

Student Disciplinary and Positive Behaviour Management Procedures

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1. Purpose

The purpose of the Student Disciplinary/Positive Behaviour Management Procedure is as follows:

- to ensure student behaviour is managed positively in line with British Values in order that students achieve their learning goals successfully
- British values are:
 - Democracy, the rule of law, tolerance of those with different faiths and beliefs, mutual respect and individual liberty
- to ensure that students adopt reasonable behaviour and conduct whilst on college premises (this includes all sites the college delivers education, training and/or assessment).
- to ensure that all students receive consistent and fair treatment when involved in student disciplinary procedures.

2. Scope

The procedure should be implemented by all staff and applies to all students attending courses at Warrington & Vale Royal College, whether full time or part time including students accessing learning in remote form. The procedure is underpinned by British Values and includes all aspects of college delivery including residentials, trips, field study, work placements and sporting/social activities organised by the College. This procedure also applies to any behaviour which occurs outside of College that has the potential to bring the College or its reputation into disrepute. This procedure will also be used when an incident occurs between two or more students outside of college, where the College's safeguarding principles and duty to promote the welfare of students is required ⁽¹⁾⁽²⁾.

3. Responsibility

Monitoring the implementation of this procedure and its future development is the responsibility of the Vice Principal for Curriculum.

All College staff at all levels have an individual and collective responsibility to manage student discipline.

Members of the Executive Leadership Team (ELT), Directors of Curriculum, Safeguarding and Inclusion managers, Duty Managers, Health and Safety Manager and the Vice Principal - Student Support and Inclusion have the right to suspend a student without prejudice pending an investigation. Parents/carers of all 16–18-year-old students will be informed by the person/s who have authorised the suspension.

¹The College has a statutory and moral duty to promote and safeguard the welfare of all our students under the age of 18 and Adults at risk receiving education and training at the college. This includes protecting them from situations where they are abused. (Warrington & Vale Royal College Safeguarding & Prevent Policy)

² Adults at risk are people aged over 18 who are affected by mental ill health, have a learning difficulty or disability, or a physical disability or impairment.

Curriculum Managers, Teachers, Safeguarding and Inclusion managers and Progress Coaches are responsible for student performance management.

For 16–18-year-olds the College has a responsibility to inform parents/carers when a disciplinary measure is implemented and at every stage of the process. This will be communicated by the curriculum team or pastoral support team by exception and recorded on On Track to ensure details of each incident are captured and the procedure is followed. If a student is supported by the local authority, for example a looked after child or a student with an Education, Health and Care Plan, the relevant local authority will also be informed of disciplinary action.

4. Use

- 4.1 The procedures should be read in conjunction with other relevant College policies and procedures. Depending on the circumstances of a particular matter, it may be appropriate to invoke other College policies/procedures for example, Safeguarding and Prevent Policy. In addition, the College will also follow and refer to statutory guidance, including Keeping Children Safe in Education (September 2026).
- 4.2 The college can also invoke the Fitness to Study procedure rather than the Student Disciplinary Procedure if there is sufficient evidence that the individual in breach of the disciplinary procedure is themselves vulnerable or at risk. Information including medical evidence would be required to support this decision.
- 4.3 The protection of children and vulnerable adults at College is of paramount importance and the College may take disciplinary action in respect of any student who it reasonably considers poses a threat in this regard. A student who is excluded as a result of a threat to harm others, including staff or students does not have the right to appeal.
- 4.4 The College will refer to guidance issued by the National Police Chiefs Council: When to Call the Police (Appendix A) when investigating certain incidents.
- 4.5 If a disciplinary allegation leads to the involvement of the police, the College may continue with disciplinary proceedings notwithstanding that police investigations may be on-going. Nothing in this procedure obliges the College to proceed, however, and in some cases, it will be entirely appropriate to halt the College's internal proceedings.
- 4.6 Should police investigations conclude without criminal proceedings being brought against a student, or should a student be found not guilty of an alleged criminal offence, the College may still proceed under the disciplinary procedure.
- 4.7 Any stage of the procedure can be invoked without having undergone previous stages. Each case will be considered separately, and the potential severity of the allegations will determine which stage of the procedure is invoked. This means that in serious cases, students can directly progress to Stage 3 (final written warning or exclusion).
- 4.8 Similarly, at any Stage, the College can decide to impose a lower sanction, e.g. if the procedure is invoked at Stage 3, a written warning could be issued rather than the final written warning.

- 4.9 This procedure may be used in circumstances where information regarding a student emerges that the College were not made aware of. This includes instances where a student has been involved in, or accused of, serious incidents outside of college, which could place themselves or other students at risk of confrontation, harassment or pose a safeguarding risk.

5. Expected Behaviour

Students' commitment to us – we expect all students to uphold British Values and the College rules:

Student Code of Conduct – ABC

All students are expected to adhere to ABC standards:

Attendance:

Attend all timetabled sessions including subject lessons, tutorial meetings, additional support sessions and support appointments

Behaviour:

Behave with respect and consideration for others, meeting our commitment to equality of opportunity and recognising the primary function of Warrington & Vale Royal College as a learning environment.

Commitment:

Participate fully in all lessons, online learning and support sessions, complete all pieces of work to agreed deadlines and to an appropriate standard and show commitment to the ethos of the college

Attendance

- All students are expected to aim for 100% attendance. They are expected to arrive on time, every time.
- Students who fail to attend any part of their programme of study may be subject to disciplinary measures, which may ultimately result in withdrawal from college.
- Students are expected to attend all 1-1 appointments with their Progress Coach and other College staff as required.
- Students are required to inform the College in advance of any absences.
- An enhanced level of intervention will be implemented during the WVR induction period led by the senior leadership team for students who accumulate three or more unauthorised absences. This may result in disciplinary action at any stage if no improvement is made.

Behaviour

All students are expected to Attend, Behave and Commit (ABC)

- Fully uphold the published British Values (see Appendix B)
- Be considerate and **respect** the rights and interests of fellow students, staff and other College users
- Take care of the college environment, buildings and furnishings and **respect** other people's property, including computer-based information

- Treat everyone with **respect** and tolerance in a way that meets our commitment to equality, diversity and inclusion
- Use online communication systems (Facebook, X, Snapchat, WhatsApp, Telegram, email, mobile telephones, air dropping etc.) in a responsible way ensuring no upset, harassment or offence occurs
- Use College IT systems appropriately adhering to all aspects of the College IT Policy, including devices loaned to you.
- Ensure that all work produced for assessment is original and your own work
- Use your devices responsibly and appropriately whilst on college grounds and when interacting with fellow students. E.g. do not send, share or create inappropriate or illegal images or content. Do not make your device available to receive unsolicited images or messages (Airdrop or Nearby Share).
- Co-operate with and respect staff and fellow students
- Report any bullying³ or harassment⁴ (face to face or online), sexual assault, sexual harassment or harmful sexual behaviours. The college is committed to zero-tolerance towards bullying and harassment, ensuring a culture of tolerance and respect is promoted
- Conform to the College requirement to wear ID badges and lanyards at all times and show the badge when requested and refrain from wearing coats and headwear in classes/workshops and general indoor areas of the College.
- Failure to produce a current ID badge will result in students purchasing a new ID card. Repeated failure to bring an ID badge will result in disciplinary action.
- Engage in online classrooms/virtual lessons in the same way you would if attending in person making sure you respect staff and other learners.

Commitment

All students are expected to exemplify their individual liberty and:

- Accept that the responsibility for their learning rests with them by being active in the planning of their programme and the reviewing of their progress with their Progress Coach and all teachers
- Participate fully in all activities in all lessons and support sessions
- Complete assignments, meet deadlines and work to the best of their ability, discussing with their tutors/progress coach any circumstances which may prevent this
- Be prepared for lessons with the appropriate equipment and uniform
- Make effective use of the study facilities
- Contribute positively to the college community, e.g. supporting the Student Council, and participating in enrichment events and activities.

³ <https://www.acas.org.uk/handling-a-bullying-harassment-discrimination-complaint#Bullying>

Bullying can be described as unwanted behaviour from a person or group that is either: offensive, intimidating, malicious or insulting an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone. ACAS

⁴ <https://www.acas.org.uk/handling-a-bullying-harassment-discrimination-complaint#Bullying>

By law (Equality Act 2010), there are 3 types of harassment: sexual harassment, which is unwanted behaviour of a sexual nature harassment related to certain 'protected characteristics' under the Equality Act 2010 less favourable treatment as a result of harassment related to sex, sexual harassment or gender reassignment

- Abide by all College policies that apply to students

6. Guidance

All staff encountering student behaviour that does not yet meet expectations should address the student directly. In certain circumstances, the member of staff may wish to seek the support of colleagues (such as a college manager or college security staff) before challenging student behaviour. At no point should a member of staff put themselves in a situation where they are unsafe.

The following list gives examples of behaviour that does not meet expectations and standards required at College. It is not an exhaustive list:

- persistent absence or lateness;
- repeated failure to bring or wear a current ID badge whilst in or around the college campus;
- repeated failure to submit work;
- spitting;
- device being used in a learning environment when not authorised to do so;
- device being used inappropriately;
- damaging college property;
- Using Artificial Intelligence to generate or alter an image of a student or member of staff.
- plagiarism or cheating of any kind, including the use of Artificial Intelligence to complete assessed work;
- failure to follow reasonable instructions of College staff;
- abusive or aggressive behaviour towards staff or students

Reasonable Force

There are circumstances when it is appropriate for staff in college to use **reasonable force to safeguard children and young people**. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means '**using no more force than is needed**'. The use of force may involve either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of the classroom

The Department for Education believes that the adoption of a '**no contact**' policy at college can leave staff unable to fully support and protect their students. It encourages principals and governing bodies to adopt sensible policies, which allow and support their staff to make appropriate physical contact.

Please refer to 85C Power of members of staff to use force in the [Further and Higher Education Act 1992 \(Appendix A\)](#)

Assessment

If assessment work (including formative and summative assessment) is submitted late with no prior agreed extension, then the disciplinary procedure may be used.

If plagiarism or malpractice has known to have taken place, or the student is suspected of cheating, which includes the use of artificial intelligence platforms or software, the disciplinary procedure must be instigated. Awarding organisation procedures will be followed if instructed to do so, however, this does not negate the college from applying their own disciplinary sanctions.

Please refer to the Malpractice and Maladministration Procedures or the Cheating, Collusion and Plagiarism Procedures for further details.

7. Recording 'Causes for Concern' on On Track

Minor instances of inappropriate behaviour are expected to be dealt with in line with the behaviour management skills of all staff, using a 'considered' approach to gain an understanding of the behaviour. Training and development is available to all staff to support these strategies

- 7.1 Where the behaviour is repeated or a more serious isolated incident, they can issue the student with a "Cause for Concern". This should be recorded in Meetings on On Track using the meeting type "Disciplinary – **Cause for Concern**". Cause for Concerns should be addressed quickly, by the staff member issuing, to ensure the student understands they are exhibiting unacceptable behaviour and to help them to improve.
- 7.2 The member of staff issuing the Cause for Concern should record it, inform the **learner and parent** and follow it up. Progress Coaches/teachers will discuss any new Cause for Concerns with students in 1:1s and with parents/carers/external agencies where students fall into vulnerable or high-risk categories and it is appropriate. When issuing a Cause for Concern the member of staff issuing the concern must consider any previous causes for concern and analyse any patterns in behaviour, highlighting this is an escalation. Three 'Cause for Concerns' will result in a Stage 1 Verbal Warning or Stage 2 Written Warning depending on the nature of the concerns. This will be escalated and monitored by Curriculum Managers.
- 7.3 Student behaviour remains the primary responsibility of the curriculum area and so wherever possible, teachers and Curriculum Managers with the support of Progress Coaches and Lead Progress Coaches should consider positive ways to respond to behaviours that do not yet meet expectations. This will be done with support from other departments such as the Teaching, Learning and Assessment team or the Additional Learning Support team.

8. Stage One – Verbal Warning

- 8.1 Where a student responds inappropriately to informal directions by staff, or repeats/continues the behaviour, or the behaviour is of a sufficiently serious nature, the incident must be reported to the student's Curriculum Manager and a

verbal warning will be issued. If a learner has an Education, Health and Care Plan (EHCP) then this needs to be discussed first with the Learning Support Officer.

The following situations will render the student liable to disciplinary action invoked at Stage 1 of the procedure: (note: this is not a definitive or exhaustive list)

- committing a series of different unsatisfactory actions within a short period of time;
- failure to observe basic health and safety standards, policies and precautions;
- preventing another student from pursuing their studies effectively;
- damage to college property.
- poor attendance and/or punctuality to college
- repeated failure to bring or wear a current ID badge whilst in or around the college campus;
- minor or continued bouts of unsafe/poor behaviour

8.2 The Curriculum Manager will schedule a disciplinary meeting with the student, this meeting does not require the attendance of pastoral support staff (if conducted by curriculum staff) and can be conducted without. They will speak to the student about the incident using appropriate sources of information/evidence, discuss what happened, agree actions to avoid repetition of the behaviour and agree sanctions proportionate to the inappropriate behaviour. This will be recorded on On Track in the meetings section as a verbal warning. Safeguarding and Inclusion Managers, Lead Progress Coaches and Progress Coaches are also authorised to issue a verbal warning, for example for poor punctuality or non-attendance. The curriculum manager must still be informed.

8.2 Verbal warnings will be issued by Curriculum Managers, Safeguarding & Inclusion Managers, Lead Progress Coaches and Progress Coaches.

8.3 The person who issued the warning will inform parents/carers that a verbal warning has been issued via telephone. If telephone is not possible then this needs to be followed up via email or letter and recorded/uploaded to On Track. On Track will alert all staff of the disciplinary warnings issued to students on their courses.

8.4 In some circumstances, the member of staff issuing the warning may delegate the responsibility for communication to an appropriate member of the team.

9. Stage Two - Written Warning

A student may be referred to stage 2 of the disciplinary procedure if they have not complied with the actions outlined at Stage 1 or for a more serious incident of behaviour or misconduct. If a learner has an EHCP then this needs to be discussed first with the Learning Support Officer.

The following situations will render the student liable to disciplinary action invoked at Stage 2 of the procedure: (note: this is not a definitive or exhaustive list)

- Failure to comply with previous action plans
 - Persistent poor punctuality and attendance
 - Persistent failure to bring or wear a current ID badge whilst in or around the college campus;
 - Further persistent non submission of assessment work.
 - Plagiarism, malpractice or cheating
 - Persistent lack of engagement, failure to meet deadlines, submit work, complete industry placement and enrichment
 - Committing a series of different unsatisfactory actions of a more serious nature within a short period of time;
 - Continuous failure to observe health and safety standards, policies and precautions;
 - Dangerous driving on or around the college campus;
 - Gross negligence;
 - Further prevention of another student from pursuing their studies effectively
 - Damage to college property including the college buses.
- 9.1 Directors will issue written warnings. If this cannot be arranged in a timely manner the written warning can be issued by the Curriculum Manager
- 9.2 A meeting with the Director and/or Curriculum Manager will be arranged and the Safeguarding and Inclusion Managers / Lead Progress Coach /Progress Coach, will attend as appropriate (although it is not essential for all to be represented) and parent/carers of students under 18 years of age will be invited and should attend. The Director and/or Curriculum Manager will discuss the inappropriate behaviour with the student and may refer to other sources of information or evidence and issue a written warning. An action plan and targets will be recorded on On Track and on a Disciplinary and Actions form (DAF1) with the student's signature. These will be monitored by the Curriculum Manager with the support of the Lead Progress Coach/Progress Coach/. The Lead Progress Coach/Progress Coach will also post a meeting on OnTrack to say a written warning has been issued.
- 9.3 Lead Progress Coaches/Progress Coaches will inform parents/carers that a written warning has been issued via telephone and print report from On Track.
- 9.4 A written warning will remain active on a student's record for 6 months and may impact any subsequent disciplinary decisions.
- 9.5 A written warning can bridge academic years. For example, a written warning issued towards the end of a course may still be active when a new course starts.
- 9.6 If parents/carers or the student fails to attend a written warning meeting without reason for a second time this will result in the meeting being held in their absence.

10. Stage Three – Final Written Warning or exclusion

If a student continues to consistently behave inappropriately the student's Director of Curriculum will review the situation and may decide to refer a student to stage 3. At this point, a Disciplinary Summary sheet (DAF2) will be completed by a Safeguarding and Inclusion Manager. If the Director feels there is a chance the hearing could result in exclusion the hearing should be chaired by the Vice Principal.

The following situations will render the student liable to disciplinary action at Stage 3 of the procedure: (note: this is not a definitive or exhaustive list)

- Failure to comply with previous action plans
- Continued disregard for college policies and procedures
- Persistent disruptive/unsafe behaviour
- Persistent poor punctuality and attendance
- Persistent lack of engagement, failure to meet deadlines, submit work, complete industry placement and enrichment

10.1 Curriculum Director can sanction final written warnings.

10.2 A hearing will be scheduled to include the appropriate Curriculum Director, Curriculum Manager, Vice Principal - Student Support and Inclusion and Inclusion Managers with the student. If under 18, parents/carers must be invited to the hearing and a covering letter sent (by the curriculum administrator) explaining the nature of the inappropriate behaviour. If over 18 the student can elect to bring a representative with them.

10.3 The inappropriate behaviour will be discussed and an action plan and targets will be recorded on On Track and on a Disciplinary and Actions form (DAF3) with the student's signature. The Curriculum Manager/Safeguarding and Inclusion Managers will monitor the action plan. The Safeguarding and Inclusion Managers will post a Meeting on On Track to record that a final written warning has been issued.

10.4 It should be made clear to students and parents/carers that non-compliance will result in a recommendation for exclusion.

10.5 Final written warnings remain active for ten months and are then reviewed. Final written warnings will be kept on file for the duration of the course and may impact any subsequent disciplinary decision and may be used when providing internal admissions references. Final written warnings as with written warnings will bridge the academic calendar.

10.6 The Director chairing the meeting may decide that the incident needs referring to the Vice Principal for curriculum to determine the outcome, if this is the case the meeting will be adjourned and reconvened under section 12 Exclusion.

10.7 If parents/carers or the student fails to attend a final written warning meeting without reason for a second time this will result in the meeting being held in their absence.

11. Stage Three – Final Written Warning or exclusion following act of gross misconduct or suspension

If a student is involved in an incident of gross misconduct, or following a suspension without prejudice, the student's Director will refer the student to stage 3. At this point, a Disciplinary Summary sheet (DAF2) will be completed by the Safeguarding and Inclusion Manager.

The following situations will render the student liable to disciplinary action invoked directly at Stage 3 of the procedure: (note: this is not a definitive or exhaustive list)

- theft;
- fraud or attempted fraud;
- bullying, harassment or making threats against people or property;
- sharing extremist views or literature, creating extremist images or graffiti or
- verbal or physical aggression and abuse towards staff or students
- sexual harassment and assault;
- reckless or dangerous driving on or around site;
- Damage to college property including the college buses.
- misuse or deliberate interference with computerised information;
- handling, sharing, creating, viewing offensive, illegal, or inappropriate content on college or personal devices
- creating, sharing, altering, uploading, viewing, images or recording of staff or students without their knowledge and consent, e.g Airdrop, smart glasses/AI glasses
- deliberately causing injury to others;
- accessing or making available to others pornographic or other offensive material;
- possession or supply of non-prescription drugs and/or drug paraphernalia whilst on college premises, during college hours or on college business.
- consumption of alcohol/drugs on college premises or attending college whilst drunk or under the influence of drugs.
- use of obscene language or behaviour
- failure to adhere to previous actions set out in disciplinary meetings.

Of the above examples this includes actions or behaviours carried out online.

11.1 The Vice Principal – Curriculum and any member of ELT can sanction final written warnings for gross misconduct and following suspension.

11.2 A hearing will be scheduled to include the appropriate Curriculum Director or Curriculum Manager, Vice Principal - Student Support and Inclusion and Inclusion Managers with the student. If under 18, parents/carers must be invited to the hearing and a covering letter sent (by the curriculum administrator) explaining the nature of the inappropriate behaviour. If over 18 the student can elect to bring a representative with them. If a student under 18 does not have a

parent/carer in attendance with them they will be supported by either a Safeguarding & Inclusion Manager or Lead Progress Coach. The student can decline the offer of support and the hearing will proceed.

- 11.3 If the incident constitutes a safeguarding risk to other students and/or staff, for example, acts of violence or an intent to commit acts of threatening, coercive, controlling behaviour or abuse the meeting may be held in the students absence.
- 11.4 The inappropriate behaviour will be discussed and an action plan and targets will be recorded on On Track and on a Disciplinary and Actions form (DAF3) with the student's signature. The Curriculum Manager/ Safeguarding and Inclusion Managers will monitor the action plan. The Safeguarding and Inclusion Managers will post a Meeting on On Track to say a final written warning has been issued.
- 11.5 It should be made clear to students and parents/carers that non-compliance with the process or the hearing itself can result in a recommendation for exclusion.
- 11.6 Final written warnings remain active for ten months and are then reviewed.
- 11.7 Final written warnings will be kept on file for the duration of the course and may impact any subsequent disciplinary decision and may be used when providing internal admissions references. Final written warnings as with written warnings will bridge the academic calendar.
- 11.8 If parents/carers or the student fails to attend a disciplinary meeting without reason for a second time this will result in the meeting being held in their absence. If on the second attempt to hold the meeting, a student under 18 does not have a parent/carer in attendance with them they will be supported by either a Safeguarding & Inclusion Manager or Lead Progress Coach. The student can decline the offer of support and the hearing will proceed

12. Exclusion (Gross Misconduct and Summary Dismissal)

- 12.1 In cases of gross misconduct or failure to meet actions laid out at previous disciplinary stages, a student may be subject to summary dismissal – immediate termination of attendance at college without notice. This can only be carried out by a member of the Executive Leadership Team.

Summary dismissal can result from a single occurrence of gross misconduct and does not require completion of the Disciplinary Procedure. The following are examples of circumstances which are considered serious enough to justify summary dismissal: All examples in the policy apply but act as guidelines only. The list is neither exclusive nor exhaustive.

- unauthorised possession of offensive weapons.
- conviction of a serious criminal charge.
- gross insubordination.
- deliberate contravention of health and safety regulations.
- conduct deliberately or knowingly endangering students, staff, visitors or the general public.

- supply, or possession with intent to supply illegal drugs.
- bullying, harassment, assault (including online)
- sexual harassment and assault (including online)
- intent to cause harm to others, inciting others to cause harm

- 12.2 A letter explaining the reason for exclusion will be issued to the student and their parent/carer (if under the age of 18 years). The conditions relating to any future re-engagement with the College will be made clear (this will usually involve the submission of a written request from the student to be reconsidered for future enrolment).
- 12.3 All exclusions will be recorded by the Safeguarding & Inclusion Manager on On Track and EBS in order to identify students who have been excluded should they reapply.
- 12.4 All outcomes of the hearing will be recorded on Meetings on On Track by the Safeguarding & Inclusion Manager.
- 12.5 If parents/carers or the student fails to attend a disciplinary meeting without reason for a second time this will result in the meeting being held in their absence.

13. Conduct at disciplinary meetings

If at any stage of the disciplinary process the student, parent or carer become aggressive or threatening towards staff or other students, the college reserve the right to suspend the process and continue without either parent, carer or student present. This is clearly set out in the parent and carer charter.

14. Students with special educational needs and disabilities

The college recognises that there are a number of students with special educational needs and disabilities (SEND). If the college has been made aware of the student's needs, if appropriate, we will make reasonable adjustments during the disciplinary process, recognising the student's usual way of working. Adjustments may include, smaller room with fewer attendees. If a student aged 16-18 or an adult at risk does not have a parent/carer present, a member of college staff will attend with the student and advocate on their behalf to ensure they understand and are supported throughout the process.

15. Conducting searches for and seizure of prohibited items (See appendix C)

15.1 Drugs – A student suspected to be in the possession of drugs, will be subject to a search of their pockets and bags. Two members of staff must be present and any action taken recorded. If a student is not compliant the Police may be called to conduct the search.

15.2 Weapons – A student suspected to be in the possession of a weapon, will be asked to hand it over to staff. If there is information to suggest a student has a weapon on their person but denies this, they may be searched by staff and Police contacted.

15.3 BB guns (plastic pellet gun) – students are prohibited from bringing these items onto the college premises or having in their possession on college premises. These items will be seized and retained by the College. If these items are used to mislead others that they are genuine fire arms or to provoke fear, the Police may be contacted.

In conducting a search, the college will follow the guidance set out in the Further and Higher Education Act 1992 (**Appendix B**)

The college will seize items suspected of being prohibited or items related to an offence, including but not limited to drugs (including prescription), alcohol, weapons or items that could be used as a weapon, phones, laptops or other electronic equipment. The college will refer to 85AC Power to seize items found during search [Further and Higher Education Act 1992](#)

16. Suspension

16.1 Suspension without prejudice, will not be used as punishment but where:

- an allegation of serious misbehaviour (including online) has been made (e.g. a child protection allegation, alleged violence towards another student, sexual violence, threats to harm or inciting others to harm other students or staff, bullying & harassment, Under the influence of alcohol or drugs, a serious breach of health and safety has been alleged)
- and/or
- suspension is necessary pending investigation (whether by the College or by external agencies such as police, Social Care etc.)

Suspensions require the student concerned to remain off the premises of the college for the stated period of time and until the date of the disciplinary hearing. The Vice/Assistant Principals, Directors of Curriculum, Vice Principal - Student Support and Inclusion, Safeguarding & Inclusion Managers, Duty Managers or the Health and Safety Manager have the right to suspend a student pending further investigation. A letter will be sent to the student and all parents of 16–18-year-old students, for those over 18 the letter will be addressed to the student, unless the student has an Education, Health and Care Plan. The Director of Student Support & Inclusion Director of Curriculum and Safeguarding & Inclusion Manager will be informed of all suspensions.

- 16.2 Consideration should be given regarding whether suspension is necessary, particularly if a student has admitted to the misbehaviour. However, it may still be necessary to ask the student to leave site on the day of the incident or until the safety of all can be assured.
- 16.3 The Vice Principal - Student Support and Inclusion will be notified of all suspensions to maintain a central record in order to update the College Management Team.
- 16.4 Wherever appropriate, support will be given to enable the student to continue his/her studies remotely. Registers should be amended to show a Suspension against each session missed whilst the student is on suspension.

- 16.5 An investigation will be undertaken into all allegations of serious misbehaviour. The Director of Curriculum, with the support of the Curriculum Manager and Safeguarding & Inclusion Manager will normally act as the Investigating Officer.
- 16.6 An investigation is required to collate the facts and circumstances of the alleged incident and will consist of gathering all the facts possible through various means available including:
- statements from the complainant or victim
 - statement from the student/s accused
 - statements from any witnesses, other students or staff present
 - interviewing relevant students and staff if appropriate
 - using CCTV footage
 - collection of on-line material, text messages, including screenshots, snap chats, WhatsApp, messenger, Facebook
 - contact with parents/carers and/or external agencies

This then needs to be collated and included with the Summary form (DAF 2) and presented by the Director of Curriculum, Curriculum Manager or Safeguarding & Inclusion Manager to the Vice Principal - Student Support and Inclusion.

The outcomes of the investigation will be used to inform any disciplinary meeting and subsequent decision which may be:

- the student being allowed to return to College, with no further action;
 - the issue of a verbal, written or final written warning or
 - referral to the Fitness to Study Procedure
 - exclusion
- 16.7 If the incident is reported to the Police, college halt any investigation and see further guidance from the police with how to proceed.
- 16.8 All outcomes will be recorded on Meetings on ProMonitor by Safeguarding & Inclusion Manager

17. Appeals

- 17.1 The only sanctions against which a student may appeal are exclusions. Written notice of the appeal and grounds of the appeal must be given to the Principal within five working days of the disciplinary hearing.
- 17.2 Appeals can be considered on one or more of the following grounds:
- the decision was irrational;
 - the sanction was disproportionately severe;
 - there have been procedural irregularities in the handling of the matter; and
 - evidence which was not available at the time of the original decision has come to light.

- 17.3 If the sanction was issued as a result of a significant safeguarding risk to other students and/or staff, including acts of violence or intent to commit acts of threatening, coercive, controlling behaviour or abuse there is no right to appeal the sanction. Any risk to the safety of others must be mitigated.
- 17.3 Appeals relating to exclusions will be heard by convening an Appeals Panel. This is comprised of a member of ELT and a Director of Curriculum, both of whom were not associated with the original disciplinary hearing. The panel will make a recommendation to the Principal. The Principals decision will be final.
- 17.4 The appeal must be received within 5 working days of the disciplinary hearing
- 17.5 The appeal will be heard within 10 working days of the receipt of the appeal and the student is entitled to five working days' notice of the date, time and venue of the appeal hearing, unless an earlier date has been mutually agreed. The Appeals Panel has access to all the reports and statements used in the hearing.
- 17.6 At the appeal hearing, the student and his/her representative will be given the opportunity to set out their representations.
- 17.7 The decision will be communicated to the student in writing, as soon as practicable. The decision is final.
- 17.8 If the appeal is upheld, Higher Education complainants are entitled to request a Completion of Procedures letter, under OIA rules, within one month following receipt of the complaint response.
- 17.9 If the appeal is not upheld, Higher Education complainants will receive a Completion of Procedures letter, which will be issued within 28 days after completion of the internal processes
- 17.10 Higher Education complaints can be pursued with the Office for the Independent Adjudicator (OIA) <http://www.oiahe.org.uk> who will identify if the complaint is eligible for their review. Escalation to the OIA must be made within 12 months from the date of the Completion of Procedures letter

18. Appendices

- Appendix A: When to Call the Police – National Police Chiefs' Council
- Appendix B: British Values
- Appendix C: Written Warning
- Appendix D: Disciplinary Summary Sheet
- Appendix E: Final Written Warning
- Appendix F: Notice of Suspension pending an Investigation
- Appendix G: Notice of Exclusion letter
- Appendix H: Student Disciplinary and Positive Behaviour Management procedures

Appendix A - 85C Power of members of staff to use force

Further and Higher Education Act 1992

(1) A member of the staff of an institution which is within the further education may use such force as is reasonable in the circumstances for the purpose of preventing a student at the institution from doing (or continuing to do) any of the following, namely—

- (a) committing any offence,
- (b) causing personal injury to, or damage to the property of, any person (including the student himself), or
- (c) prejudicing the maintenance of good order and discipline at the institution or among any of its students, whether during a teaching session or otherwise.

(2) The power conferred by subsection (1) may be exercised only where—

- (a) the member of the staff and the student are on the premises of the institution, or
- (b) they are elsewhere and the member of the staff has lawful control or charge of the student.

(3) Subsection (1) does not authorise anything to be done in relation to a student which constitutes the giving of corporal punishment within the meaning of section 548 of the Education Act 1996.

(4) The powers conferred by subsection (1) are in addition to any powers exercisable apart from this section and are not to be construed as restricting what may lawfully be done apart from this section.

(5) In this section, “member of the staff”, in relation to an institution within the further education sector, means any person who works at that institution whether or not as its employee.]

Appendix B

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WHEN TO CALL THE POLICE

Guidance for schools & colleges



INTRODUCTION

Who is this for?

This advice is for school and college staff with responsibility for behaviour management, including designated safeguarding leads (DSLs), their deputies, head teachers and senior leadership teams in schools and colleges in England.

What does this advice cover?

This advice covers incidents on school and college premises where students have potentially committed a crime. It provides guidance on what schools and colleges should bear in mind when considering contacting the police. This advice covers the following situations:

- Assault
- Criminal damage
- Cyber crime
- Drugs
- Harassment
- Sexual offences
- Theft
- Weapons

This advice aims to support schools and college to make defensible decisions when considering whether to involve the police.

Safeguarding incidents

This advice does not cover safeguarding incidents. Where a child is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and if appropriate the police) is made immediately. Referrals should follow the local referral process.

Chapter 1 of working together to safeguard children explains that the safeguarding partners should publish a threshold document that should include the criteria, including the level of need, for when a case should be referred to local authority children's social care for assessment and for statutory services under section 17 and 47 of the Children's Act 1989.

Local authorities, with their partners, should develop and publish local protocols for assessment. A local protocol should set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care.

Sexual offences

In the case of incidents involving sexual offences, schools and colleges should refer to local safeguarding protocols, alongside [Keeping children safe in education](#) and [Sexual violence and harassment between children in schools and colleges](#) guidance.

In cases involving youth produced sexual imagery – often called 'sexting' – schools and college may refer to the non-statutory [UKCCIS sexting in schools and colleges guidance](#).

What is the status of this advice?

This advice has been produced by the National Police Chiefs' Council working alongside the Department for Education, Home Office and the PSHE Association.

This advice is non-statutory and should be read alongside the Department for Education's (DfE) [keeping children safe in education](#) statutory guidance and non-statutory [searching, Screening and Confiscation](#) advice for schools.

Police assistance is required

All other non-emergency incidents should be reported using 101 or online reporting methods, or through existing arrangements, for example, to a safer [schools](#) officer. The call will be logged by an operator and depending on the nature of the incident the appropriate response made.

Contact with police should ideally be made by a single point of contact from the school. This may be the headteacher or the designated safeguarding lead. Every school and college should have a designated safeguarding lead who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as children's social care. The designated safeguarding lead (and any deputies) are most likely to have a complete picture of safeguarding and be the most appropriate person to advise on the response to safeguarding concerns.

Having a single point of contact between a school or college and the police helps increase consistency in referrals.

Contacting the police

In an emergency dial 999. This should be used if:

- There is a danger to life or
- Risk of serious injury or
- A serious crime is in progress or about to happen.

Any member of staff witnessing such an incident should be empowered to dial 999 as they will be able to give the most accurate account of the incident.

Making a decision to involve the police

When an incident occurs in which a crime has or may have been committed, the school or college need to consider whether to involve the police. Many incidents can be dealt with and resolved internally. The school or college behaviour policy will give guidance on how to deal with and record such incidents.

This guidance document outlines the factors which school or college leaders should consider when deciding to involve the police. These considerations would inform whether the police would expect and need to be involved.

All concerns, discussions and decisions made, and the reasons for those decisions, should be recorded in writing. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or deputy).

Things to consider

In making a decision to involve the police it is important that the school or college ensure a balance is struck between the needs of the students involved and the needs of other students and the wider school or college community.

It is not always clear initially who is involved in an incident and in what capacity. The victim in any incident should be supported and protected as a priority. Those suspected of being the offender will also need to be supported. There will often be significant circumstances in a young person's life that are contributing factors to an incident and it is important that they are taken into consideration.

The seriousness of the incident will be a judgement call for the school or college. In making this decision the level of harm and the circumstances leading to the incident would need to be carefully considered.

Any aggravating factors which contribute to making the incident and subsequent level of harm more serious would be relevant in making a decision on whether or not to involve the police.

Ideally the decision as to whether the school or college deal with an incident internally or pass it over to the police needs to be made at the initial stage, by gathering only enough information to establish the facts of the case.

The school or college should be aware that they may not be aware of all circumstances leading to or connected to the incident i.e. students behaviour or involvement outside school or within their family. Contacting the police or other agencies may allow a further picture to be obtained, which assists in making informed decisions.

When the decision is made that the school or college will deal with the incident internally, it remains the responsibility of the school or college to investigate and resolve it in accordance with their behaviour policy. Parental cooperation should be maintained throughout and the incident and actions recorded.

The designated safeguarding lead (or a deputy) should be leading the schools or college's response and should be aware of the local process for referrals to children's social care and making referrals to the police.

Schools and colleges should be aware that if a referral is made to children's social care, this may result in a subsequent referral to the police.

Many schools and colleges have close relationships with their local police force and many police forces have a permanent or semi-permanent police presence in schools and colleges. The designated safeguarding lead (or deputy) should be liaising closely with the local police when an incident in which a crime may have been committed occurs.

Vulnerable young people



All staff should be prepared to identify children and young people who may benefit from early help. Early help means providing support as soon as a problem emerges at any point in a young person's life, from the foundation years through to the teenage years.

Some areas of vulnerability are highlighted below, but should not be seen as a comprehensive list. It's important to note that most children and young people with vulnerabilities do not commit offences.

However, the challenges that children and young people with vulnerabilities are facing can sometimes contribute to behaviour which may lead them to unwittingly commit offences.

All school and college staff should be particularly alert to the potential need for early help for a child or young person who:

- is disabled and has specific additional needs
- has special educational needs (whether or not they have a statutory education, health and care plan)
- is a young carer
- is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- is frequently missing/goes missing from care or from home
- is at risk of modern slavery, trafficking or exploitation
- is at risk of being radicalised or exploited
- is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- is misusing drugs or alcohol themselves
- has returned home to their family from care
- is a privately fostered child
- is a child in care
- has experienced recent trauma ie bereavement



Crimes reported to the police

When the decision is made to report an incident to the police for investigation, due to the seriousness of the incident or for other aggravating circumstances, the school or college should cease their own investigation, having asked only enough questions to establish the basic facts of the incident. Every effort should be made by the school or college to preserve any relevant evidence.

Initial enquiries undertaken by the school or college should be fully documented as they may be required if the matter goes to court. This includes recording questions asked to young people and their replies.

Where a crime is reported to the police, it will be recorded as a crime and an investigation will commence.

Whilst the age of criminal responsibility is ten, if the alleged perpetrator of a crime is under ten, it may still be necessary to involve the police. The police will take a welfare approach in these cases rather than a criminal justice approach.

Arresting on school or college premises

Arresting on school or college premises should be avoided unless the seriousness and urgency of an incident deems the arrest absolutely necessary. The head teacher should always be made aware of the situation and the arrest should be conducted as discreetly as possible.

In any incident where a crime may have occurred schools and colleges should consider:

- The seriousness of the incident. Whether an incident is 'serious' will be a matter of judgement and will depend on the type of incident.
- Whether there are any aggravating factors. These factors increase the level of risk, or highlight the need for a wider investigation and the need for the involvement of a range of agencies as well as the police
- Whether the young people involved have any vulnerabilities.
- Whether this could be part of a pattern of behaviour also occurring in the community, in which case the police will want to be involved.

The context of the offence is really important and the school or college are in the best position to gather together all the relevant information prior to making a decision whether or not to report to the police. The decision and the rationale behind it should both be recorded.

What are hate or prejudice based incidents?

Hate incidents and hate crimes are acts of violence or hostility directed at people because of who they are or who someone perceives them to be. The police and Crown Prosecution Service have agreed a common definition of hate incidents.

An incident is considered a hate incident when the victim or anyone else believes that the incident was motivated by hostility or prejudice based on one of the following things:

- disability
- race
- religion
- transgender identity
- sexual orientation

If you believe something is a hate or prejudiced based incident it should be recorded as such by the person you are reporting it to. All police forces record hate incidents based on these five personal characteristics.

When is a hate or prejudice incident also a hate crime?

When hate incidents become criminal offences they are known as hate crimes. Any criminal offence is a hate crime if it is motivated by hostility or prejudice based on disability, race, religion, transgender identity or sexual orientation.



GUIDANCE

The following guide outlines questions schools or colleges should ask for different types of incidents and possible aggravating offence factors to be considered. The context of the offence should always be taken into consideration and the vulnerabilities previously outlined taken into account.

Assault – see flowchart

An act which intentionally or recklessly causes violence to another.

The school or college should first establish:

Are there any injuries?

If there are any suspected broken bones or significant injuries then seek medical help first, then call the police on 101.

If no significant injuries are apparent consider:

- What has happened?
- Who is involved?
- Is there any history between the individuals involved?
- Are there any safeguarding concerns? If YES — Refer to Keeping children safe in education and follow local safeguarding protocols

Are there any aggravating factors?

- Is there a significant age gap between the individuals involved, ie more than a year apart?
- Is there any evidence of injuries?
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- What is the impact on the victim?
- What are the victim's wishes?
- Are there any hate elements?
- Is the assault gang-related?
- Were weapons involved? (see weapons flow chart for the definition of a weapon)

Criminal damage including arson – see flowchart

To destroy or damage property belonging to another either intending to do so or being reckless as to whether damage is caused.

The school or college should be able to deal with most incidents of criminal damage.

What has happened and who is involved? Are there any aggravating factors?

Schools or colleges will need to decide whether to involve the police by establishing:

- Is the damage of a high value? (What constitutes high value is a professional judgement call for the school)
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- Have any threats or violence been used in the course of the damage?
- What is the impact on the victim?
- What are the victim's wishes?
- Is there a hate element?

Schools or colleges may decide that the presence of aggravating factors requires the police to be involved.

Cybercrime – see flowchart

Cybercrime is criminal activity committed using computers and/or the internet. It can involve malicious attacks on computer software, including:

- Breaking IT rules
- Unauthorised access to computers
- Denial of Service or other computer interference and impairment

- Acts causing serious damage to or loss of data
- 'Hacking'
- Cheating at online gaming

This guidance has a focus on offences committed by young people rather than external cybercrime and cyber security. Further guidance can be found at www.ncsc.gov.uk

The school or college should first establish:

- What has happened?
- Who is involved?
- Is this part of a pattern of behaviour?
- Are there any safeguarding concerns? If YES — Refer to Keeping children safe in education – (link) and follow local safeguarding protocols

Are there any aggravating factors?

- Did this incident cause any disruption to the school? eg, loss of access to website and online learning platforms or school communication networks disrupted.
- Did the school suffer a loss of data or corruption of files?
- Did the school suffer loss of teaching time resulting on an impact on other students?
- Is there a hate element?
- Have they expressed any ideological motivation or reason for their actions?
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- Is the behaviour related to gang activity or an Organised Crime Group?
- Do the young people involved have any additional relevant vulnerabilities? This could include:
 - Neurodiversity including Autistic Spectrum Disorder
 - Mental health concerns
 - Living in a chaotic or dysfunctional household or one in which their skills are not likely to be fostered at home
 - In a household with inappropriate ideological influences

Student Disciplinary and Positive Behaviour Management



- Gang or Organised Crime Group associations
- Socially isolated

Cyber Choices Program

Wherever possible, students should be referred into the Cyber Choices Program. This initiative is aimed at 12-18 year olds supported by the National Crime Agency and the Home Office, together with regional and local police force cyber specialists.

The objective of the program is to encourage students to use their cyber skills positively by highlighting alternative opportunities, along with providing victim awareness and deterrents, such as the potential penalties for continuing along the cybercriminal pathway.

Drugs – see flowchart

Possession: It is an offence for any person to unlawfully have a controlled drug in their possession.

Supply: It is an offence to either supply, be concerned in the supply, offer to supply or be concerned in making an offer to supply a controlled drug.

The school or college should first establish:

What has happened?

- Have drugs been found?
- Who is involved?
- Are there suspicions of drug dealing?

If drugs are found

- Is it on school or college premises?
- Seize the substance — it is legal to possess an illegal substance in order to prevent an offence being committed and then destroy it, or hand it to the police.

- If the substance needs to be kept pending police collection, then it should be securely stored in the school safe.
- Schools and colleges are allowed to dispose of substances. If this action is taken, a witness must be present and the action recorded.

If a student is under the influence of a substance

- If a student is suspected of being under the influence of drugs or alcohol on its premises, the school or college must prioritise the safety of the young person and those around them. If necessary it should be dealt with as a medical emergency, administering first aid and summoning appropriate support. Depending on the circumstances, parents or the police may need to be contacted.
- If the student is seen to be at risk the school or college's safeguarding policy will come into effect and social services may need to be contacted.
- If the student is taken to hospital in an ambulance or receives medical attention at a hospital, parents and carers and the police must be informed. As the student has been placed at significant risk or harm, the police will need to investigate potential offences in relation to the misuse or illegal taking of substances.

A student suspected to be in possession of drugs

- Ask the student to turn out their pockets and bags. Given the circumstance, the designated member of staff is permitted to use reasonable force when conducting a search. However, if a pupil is not compliant or a more personal search is required, consider calling the police to conduct the search.
- The student should be supervised at all times to ensure they have no opportunity to dispose of any substance.
- Ensure that a second adult witness is present throughout and that any action taken is recorded.
- If a substance is found – seize substance – it is legal to possess an illegal substance in order to prevent an offence being committed and then destroy it or hand it to the

police. If the substance needs to be kept pending police collection, it should be stored in the school or college safe. Seal the sample in a plastic bag and include details of the date and time of the seizure/find and witness present.

- Schools and colleges are allowed to dispose of substances. If this action is taken, a witness must be present and the action recorded.
- If a small quantity is found, a school or college can manage the incident in line with their drug policy – consider a referral to a local young person drug service for support and intervention.

The law does not require a school or college to divulge to the police the name of the pupil from whom the drugs were taken but it is advisable to do so;

- Record full details of the incident, including the police incident reference number;
- inform parents/carers, unless this is not in the best interests of the student;
- identify any safeguarding concerns and develop a support and disciplinary response.

Are there any aggravating factors?

- What age are the students involved?
- Is there a large amount or the substance prepared for dealing?
- Are there signs and symptoms of problematic drug use e.g. change of appearance/behaviour?
- Is there any indication of links to gangs or county lines?

If there are rumours of drug use within the school or college

School and college staff are best placed to decide on the most appropriate response to tackling drugs within their school. This is most effective when:

- It is supported by the whole school or college community; with a current schools drugs and alcohol policy in place

Student Disciplinary and Positive Behaviour Management



- Drug education is part of a well-planned programme of PSHE education delivered in a supportive environment, where students are aware of the school or college rules, feel able to engage in open discussion and feel confident about asking for help if necessary;
- Staff have access to high quality training and support

Involving the police

It is essential to work in partnership with local officers for support and advice and where required, operational intervention.

Drug Dogs and Drug Testing

The National Police Chief's Council does not recommend that drug dogs and drug testing should be used for searches where there is no evidence of the presence of drugs on school or college premises.

Prevention

Schools and colleges should ensure that students have access to and knowledge of up-to-date information on sources of help. This includes local and national helplines (including FRANK for drugs, NHS Smoking Services for tobacco and Drinkline for alcohol), youth and community services and drug services. These sources can be used as part of, or in addition to, the school or college's own drug and alcohol education.

When evaluating the behaviour and safety of students under the Ofsted inspection framework, inspectors will consider student's ability to assess and manage risk appropriately and to keep themselves safe. In supplementary PSHE guidance for subject survey visits, students awareness of the dangers of substance misuse is included in the criteria for inspectors when grading the quality of PSHE delivery.

Behaviour Management

Any response to drug-related incidents must balance the needs of the individual students with the wider school and college

community. In deciding what action to take, schools and colleges should follow their own disciplinary procedures.

Exclusion should not be the automatic response to a drug incident and permanent exclusion should only be used in serious cases. More detail on excluding students can be found in the DfE exclusion guidance.

Drug use can be a symptom of other problems and schools and colleges should be ready to involve or refer students to other services when needed. It is important that schools and colleges are aware of the relevant youth and family support services available in their local area.

Sources of advice and local services should be listed in the school or college drug policy for reference. The senior member of staff responsible for drugs should have established relationships with local agencies to understand what support is available.

Schools and colleges can have a key role in identifying students at risk of drug misuse. The process of identifying needs should aim to distinguish between students who require general information and education, those who could benefit from targeted prevention, and those who require a detailed needs assessment and more intensive support.

Harassment – see flowchart

Causing alarm or distress to another on more than one occasion, which they either know or should have known would amount to harassment of the other.

Harassment can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

- What has happened?
- Who is involved?
- What is the nature of previous incidents?

- Are there any safeguarding concerns? If YES — Refer to Keeping children safe in education and follow local safeguarding protocols

Are there any aggravating factors?

- Is there evidence of escalating behaviour?
- Are there any on line elements?
- Is it sexual harassment? If YES — refer to Sexual harassment guidance
- Are there any hate elements?
- What is the impact on the victim?
- What are the victims' wishes?

Theft – see flowchart

A person is guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it.

Schools and colleges should take steps to establish what has happened and who is involved. The school or college would normally deal with such an incident internally unless there were aggravating factors present.

The following questions will support the school or college in the decision making process.

Are there any aggravating factors?

- Is the stolen goods of a high value? The definition of high value here is a professional judgment call to be made by the school
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- Have any threats or violence been used in the course of the theft?
 - What is the impact on the victim?
 - What are the victim's wishes?
 - Is there a hate element?



Weapons – see flowchart

An offensive weapon is any article which is made, intended or adapted to cause injury. Offensive weapon can be broken down into two categories:

- a) Those that are made as an offensive weapon (e.g. knuckle-duster, dagger, gun) or adapted (e.g. broken bottle) for use for causing injury to the person; and
- b) Weapons not made or adapted as an offensive weapon (e.g. kitchen knife, spanner, hammer) but intended by the person having in possession of it to cause injury to another

Possession of a weapon, particularly a knife on school or college premises is often an indicator of vulnerabilities for the young person concerned and therefore a multi-agency approach is important, instigated by a police referral. The school or college should not be expected to manage the situation in isolation.

School staff do have the power to search for weapons, using force as is reasonable in the circumstances. It is important that staff do not put themselves at risk.

Offences

Section 139A of the Criminal Justice Act 1988 creates the offence of possessing an article with a blade or sharp point or an offensive weapon on school premises.

Section 1 of the Prevention of Crime Act 1953 prohibits the possession in any public place of an offensive weapon without lawful authority or excuse.

Section 139 of the Criminal Justice Act 1988 prohibits having with you, in a public place any article which has a blade or is sharply pointed, (including a folding pocket knife if the cutting edge of its blade exceeds 7.62cm/3 inches)

139A(1) Any person who has an article to which section 139 of this Act applies with him on school premises shall be guilty of an offence.

139A(2) Any person who has an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953 with him on school premises shall be guilty of an offence.

Defences

139A(3) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had good reason or lawful authority for having the article or weapon with him on the premises in question.

139A(4) Without prejudice to the generality of subsection (3) above, it shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had the article or weapon in question with him:-
(a) For use at work, (b) for educational purposes, (c) for religious reasons, or (d) as part of any national costume.

BB guns (plastic pellet guns)

The possession of these types of guns under legislation is not an offence as they are deemed to be toys. However, if from a school or college's perspective they breach school rules, they could be seized and retained under the Education Act.

If an item is found which is suspected to be a gun, and it cannot be ascertained whether it is a genuine firearm or a BB gun, it should always be treated as a firearm and the police called to make that decision.

Possession of these items becomes an offence when a person is misled into believing they are genuine firearms in order to provoke fear; the BB gun may then be classed as an imitation firearm. Circumstances giving rise to this belief may include use:

1. in connection with a robbery
2. To threaten someone
3. As a weapon to assault someone, e.g. pellet injures

Contacting the police

The presumption would be to contact the police unless in exceptional circumstances where there is a reasonable explanation or set of circumstance where it is obvious that a weapon or prohibited article has been brought into school or college as a genuine mistake.

The weapon should be seized and stored securely by the school.

- Head teachers and staff authorised by them have the power to search students for offensive weapons, with their consent. They also have statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have an offensive weapon. Further information can be found [here](#)

Aggravating factors

Therefore as the police will be involved in most situations where a weapon is involved, the full circumstances relating to the incident will be investigated.



Weapons – see flowchart

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- a) Those that are made as an offensive weapon (e.g. knuckle-duster, dagger, gun) or adapted (e.g. broken bottle) for use for causing injury to the person; and
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Possession of a weapon, particularly a knife on school or college premises is often an indicator of vulnerabilities for the young person concerned and therefore a multi-agency approach is important, instigated by a police referral. The school or college should not be expected to manage the situation in isolation.

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1. in connection with a robbery
2. To threaten someone
3. As a weapon to assault someone, e.g. pellet injures

Contacting the police

The presumption would be to contact the police unless in exceptional circumstances where there is a reasonable explanation or set of circumstance where it is obvious that a weapon or prohibited article has been brought into school or college as a genuine mistake.

The weapon should be seized and stored securely by the school.

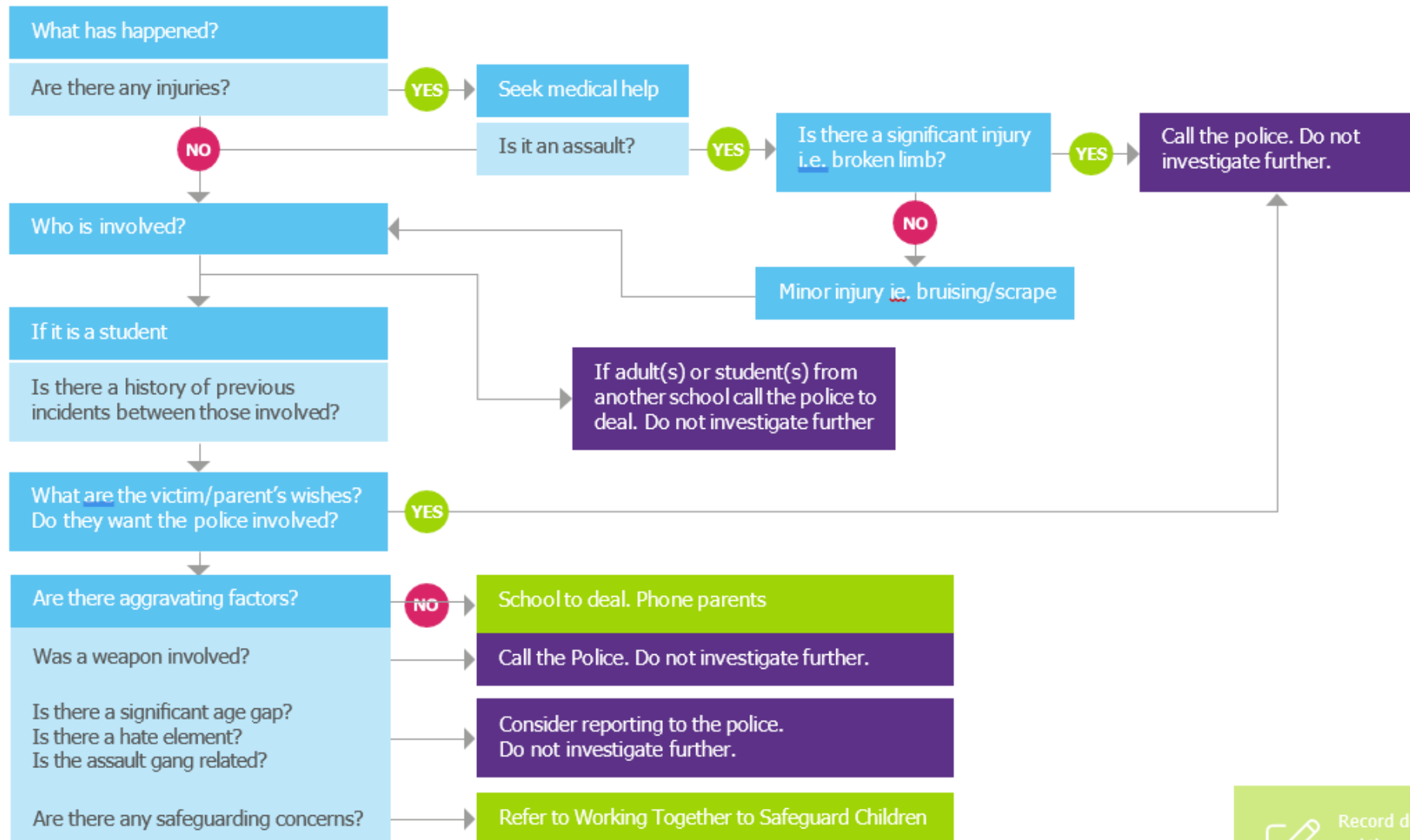
- Head teachers and staff authorised by them have the power to search students for offensive weapons, with their consent. They also have statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have an offensive weapon. Further information can be found [here](#)

Aggravating factors

Therefore as the police will be involved in most situations where a weapon is involved, the full circumstances relating to the incident will be investigated.

ASSAULTS

Definition: It is an act which intentionally or recklessly causes violence to another

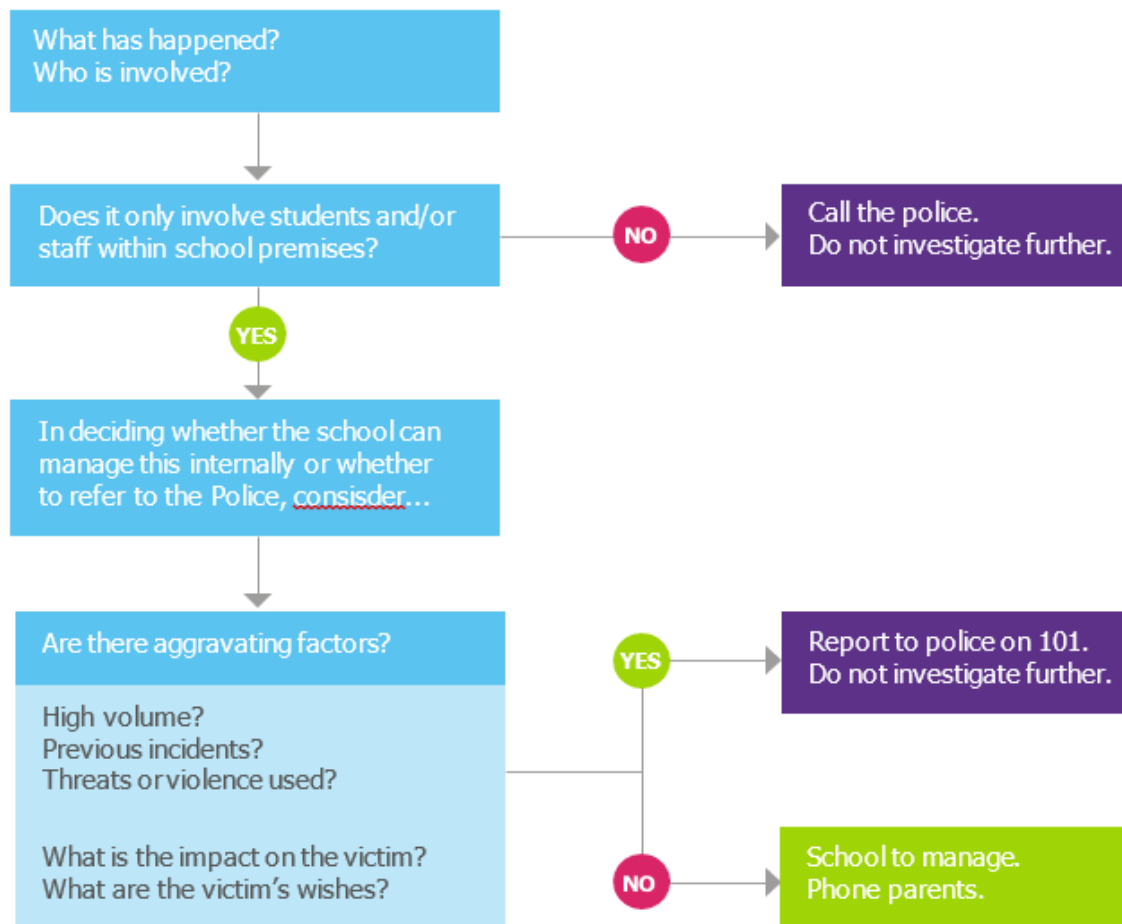


Record decisions and the reasons for decisions

Student Disciplinary and Positive Behaviour Management

CRIMINAL DAMAGE INCLUDING ARSON

Definition: Criminal damage is the intentional and malicious damage to property or vehicles, including graffiti, or being reckless as to whether damage is caused. Arson is the act of deliberately setting fire to property, including buildings and vehicles.

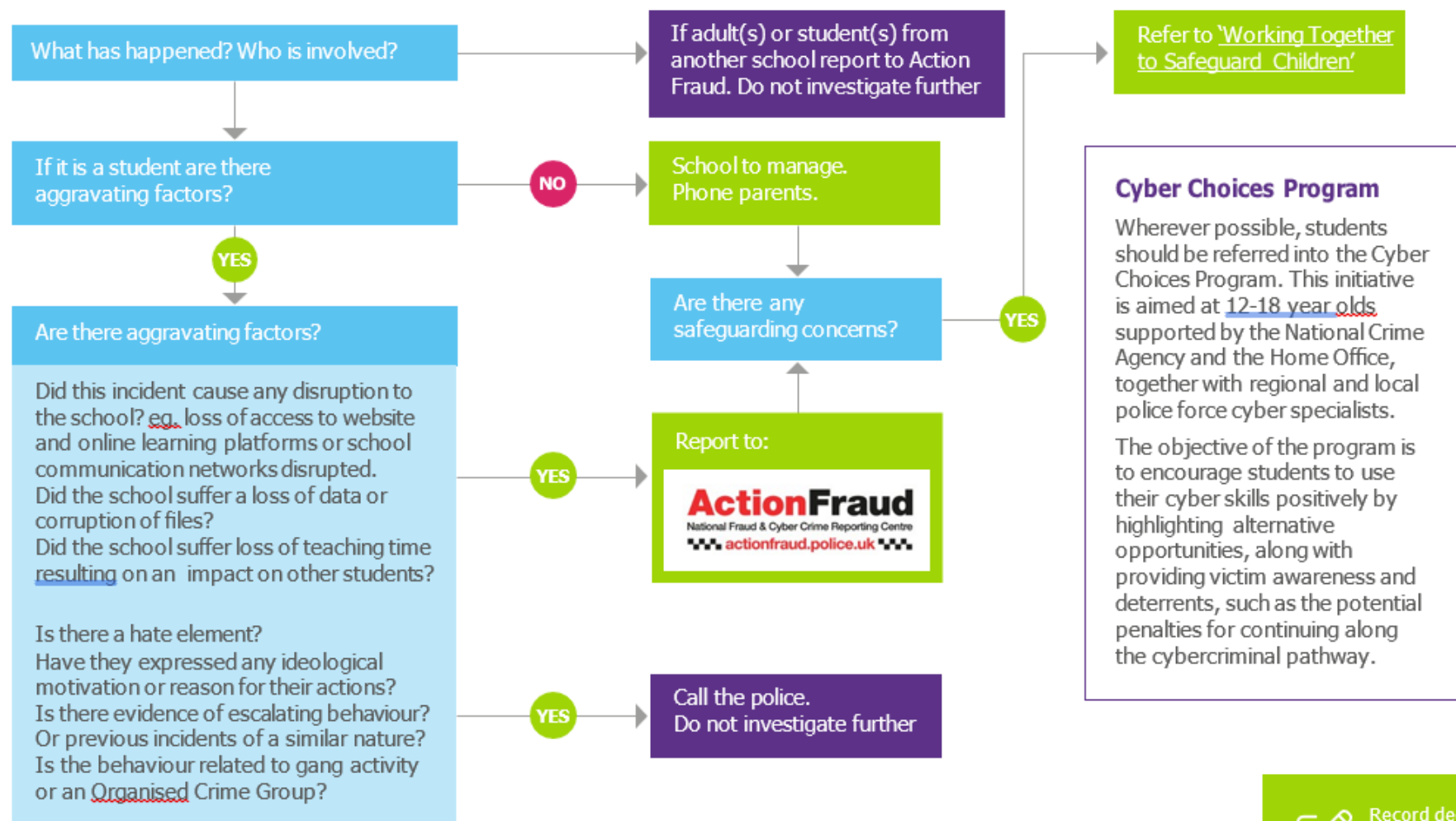


Record decisions
and the reasons
for decisions

Student Disciplinary and Positive Behaviour Management

CYBER CRIME

Definition: Cyber Dependent Activity includes: Unauthorised access to computers, Denial of Service or other computer interference and impairment, Acts causing serious damage to or loss of data, 'Hacking'.

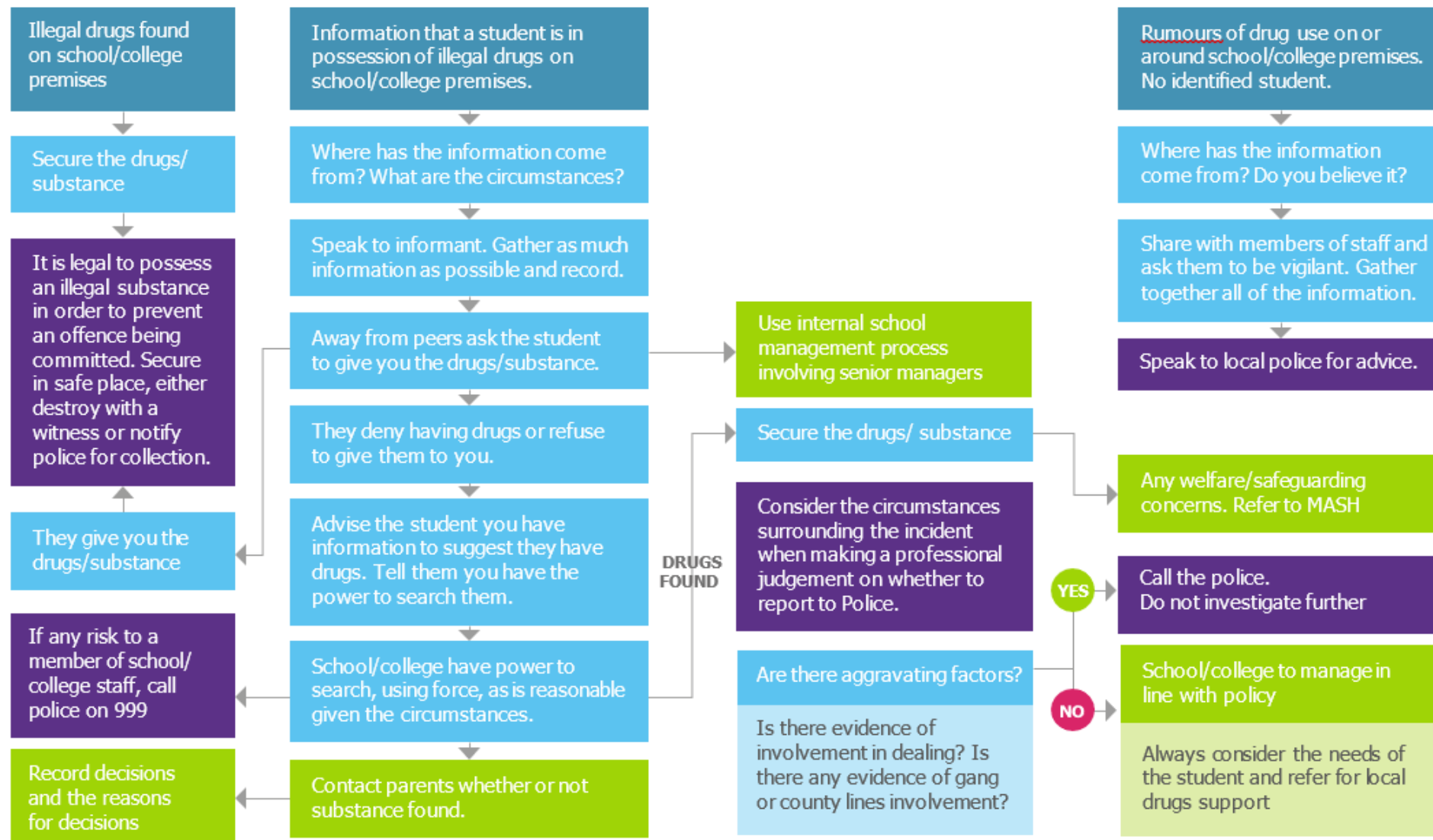


Record decisions
and the reasons
for decisions

Student Disciplinary and Positive Behaviour Management

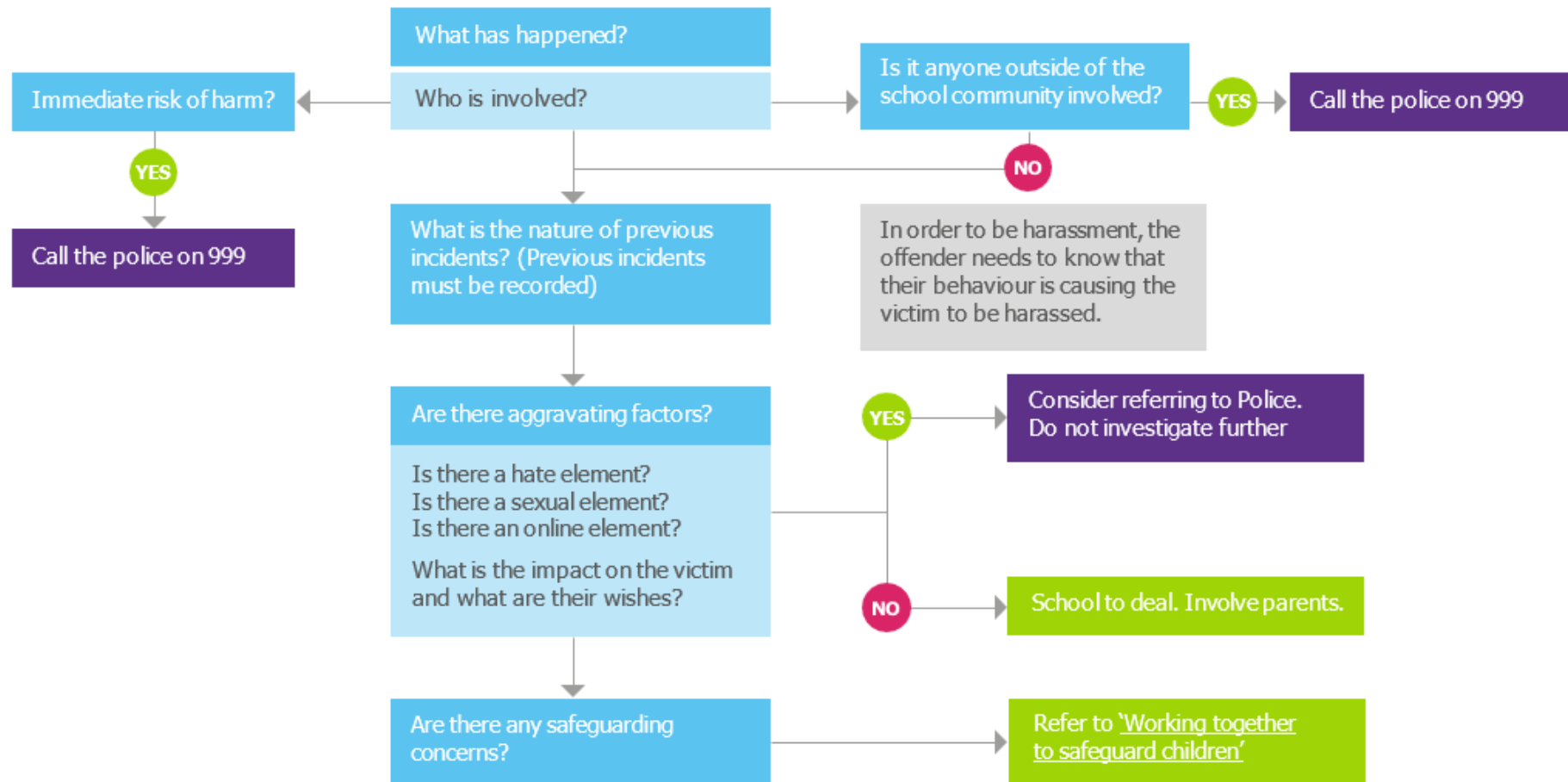
ILLEGAL DRUGS

Definition: Misuse of Drugs Act 1971: It is an offence for any person to unlawfully have a controlled drug in their possession. It is an offence to supply, or be concerned in the supply of a controlled drug. It is an offence to offer to supply, or be concerned in making an offer to supply a controlled drug.



HARASSMENT

Definition: Causing alarm or distress or putting people in fear of violence, on more than one occasion (course of conduct) and the incidents are connected.

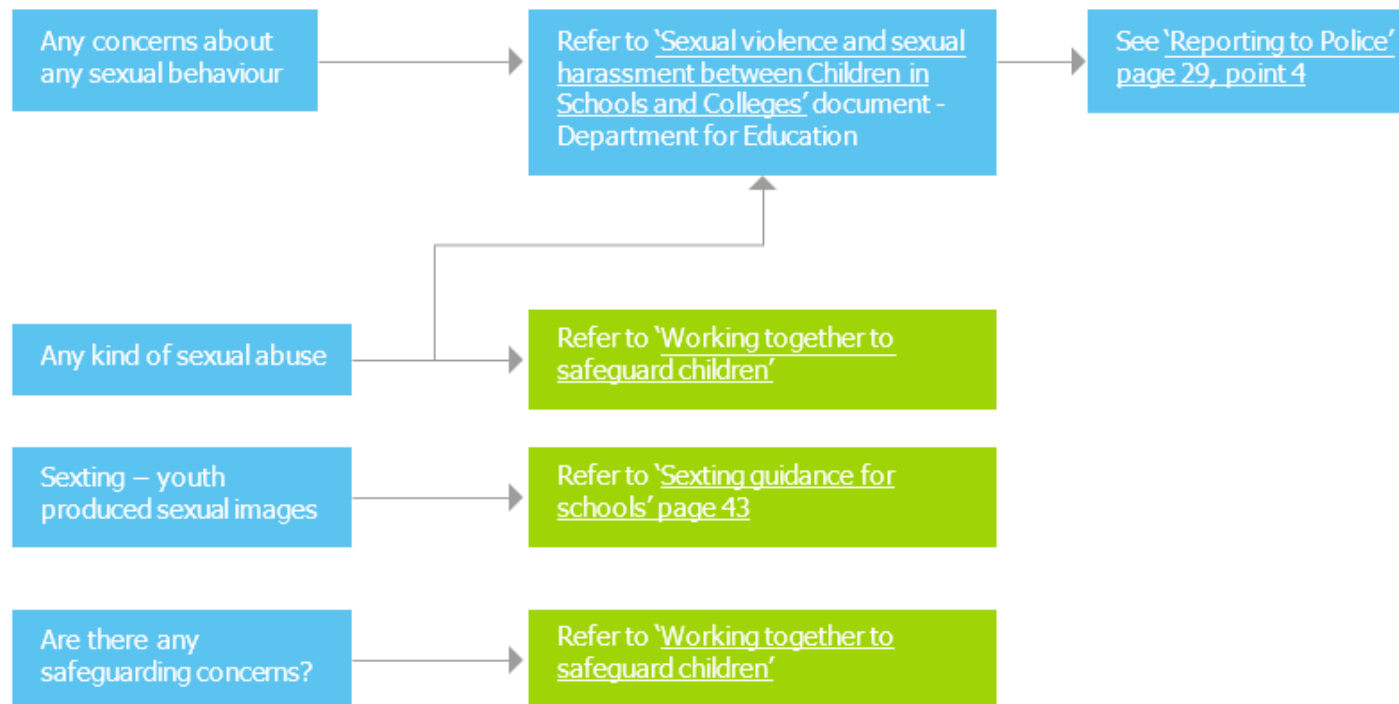


Record decisions
and the reasons
for decisions

Student Disciplinary and Positive Behaviour Management

SEXUAL OFFENCE

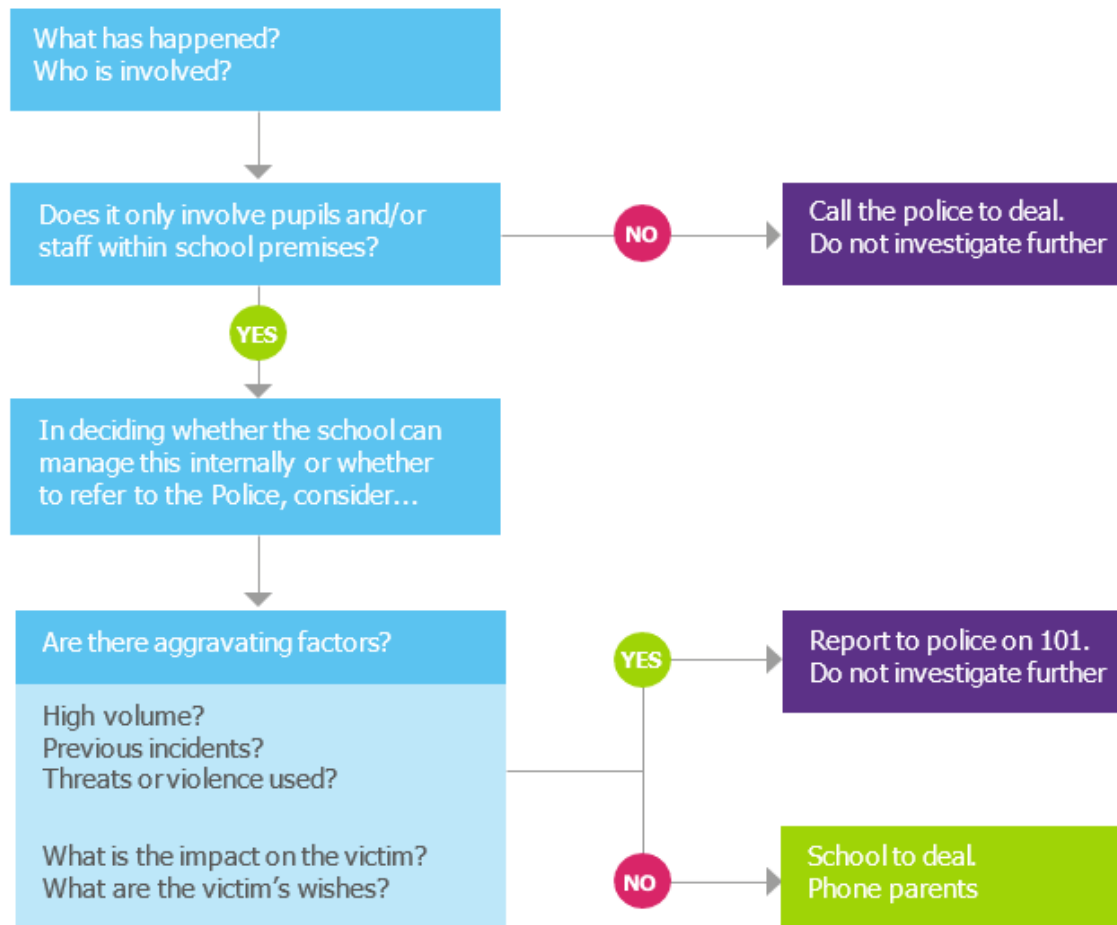
Definition: Any sexual contact with another person without that other person's consent. Generally speaking guidance on dealing with sexual offences is covered in working together to safeguard children. For incidents of rape or serious sexual assault call the police immediately.



Record decisions
and the reasons
for decisions

THEFT

Definition: A person is guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it.

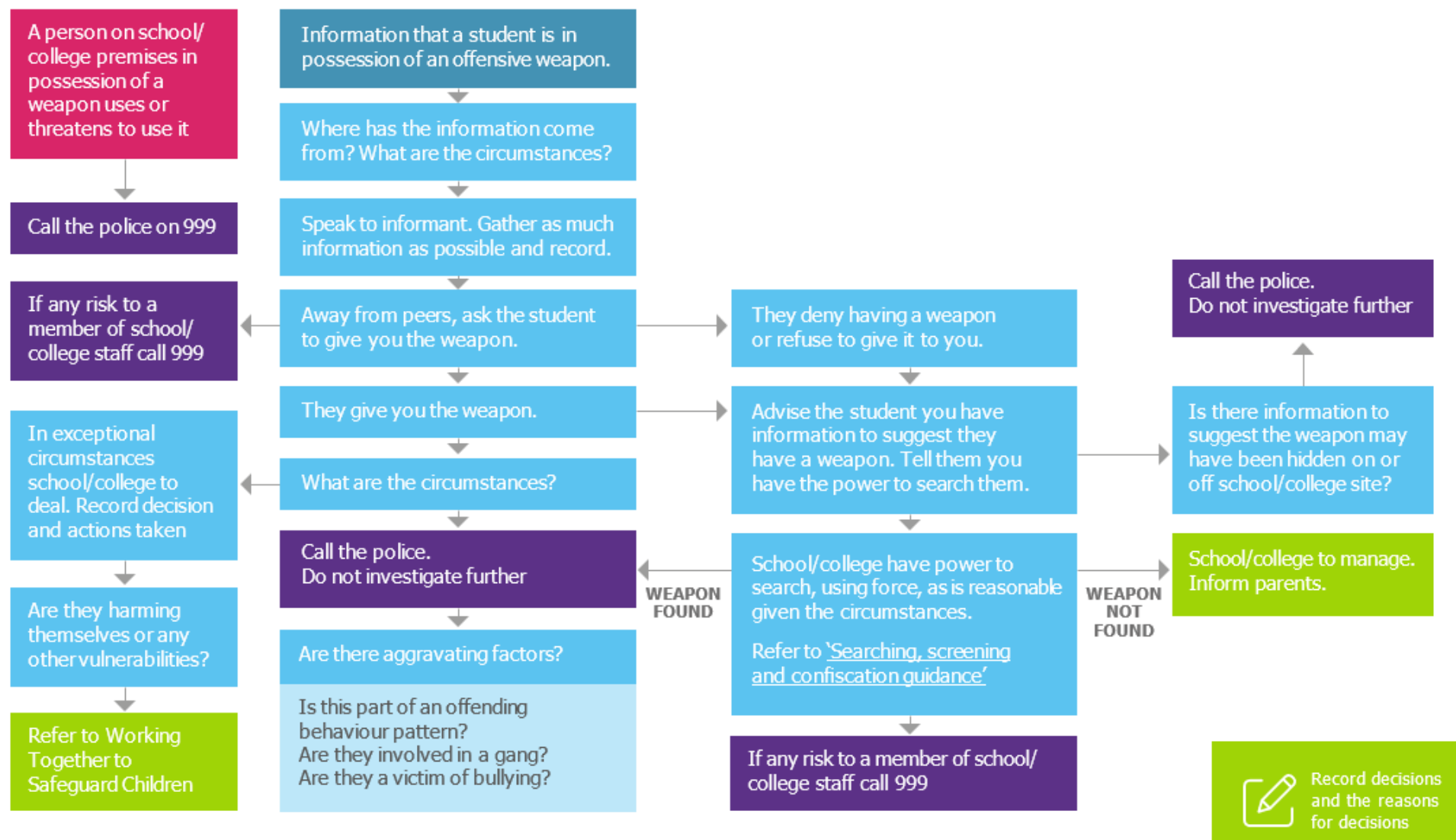


Record decisions
and the reasons
for decisions

Student Disciplinary and Positive Behaviour Management

WEAPONS

Definition: An offensive weapon is any article which is made, intended or adapted to cause injury. It is an offence to possess an offensive weapon or bladed or sharply pointed article on primary school or secondary school premises.



Appendix C - 85A Power of members of staff to search students for prohibited items: England

Further and Higher Education Act 1992

(1) This section applies where a member of staff of an institution within the further education sector in England —

(a) has reasonable grounds for suspecting that a student at the institution may have a prohibited item with him or her or in his or her possessions; and

(b) falls within section 85AB(1).

(2) The member of staff may search the student (“S”) or S’s possessions for that item (but this is subject to subsection (5)).

(3) For the purposes of this section and section 85AC each of the following is a “prohibited item”—

(a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc);

(b) an offensive weapon, within the meaning of the Prevention of Crime Act 1953;

(c) alcohol, within the meaning of section 191 of the Licensing Act 2003;

(d) a controlled drug, within the meaning of section 2 of the Misuse of Drugs Act 1971, which section

5(1) of that Act makes it unlawful for S to have in S’s possession;

(e) a stolen article;

an article that the member of staff reasonably suspects has been, or is likely to be, used—

(i) to commit an offence, or

(ii) to cause personal injury to, or damage to the property of, any person (including S);]

(f) an article of a kind specified in regulations.

(4) In subsection (3)(e) “stolen”, in relation to an article, has the same meaning as it has by virtue of section 24 of the Theft Act 1968 in the provisions of that Act relating to goods which have been stolen.

(5) A member of staff may not under this section search S or S’s possessions for alcohol if S is aged 18 or over.

(6) In this section and section 85AB—

- “member of staff”, in relation to an institution within the further education sector, means any person who works at that institution whether or not as its employee;
- “possessions”, in relation to S, includes any goods over which S has or appears to have control.

(7) The powers conferred by this section and sections 85AB and 85AC are in addition to any powers exercisable by the member of staff in question apart from those sections and are not to be construed as restricting such powers.

85AC Power to seize items found during search under section 85AA

(1) A person carrying out a search under section 85AA may seize any of the following found in the course of the search—

- (a) anything which that person has reasonable grounds for suspecting is a prohibited item;
- (b) any other thing which that person has reasonable grounds for suspecting is evidence in relation to an offence,

but may not seize alcohol from S under this section where S is aged 18 or over.

(2) A person exercising the power in subsection (1) may use such force as is reasonable in the circumstances for exercising that power.

(3) A person who seizes alcohol under subsection (1) may retain or dispose of the alcohol and its container.

(4) A person who seizes a controlled drug under subsection (1)—

(a) must (subject to paragraph (b)) deliver it to a police constable as soon as reasonably practicable; but

(b) may dispose of it if the person thinks that there is a good reason to do so.

(5) A person who seizes a stolen article under subsection (1)—

(a) must (subject to paragraph (b)) deliver it to a police constable as soon as reasonably practicable; but

(b) may return it to its owner (or, if returning it to its owner is not practicable, may retain it or dispose of it) if the person thinks that there is a good reason to do so.

(6) In determining, for the purposes of subsections (4) and (5), whether there is a good reason to dispose of a controlled drug or to return a stolen article to its owner, retain it or dispose of it, the person must have regard to any guidance issued by the Secretary of State.

(6A) A person who seizes an item that is a prohibited item by virtue of section 85AA(3)(ea) (article used in commission of offence or to cause personal injury or damage to property) under subsection (1) must—

(a) deliver the item to a police constable as soon as reasonably practicable,

(b) return the item to its owner,

(c) retain the item, or

(d) dispose of the item.

In deciding what to do with an item under this subsection, the person who seized it must have regard to guidance issued for the purpose of this section by the Secretary of State.

(6B) Subsections (6C) and (6D) apply to an item that—

(a) has been seized under subsection (1),

(b) is a prohibited item by virtue of section 85AA(3)(ea), and

(c) is an electronic device.

(6C) The person who seized the item may examine any data or files on the device, if the person thinks there is a good reason to do so.

(6D) Following an examination under subsection (6C), if the person has decided to return the item to its owner, retain it or dispose of it, the person may erase any data or files from the device if the person thinks there is a good reason to do so.

(6E) In determining whether there is a good reason for the purposes of subsection (6C) or (6D), the person must have regard to any guidance issued for the purposes of this section by the Secretary of State.

(7) Regulations may prescribe what must or may be done by a person who, under subsection (1), seizes an article of a kind specified in regulations under section 85AA(3)(f) (or an article which the person has reasonable grounds for suspecting to be such an article).

(8) A person who, under subsection (1), seizes—

(a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc);

(b) an offensive weapon; or

(c) anything which that person has reasonable grounds for suspecting is evidence in relation to an offence;

must deliver it to a police constable as soon as reasonably practicable.

(9) Subsection (8)(c) is subject to subsections (3), (4) [(5)] and regulations made under subsection (7).

(10) In subsections (3) to (8), references to alcohol, a controlled drug, a stolen article, an article to which section 139 of the Criminal Justice Act 1988 applies and an offensive weapon include references to anything which a person has reasonable grounds for suspecting is alcohol, a controlled drug, a stolen article, an article to which section 139 of the Criminal Justice Act 1988 applies or an offensive weapon.

Appendix D

Individual Liberty

Individual liberty is the free exercise of rights generally seen as outside Government control. In college we promote the importance of individual liberty through such things as provision of extra curricula (enrichment activities), individualised study programmes and modes of study.

Mutual Respect

The proper regard for an individual's dignity, which is reciprocated. In college we promote the importance of mutual respect through such things as classroom codes of conduct, equal opportunities and Student Positive Behaviour policy.

Tolerance of Those with other different faiths and beliefs

A fair, objective, and permissive attitude to those whose faith and beliefs may differ from one's own. This is celebrated through the College's Equality and Diversity weeks.

Democracy

Democracy can be seen as equality of rights and privileges. It can also refer to our nation's electoral systems. Democracy occurs at College through activities such as the student leadership team.

Rule of Law

It is expected that while different people may hold different views about what is 'right' and 'wrong', all people living in England are subject to its law. This is evident around college through the Health and Safety procedures and regulations as well as the data protection of student record.

Appendix E

STUDENT DISCIPLINARY FORM (DAF1)

**STAGE TWO
WRITTEN WARNING**

To be completed by Director and/or Curriculum Manager

Student name	
Course	

Reason for written warning			
British Value Contravened			
Any SEN arrangements?	Y	N	Details:

Agreed actions for improvement	Timescales	Review
This written warning is active for 6 months until:		

CD/CM signature	
Student signature	
Date	

Copies to: Parent/Guardian (if appropriate)
 Progress Coach/Safeguarding & Inclusion Manager

Appendix F:

Disciplinary summary sheet (DAF 2)

To be completed by Director of Student Support or Safeguarding & Inclusion Manager prior to stage 3 hearing.

Name:	Course:
Student Number:	Safeguarding & Inclusion Manager:
DOB:	Director of Curriculum:
Reason for stage 3 hearing request:	

Key Information		Comment
Attendance (Details of engagement with remote learning if applicable)	%	
English Attendance	%	
Maths attendance	%	
Tutorial attendance	%	
Looked after Child	Y/N	
Care Leaver	Y/N	
Young Offender	Y/N	
EHCP	Y/N	
SEN/Support needs declared	Y/N	
High Cost	Y/N	
On at risk report?	Y/N	
In receipt of learning Support	Y/N	
Offered welfare support either internally or externally	Y/N	
Local authority informed	Y/N	
Existing disciplinary action	Y/N	Provide detail
Interventions in place	Y/N	Provide detail
Participated in work placement	Y/N	
Participated in all aspects of PoS, enrichment etc...	Y/N	

Student Disciplinary and Positive Behaviour Management

Appendix G

STUDENT DISCIPLINARY FORM (DAF 3) STAGE THREE FINAL WRITTEN WARNING

To be completed by Chair (Director of Curriculum, Vice Principal Curriculum or member of ELT)

Student name	
Course	

Reason for final written warning
British Value Contravened

Any SEN arrangements?	Y	N	Details:
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Actions	Timescale	Review

This final written warning is active for 10 months until:

It has been made clear that any further lapse in behaviour may result in exclusion.

Chair signature	
Student signature	
Date	

Copies to: Progress Coach/Safeguarding & Inclusion Manager
Parent/Guardian (if appropriate)

Appendix H

Name

Address

Date

Dear

NOTICE OF SUSPENSION FROM COLLEGE PENDING AN INVESTIGATION

Further to the incident/s you were involved in, *the college is committed to exemplifying the British Values and as such, disciplinary matters are taken very seriously.* I therefore find it necessary to suspend you from College pending an investigation into your actions relating to (*..... insert brief description.....*).

Please note you must not enter the College premises during this period.

You are required to attend College for a meeting to receive the findings of the investigation on (*insert date, time and location of meeting*).

At this meeting, you will have the opportunity to comment on the incident and ask questions on the report findings. If disciplinary action is to be taken, you will be informed of this at the meeting.

(Insert "This letter is also being sent to your parents/carer who are invited to attend this meeting with you." If under 18 years)

Yours sincerely

[Relevant Senior Post holder]

Copies to: Parent/Guardian [if appropriate]

Appendix I

Name

Address

Date

Dear

NOTICE OF EXCLUSION

Further to the meeting of [DATE], I now write to confirm your exclusion from College, which takes effect immediately. The reason for your exclusion is [INSERT].

If you wish to apply for re-admission to College in the next academic year, you will need to write to the Principal. In any future application to recommence studying at the College, we will take into consideration any evidence you are able to provide which indicates you have improved your behaviour and are able to conduct yourself responsibly in the college environment.

You may wish to appeal against this decision. If so you must write to me within 5 working days advising me of your appeal using the disciplinary procedures drawn to your attention at the meeting.

Yours sincerely

[Relevant Senior post holder]

Enc Student Disciplinary Procedures

Copies to: Parent/Guardian [if appropriate]

Appendix J

Equality/Safeguarding Impact Assessment of:

Student Disciplinary and Positive Behaviour Management
Procedures

Who are the Key Stakeholders:

College staff, learners

Identify source of stakeholder views:

Staff, student and external bodies stakeholder meetings

Learner comments from the On Programme and Exit Survey

Summarise key messages from stakeholders:

Students did comment in general that they feel they are treated equally and fairly

What is the impact on the following:

Have any additional safeguarding risks been identified?

Key characteristics	Comments
Age	No significant impact
Disability	No significant impact
Gender	No significant impact
Racial group	No significant impact
Religion or belief	No significant impact

Student Disciplinary and Positive Behaviour Management

Sexual orientation	No significant impact
Gender re-assignment	No significant impact
Pregnancy and maternity	No significant impact

Is a separate Safeguarding Risk Assessment required No

If yes please complete form SR1 Record of Safeguarding Risk Assessment

No major change needed: **NO**

Adjustment required: **NO**

Stop and remove: **NO**

Actions to be addressed:

Validated by the Equality & Diversity Management Group