeting would be arranged in relation to whether or not the students needs can be met.

#### **6.10 Power to ask to search students for prohibited items**

**Only Safeguarding staff and Pastoral Managers** can request to search a learner or their bags as is reasonable given the circumstances to conduct a search for the following “prohibited items”: Search

- knives and weapons
- alcohol
- illegal drugs
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Where students refuse to consent to a search the College will call upon the Assistant Principal for Personal Development to discuss with the student the consequences of not consenting. Where there is a concern that the student possesses any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property then the police should be contacted.

Where there is not an immediate risk of harm or injury the student should be suspended and the sending student home procedure should be followed.

All suspicions or knowledge of prohibited items should be reported immediately to security or a Pastoral Manager, who will investigate the allegation. If they consider that a search is appropriate, they will organise the search and ensure that it is carried out in compliance with the College’s search procedure. Refusal to be searched will be treated as gross misconduct. The search will be conducted in the presence of another member of staff, where possible this should be security. The search would require students to empty pockets, remove jackets/ coats and shoes. The search involves as little touching as possible and would only be conducted in relation to weapons or drugs. Where security are present in a search they should turn on their body cameras.

### **Extent of the search – clothes, possessions, desks and lockers**

What the law says:

- **The person conducting must under no circumstances ask the student to remove any clothing other than outer clothing.**
- Outer clothing’ means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but ‘outer clothing’ includes hats; shoes; boots; gloves and scarves.
- Possessions’ means any goods over which the student has or appears to have control – this includes desks, lockers and bags.
- A student’s possessions can only be searched in the presence of the student and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

Also note: The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do. The college will not consent to the police completing intimate searches and will contact parents.

## Lockers and desks

- Under common law powers, College are able to search lockers and desks for any item provided the student agrees. College can also make it a condition of having a locker or desk that the student consents to have these searched for any item whether or not the pupil is present.
- If a student does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the “prohibited items” listed above.

## Use of force

- Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the College rules.

This should then be followed by disciplinary action.

## Recording an Incident

22. All incidents that result in non-routine/emergency interventions must be reported immediately to the Assistant Principal responsible for behaviour
23. The Assistant Principal responsible for behaviour will carry out an initial investigation as soon as possible after the incident and before the end of the working day. The report form (appendix A) should be completed and a copy sent to the Deputy Principal and the Director of Health, Safety & Security.
24. The use of physical intervention in Bury College will be monitored and will be reported on a regular basis to College Governors and the Principal through the normal monitoring report procedures, post Intervention
25. The College will ensure that the learner and the member of staff have immediate access to first aid for any signs of injury. This must be recorded
26. The Investigation **must** start as soon as possible after the incident. The Investigating Director will give the learner time to become calm while staff continue to supervise him/her. When the learner regains complete composure, they will discuss the incident with the learner and try to ascertain the reason for its occurrence. The learner will be given an opportunity to explain things from his/her point of view.
27. In cases where it is not possible to speak to the pupil on the same day as the incident occurred, the College will ensure a debrief takes place as soon as possible after the pupil returns to College.
28. All members of staff involved will be allowed a period to recover from the

incident. This may involve access to external support. The Director of Human Resources and Customer Services (or their nominee) will arrange support to the member of staff involved.

29. The Principal will be informed at the earliest possible opportunity of any incidents where physical intervention or restraint has been used.
30. The College will inform parents/carers of any incident involving physical intervention as soon as possible after the incident and whenever practicable on the day of the incident before the learner arrives home.

#### Complaints/ Allegations about Physical Intervention

31. If any complaints are received from a learner, parent or guardian about any physical intervention by a member of staff, the usual complaints procedure must be followed.