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## Bury College Policy and Procedures

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# Student Behaviour Policy (Incorporating the Bullying and Harassment Policy)

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	<b>Contents</b>	<b>Page</b>
	Student Behaviour Policy Statement	3
1	Scope	4
2	Obligations of Student in College	4
3	Classification of behaviour which will lead to Disciplinary action being taken	5
4	Sanctions and the Disciplinary Support Procedure	6
5	Appeals Procedure for exclusions	8
6	Power to discipline	8
7	Monitoring of behaviour	9
8	Arrangements for our of college activities	9
9	Procedure for Pre-16 behavioural issues in college	10
10	Procedure for HE behavioural issues in college	10
11	Procedures for WBL behavioural issues	10
12	Related Documents	10
Appendix 1	Pastoral Support System and disciplinary procedures	11
Appendix 2	Appendix 2: Bullying and Harassment Policy	12
Appendix 3	Appendix 3: Physical Intervention Guidance	19
Appendix 4	Appendix 4: Fitness to Study	23
Appendix 5	Equality Analysis	24

## **Student Behaviour – Policy Statement**

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

- Providing a safe and caring 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 and consistent treatment and access to an appeals procedure.

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

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

- Respect the rights of all members of the College community and visitors.
- 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/Computer Users Contract*

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

- Promote the above expectations to students.
- Treat all students consistently, fairly and with respect.
- Combat all challenging and inappropriate behaviour and all forms of bullying whenever and wherever they encounter it in the College or become aware of it.
- Call upon specialist support staff and services and make use of the Pastoral Support System and Disciplinary Procedure as appropriate.

## 1. Scope

1.1. The behaviour requirements of students outlined in this document apply to all students 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.

1.2. The procedures outlined in this document will be followed and the sanctions outlined applied primarily in relation to behaviour and incidents occurring in College or in close proximity to it. 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. (See, 9. below.)

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.

### 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 perpetrator to disciplinary action by the College is classified as **poor performance, misconduct** or **gross misconduct**.

3.2. **Poor performance** covers poor attendance, unexplained or unsatisfactorily explained absence, lateness, late submission or non-submission of work, behaviour detrimental to learning and to others and non-compliance with the College ID Policy and Procedures.

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 Support Procedure.

3.4. However, when poor performance is repeated despite informal discussion about it between the student and the member of staff who is dealing with the matter, the member of staff should record their concern in '*Student Comments*' on *ProMonitor*. The Personal Tutor will deal with the matter with the student, in the case of full-time students. Concerns regarding part-time and HE students should be sent via *ProMonitor* to the relevant Pastoral Manager.)

3.5. The '*Student Comment*' (via *ProMonitor*) referred to in 3.4 sends an automatic email to the Personal Tutor or the Pastoral Manager for part-time students, and puts the issue or incident officially on record and the number of *Student Comments* of such a nature 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 Personal Tutor or Pastoral Manager receives an e-mail alerting them to a *Student Comment* expressing concern 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.

3.7. Failure by the student to address the poor performance issues outlined in the meeting with the Personal Tutor will result in the student being placed on a contract (see 4.2.)

#### 3.8. Gross Misconduct includes

- Assault
- Threatening or aggressive behaviour – physical, verbal or by means of any digital device (by text, e-mail, social networking website or blog, for example)

- Harassment of any kind
- Theft
- Vandalism
- Plagiarism
- Fraud
- Bringing into College a weapon or dangerous instrument that could be used as a weapon
- Bringing into College alcohol or drugs, or coming into College under the influence of alcohol or drugs
- Any other unacceptable or inappropriate behaviour
- Breaches of the *Health and Safety Contract* and the *Computer Users Contract*
- Persistent **misconduct** – i.e., poor performance as defined in 3.2., above, which has continued despite meetings with the Personal Tutor or Pastoral Manager on the issue and the usage of Personal Tutor and Pastoral Manager Contracts -see 4.4. - to attempt to address the issues.

#### 4. Sanctions and the Disciplinary Procedure

4.1. The sanctions available within the Disciplinary Procedure are:

- The requirement to follow a contract (See 4.2. – 4.4) - Temporary exclusion from College (suspension)
- Permanent exclusion from College.

4.2. The College operates a contract system to monitor closely the behaviour of poor-performing students and also those who have committed misconduct; it is also sometimes used to monitor the behaviour of those who have committed gross misconduct.

4.3. The contract system is designed to monitor closely the behaviour of those placed on contract and to support them in acquiring the habits, routines and behaviour necessary to study effectively and appropriately in order to achieve their qualification aim.

4.4. There are 4 levels to the Contract system:

<b>Contract Level</b>	<b>Issued &amp; Monitored By</b>	<b>Reason and Stage</b>
Yellow	Pastoral Manager	Issued over five weeks as a condition of re-enrolment to students commencing a course having previously left a course early, failed to pass it or poor performance. It will also be issued to students transferring from another institution.
Green	Personal Tutor	Poor performance (See 3.6.)
Blue	Pastoral Manager	Misconduct (See 3.7.)
Pink	Curriculum Director	Gross Misconduct/Final Disciplinary (See 3.8.)

4.5. Depending on the severity and nature of the concern leading to the issue of a contract a student may be issued with a contract at any level – i.e., it is not necessary for a student to be issued with a Green Contract prior to a Blue contract.

4.6. When a student under the age of 19 is placed on a contract the parent or carer will be informed by the Personal Tutor (Green) or Pastoral Manager (Yellow, Blue or Pink) and may also be asked to come into College or to contact to discuss with the Pastoral Manager or Curriculum Director the issues that have led to the student being placed on contract.

4.7. When a student is accused of or considered to have committed gross misconduct they will be required to attend a Disciplinary Meeting with the Curriculum Director to determine what sanction will apply. In some cases of Gross Misconduct the Curriculum Director will refer a student directly to a Disciplinary Hearing.

4.8. The College reserves the right to insist that a student stays away from College during the time between the accusation of gross misconduct and the Disciplinary Meeting convened to consider it. This is a matter of procedure and does not imply guilt or otherwise. In such a case the College will make arrangements for the student to work independently at home on coursework, if deemed necessary. Parents/Carers are invited to attend this meeting to allow discussions to involve all parties and to reach a resolution acceptable by all. In the event that this does not occur, a Disciplinary Hearing will be convened.

4.9. The Disciplinary Hearing will be convened by the Deputy Principal, or in their absence, the Vice Principal. The Curriculum Director and Pastoral Manager will attend and the Deputy Principal will chair the meeting.

4.10. A student is entitled 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.

4.11. The Disciplinary Hearing will give the student the opportunity to state their case and will also consider College records such as ProMonitor records, academic reports and attendance records, as appropriate, as well as statements from witnesses and evidence from CCTV cameras and computer records, in compliance with the relevant laws, as appropriate.

4.12. Each case will be judged on its own and in its own context. The student will be informed of the outcome within 2 working days of the hearing, either verbally or by letter. There are three possible outcomes from the Disciplinary Hearing:

- Return to College with no further action
- Temporary exclusion followed by a return to College on a Blue Pastoral Manager Monitoring Contract or a Pink Curriculum Director Final Disciplinary Contract
- Permanent exclusion from College

If the student fails to attend the hearing it will still go ahead and a decision will be made in their absence.

4.13. If the decision is to exclude permanently it will be made by the Deputy Principal based on the evidence of the case.

4.14. For students with learning difficulties who may have difficulty following a Disciplinary Hearing, a risk assessment or case conference may be used as an alternative. In such a case, the case conference will be chaired by the Deputy Principal and all relevant professionals invited to attend – Social Worker, Key Worker, ESW Supervisor, Health and Safety Officer, for example.

## 5 Appeals Procedure for Exclusions

5.1. If the Deputy Principal's decision is to exclude and the student wishes to appeal against that decision, they should do so in writing within one calendar week directly to the Principal at the Beacon Centre.

5.2. Upon receipt of an appeal against the decision of a Disciplinary Hearing the Principal will convene an Appeal Hearing within two working weeks. The Appeal Hearing is to determine whether Bury College policies and procedures have been implemented correctly. The student will be entitled to be accompanied by a representative, who in the case of students under 19, should be a parent or carer.

5.3. The decision of the Principal following the Appeal Hearing is final.

## 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 paragraphs 15-33 of the Bury College *Safeguarding Young People & Vulnerable Adults Policy and Procedures* document regarding the use of physical restraint.

6.2. Members of staff are required to report **all** cases of gross misconduct of which they become aware directly to a Pastoral Manager.

6.3. It is acceptable, as a legitimate part of their class management, for a lecturer 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 on ProMonitor* and marked for the attention of the Personal Tutor and copied to the Pastoral Manager. Any Student who is asked to leave a class should be sent directly to either the Curriculum Manager or a Pastoral Manager.



6.4. In the case of a student not having the necessary clothing or equipment to take part in the session, the lecturer 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, Curriculum Directors and members of the Leadership Team have the power to exclude students temporarily from College.

6.6. Only the Deputy Principal has the power to exclude students permanently from College.

6.7. Students arriving late to a class should be allowed to enter the class in order to minimise the disruption that late entry may cause, to the lecturer must not challenge the student in front of the class but should use the 'late slip' system, the student will record the reason for their lateness and the lecturer may then discuss it with them at the end of the lesson. 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 a Pastoral Manager or Duty Manager, who will investigate the allegation. If s/he considers that a search is appropriate s/he will organise the search and ensure that it is carried out in compliance with the College's search procedure.

## **7. Monitoring of Behaviour**

7.1. Behaviour issues are summarised and the numbers of students on Disciplinary Contracts and their gender and ethnicity is reported to the Leadership Team 3 times per year in report LT 11: Study Programmes Pastoral.

7.2. The number of violent incidents occurring in College is reported by Pastoral Managers to the Health and Safety Committee.

## **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 Curriculum Director, and their authorisation given.

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

## **9. Procedure for Pre-16 Behavioural Issues**

9.1. For 14-16 students the Pre 16 Support Worker takes on the role of Personal Tutor and works with the Pastoral Manager and the Curriculum Director to implement all elements of the Behaviour Policy.

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

## **10. Procedure for HE Behavioural Issues**

10.1 For HE students the Programme Leader takes on the role of Personal Tutor and works with the Pastoral Manager and the Curriculum Director to implement all elements of the Behaviour Policy.

## **11 Procedure for WBL Behavioural Issues**

11.1 For WBL apprentices the Assessor takes on the role of Personal Tutor and the Pastoral Retention and Quality Officer works with the Pastoral Manager and Curriculum Director to implement all elements of the Behaviour Policy.

## **12. Related Documents**

12.1. Bury College Student Contract

12.2. Bury College Student Computer Users' Contract

12.3. Bury College Student Health and Safety Contract

12.4. Bury College Safeguarding Young People and Vulnerable Adults Policy

12.5. Bury College Search Procedure

## APPENDIX 1 PASTORAL SUPPORT SYSTEM



Pastoral Support  
System and Disciplin

## APPENDIX 2 HARASSMENT & BULLYING POLICY & PROCEDURES

### 1. Introduction

Bury College is committed to providing a supportive and safe learning environment. 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 learners 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.

### 3. Definitions of Harassment and Bullying

**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 learners 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 scary 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

#### **4. Effects of Bullying and Harassment**

Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked; create problems for learners and the College as a whole. This can include poor morale and learner 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 learners 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 learners 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 learners through any investigations into allegations of bullying and or harassment.
- 5.5. Curriculum Directors and Curriculum Managers have a responsibility to ensure that the delivery of the curriculum does not contravene the requirements or spirit of this policy.

## **6. Learner Responsibilities**

- 6.1. To treat all learners, staff and members of the public with dignity and respect. To ensure their own conduct does not cause offence or misunderstanding.
- 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 making contact with 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

Learners 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 the Learner Services Team, Student Learning Mentors, the College Counselling Service or members of the College Chaplaincy Team. At this stage the help and advice given can be confidential by agreement with the learner.
- 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 should work with the Personal Tutor to commence investigation of the allegations **within twenty four working 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 Curriculum Director (CD) for dealing with **if it is severe** – 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 Curriculum Directors aware of **all** cases of bullying 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 Curriculum Director.
- 7.7. The Curriculum Director will commence their investigation of the student's complaint within twenty four working hours and, if appropriate, invoke College disciplinary procedures which may lead to a student being temporarily or permanently excluded.
- 7.8. A student or parent unsatisfied with the outcome of a bullying or harassment case which has gone through the above procedure, should contact the Curriculum Director. In writing to request further investigation and should include in their letter precise details about the alleged bullying and harassment, the dates and times involved and the names of any witnesses. The Curriculum Director will investigate further and advise **within five working days of receipt of the letter**.
- 7.9. 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 3 PHYSICAL INTERVENTION GUIDANCE

### Introduction

1. This guidance should be read in conjunction with the Learner Behavioural Policy.
2. 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.
3. 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.
4. 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.

### Objectives of the Guidance

5. 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.
6. 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

7. 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 take into account any particular special educational need and/or disability that a learner might have.

#### **Note:**

#### **8. It is always unlawful to use force as a punishment**

9. The search procedures in the Behavioural Policy also make reference to restraint and must be read and understood along with this guidance.

## When to Use Force

10. Physical Intervention is discouraged at Bury College, but staff who have lawful control over the learners may use reasonable force to prevent a Learner/s from doing or continue to do any of the following:
  - Committing any criminal offence
  - Causing personal injury to, or damage to the property of any person (including themselves)
  - Prejudicing the maintenance of good order and discipline within the College
11. The decision to use reasonable force will take into account the circumstances of the incident. All staff should be aware that the use of physical intervention in response to a clear or developing danger of injury will always be more justifiable than the use of force to prevent damage or misbehaviour.
12. Our staff will view physical intervention or restraint of learners as a **last resort to maintaining a safe environment**. If learners are behaving disruptively or anti-socially, every effort will be made to manage behaviour positively to prevent a deterioration of the situation and to restore a safe, secure environment.
13. Our staff will understand the importance of listening to and respecting the learners to create an environment that is calm and supportive especially when dealing with learners who may have emotional and behavioural needs that may increase their aggression.
14. All our staff will understand the importance of responding to the feelings and wellbeing of the learner, as well as to the behaviour itself.
15. Staff intervening with learner's will seek assistance from security guards or other members of staff as early as possible, since single-handed intervention increases the risks of injury to both parties and does not provide a witness.
16. All staff who become aware that another member of staff is intervening physically with a learner will have responsibility to provide a presence and to offer support and assistance should this be required.
17. Where possible, staff who have not been involved in the initial confrontation leading up to an incident may be in a better position to intervene or restrain the learner if this proves necessary. Staff should support colleagues by offering to take over the role of restraining to minimise stress.
18. A learner's behaviour may be adversely affected by the presence of an audience. Wherever possible, the audience will be removed, or if this is not possible, the learner will be removed from the audience. The learner and member(s) of staff will withdraw to a quiet, but not completely private, place (e.g., other members of staff or security should be present or a door left open so that others are aware of the situation).

19. Staff must inform the learner being restrained, in a calm and gentle manner that the reason for the intervention is to keep the learner and others safe. Staff will explain that as soon as the learner calms down, he/she will be released.

### **Physical intervention considered appropriate**

20. The following approaches are regarded as reasonable in appropriate circumstances:
- a. Standing between learners;
  - b. Blocking a learner's path;
  - c. Leading a learner by the hand or arm;
  - d. Ushering a learner away by placing a hand in the centre of the back;
  - e. In more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training

### **Restraints to be avoided**

- 21 The following restraint must **not be used** other than in the most extreme emergency **and only if trained** in this physical restraint procedure. This is when emergency action is needed to prevent the risk of **serious** injury or loss of life.
- Twisting or forcing limbs against a joint

22. The following restraints **must never** be used

- holding a learner around the neck, or by the collar, or in any other way that might restrict a learner's ability to breathe
- slapping, punching or kicking a learner
- tripping a learner
- holding a learner by the hair or ear
- holding a learner face down on the ground.

### **Recording an Incident**

23. All incidents that result in non-routine/emergency interventions must be reported immediately to the Curriculum Director
24. The Curriculum Director D 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.
25. 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**

26. 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
27. 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.
28. 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.
29. 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.
30. The Principal will be informed at the earliest possible opportunity of any incidents where physical intervention or restraint has been used.
31. 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**

32. 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.

## APPENDIX 4 FITNESS TO STUDY

### Fitness to Study

Bury College is committed to supporting students and recognises the importance of a student's health and wellbeing in relation to his/her academic progression and wider college experience. Bury College has a responsibility to support students to maximize their potential throughout their time at college.

The Fitness to Study Procedure is intended as a supportive procedure to be used when a student's health, wellbeing and or behaviour is having a detrimental impact on their ability to progress academically and function at college.

The Fitness to Study Procedure should be considered as an alternative means of managing concerns regarding a student's behaviour, attendance and academic progress and could be the result of mental or physical ill health or disability *or criminal conviction* or have an impact on the health and safety of others.

Any reasonable adjustments that the student may be entitled to are considered and where appropriate put in place. Students are supported to make informed decisions regarding options available. In cases where the outcome of the Fitness to Study procedure result in an interruption to or termination of study, the consideration of a return to study should be discussed with the student and his /her parents/carer as appropriate. If a student requests a return to study following a physical or mental health concern, he/she will be required to provide satisfactory evidence from a doctor that he/she has overcome the original difficulties and is well enough to return to study.

### Other Policies and Procedures

- Student Contract
- Student IT User Contract
- Student Safeguarding and Child Protection Policy



Student Behaviour  
Policy EI Assessment