

Kimberley College
Student Behaviour and Disciplinary Policy



Appendices

Appendix A – Student Code of Conduct:

Student Code of Conduct:

A reminder that as part of your enrolment process you read and signed your agreement to several college policies, such as:

- IT Code of Conduct
- E-safety
- Student Netiquette
- Dress Code
- Safeguarding (Including wearing lanyards & communicating regarding attendance)
- Driving onsite
- Kimberley College Student Code of Conduct (Copy below):



As we hope our relationship with you will be a partnership, as a student at Kimberley College it is expected that you will:

- Demonstrate a commitment to your studies by fully engaging in the 'Stepping Stones to Learning' and 'Stepping Stones to Success'.
- Fully engage in all lessons and learning opportunities, this includes tutor sessions, completing homework, revision, research and using independent study time effectively.
- Get involved in enrichment opportunities such as extra and super curricular clubs, trips and visits.
- Engage with Microsoft Teams, college emails and ClassCharts daily to monitor subject information, Attitude to Learning, organisation of homework and to be kept up to date with key college events and communication.
- Ensure that your attitude to learning is a 3 or above in lessons.
- Be punctual to all lessons and suitably equipped and organised for learning.
- Keep your mobile phone & headphones out of site in lessons unless directed otherwise by your teacher.
- Meet all deadlines set by your teachers.
- Keep up a good level of attendance (95%+), contacting us on the day of absence if you are unwell or if other circumstances prevent you from attending lessons.
- Fully engage in all Next Septs/ PSHCE tutor sessions and 1to1 support from your Pastoral Tutor.
- Communicate with your teachers/ Pastoral tutor if there are any issues which may be affecting your progress.
- Avoid booking holidays, driving lessons, shifts at work, medical or dental appointments etc. during college hours.
- Always conform to the dress code as detailed on the college website.
- Always wear your lanyard when on the college premises or any site across the trust.
- Always swipe in and swipe out when you enter/ leave the college building.
- Respect the environment and buildings at Kimberley College and across the trust.
- Behave with courtesy and respect when using the college and public transport.
- Follow the college guidelines (with reference to parking permits, speed limits and designated parking areas) if bringing your own car/bike/scooter onto the college premises.
- Adhere to expectations regarding Kimberley College being a 'No smoking/ vaping' site.
- Always speak to all staff and your peers with respect and politeness.
- Report any bullying concerns or examples of disrespectful behaviour to the college.
- Report any concerns about your own welfare or that of others to the college.
- Update personal details held in college if necessary.
- Undertake a minimum of one week work experience.
- Commit to your allocated 2-year curriculum and understand that any request to change is unlikely to be possible.
- Achieve minimum expectations linked to Stepping Stones to Success in order to progress into year 13.
- Always act respectfully when identifiable as a Kimberley College Student.
- Not bring the college name into disrepute through actions both on or off the premises.
- Uphold all Kimberley College and Wootton Academy Trust Policies.

Appendix B - Disciplinary investigation procedure and appeals process:

1. Investigation

Investigation of serious misconduct (Level 3 breaches) will typically be coordinated by a member of the Senior Leadership Team; the preliminary findings will be reported to the Head of College. Parents/carers will be informed of the incident and ongoing investigation, usually in writing, as soon as reasonably possible.

2. Interview

Where the investigating officer (IO), usually the Assistant Head Pastoral Leader or Lead Pastoral Tutor thinks it is necessary to interview any students about the incident(s), the student will normally be accompanied by another member of staff. The IO may conduct interviews without additional staff where delay may compromise the veracity of witness/evidence.

The investigator will summarise the relevant points from the interview and communicate them to the student and their parents/ carers.

The student may be asked to make a signed statement; this is used on a 'need to know' basis, although the college may reserve the right to protect a student's anonymity where necessary (for example, where they are at risk of retaliation or other harm).

3. Neutral suspension

A student may be neutrally suspended while an incident(s) is being investigated. A member of staff, usually the Assistant Head Pastoral Leader or Lead Pastoral Tutor, will notify the parents and/or legal guardians of the reasons and period of suspension, as well as information about the procedure and their right to representation.

If a neutral suspension continues for more than five working days, the college will take reasonable steps to arrange and ensure educational provision.

4. Disciplinary meeting with a member of the Executive Leadership Team

4.1 Notice

The student, and parents/ carers or other representatives if required, will be asked in writing to attend a disciplinary meeting with a member of the Executive Leadership Team. The student will be made aware that a possible outcome of the meeting may be their permanent exclusion from the College.

4.2 Evidence

The member of the Executive Leadership Team will review all relevant documentation and evidence from the investigation relating to the incident(s). The parents/carers will receive a full report of the investigation (5 days) before the meeting and may submit any evidence they believe to be relevant.

4.3 Attendance

Students may request another member of staff to attend the meeting, as well as their parents/ carers. The student and parents/carers will have the opportunity to state their case. Previous statements will still be taken into consideration.

4.4 Access arrangements

Students or parents/carers with SEND who may require additional facilities or adjustments relating to practical aspects of the meeting, (e.g. documentation format, mobility access), should inform the college in advance.

5. Proceedings

5.1 Incident

The member of the Executive Leadership Team will consider the incident and evidence, including any relevant statements made by or on behalf of the student. Unless he/she believes further investigation is required, the member of the Executive Leadership Team will decide whether a serious breach of discipline has been sufficiently proved, based on the balance of probabilities, i.e. the student is more likely than not to have made a serious breach.

5.2 Outcome

Where it is decided that a serious breach of discipline has been proved, the member of the Executive Leadership Team will outline the sanctions that he/ she considers appropriate and proportionate. The member of the Executive Leadership Team will take into consideration a range of factors including, for example, the student's disciplinary record and any mitigating circumstances that may have contributed towards the behaviour.

The member of the Executive Leadership Team will communicate their decision in writing to the parents/ carers within five working days of the meeting.

6. Permanent exclusion

A decision to permanently exclude a student from the college will take effect immediately after the decision has been communicated to the parents/ carers. Until that point the student will remain neutrally suspended from the college. If, within the period of neutral suspension, the parents/carers have requested an appeal the student will remain neutrally suspended until the appeal review has been considered and a decision made to uphold it or implement the original sanction.

7. Status

In certain circumstances, if a student is permanently excluded from the college their formal status will be 'excluded'. The member of the Executive Leadership Team may offer parents/ carers the possibility of withdrawing a student, rather than carrying out a formal exclusion. In such instances, the member of the Executive Leadership Team retains the right to disclose the reasons for the student leaving the college in any reference to other educational institutions. Parents/carers who accept the option to withdraw a student forfeit any further right to appeal.

8. Appeal

A student's or parents/cares request for an appeal on the member of the Executive Leadership Team's decision to implement sanctions for misconduct will be conducted through a panel hearing, as outlined below:

The Appeals Process:

The student will have the right of appeal to:

- A member of the Senior Leadership Team against a Level 1 or Level 2 Breach outcome imposed by the Lead Pastoral Tutor, Middle Leader or Senior Leader.
- The Head of College or Executive Principal, against any outcome of a Level 3 hearing, other than the recommendation to permanently exclude. If the appeal is against a decision to temporarily exclude, the appeal will be heard by the Head of College or Executive Principal sitting with two other college staff not previously involved in the original decision.
- An Appeals Panel against a Level 3 hearing recommending permanent exclusion. The panel will normally be chaired by the Head of College or Executive Principal, who will determine the composition of the Appeals Panel. This will not normally exceed three people and will comprise of a member of the Senior Leadership Team and may involve a governor. In exceptional circumstance, e.g. when the Head of College has summarily excluded a student or is otherwise involved in the case, the Chair of Governors will convene the Appeals Panel.

The grounds of appeal are:

(a) That there was a serious breach of the college's procedures that may have adversely affected the outcome

(b) That new evidence has come to light that was not available at the original disciplinary hearing and could be expected to materially influence the original outcome. Where this occurs, the evidence must be provided to the college together with an explanation as to why it was not provided earlier

(c) That the findings were unreasonable in the light of the facts

(d) That the penalty imposed was too severe in the circumstances

The college reserves the right to determine whether or not an appeal falls within its appeals framework and should be allowed to proceed. In the case of permanent exclusion, this determination will be made by the Clerk to the Governors, together with the Chair of the Appeal Panel (which would normally be the Head of College or Executive Principal, or, in the event of the Head of College having been involved in the disciplinary process, the Chair of the Governors) after seeking evidence, specifically relating to the stated grounds for appeal from the Senior Post Holder who made the exclusion. The college also reserves the right to not hear a case afresh at appeal stage.

In all eventualities notice of appeal must be lodged with the appropriate member of staff within ten working days of the date of the notification of the outcome. In the case of permanent exclusion, notice of appeal must be lodged with the Clerk to the Governing Body. In all eventualities the notice of appeal must give grounds and brief particulars of the appeal.

If a notice of appeal is lodged against an outcome at Level 3 within the time allowed, an appeal hearing will be arranged to take place within ten working days' of the notice of appeal being lodged. The student will be given at least 5 normal college working days notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend, student representative or relative. Any documents considered at the final stage interview will be available for the purposes of the appeal, together with the notes of the final stage interview. This will also include a statement recording the allegation against the student. Witnesses will not normally be asked to attend except in relation to any relevant new evidence that has come to light since the Level 3 hearing.

At the appeal hearing against a permanent exclusion, the Head of College or Executive Principal will be required to present the case supporting the permanent exclusion of the student and the student will be invited to explain the grounds of the appeal.

At the appeal hearing the relevant college manager(s) may ask any questions that will assist them in determining the final outcome of the appeal. The hearing will then close and the matter determined in private.

If the appeal is upheld, disciplinary action lesser than that recommended by the relevant College Manager may be imposed, including a shorter period of temporary exclusion. The Appeal Hearing may also decide that no further disciplinary action should be taken.

If the appeal is dismissed, the panel may confirm or vary the penalty, including imposing a greater sanction.

The final decision will be confirmed in writing to the student within five working days of the appeal interview.

The appeal to the Head of College or Executive Principal represents the final stage of the Student Disciplinary Procedures except where the sanction is permanent exclusion.

Appendix C - Grounds and procedure for searching and confiscation; use of reasonable force:

1. Prohibited items

The Head of College and authorised staff have a statutory power to search a student or their possessions where there are reasonable grounds to suspect that the student may have a prohibited item listed below or any other item that the College identifies as an item which may be searched for.

The list of prohibited items is:

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Any article that the member of staff reasonably suspects has been, or is likely to be used to commit an offence, or to cause personal injury to, or damage to property of; any person (including the student)
- Tobacco, cigarette papers or vapes
- Fireworks
- Pornographic images.

Under common law, College staff have the power to search a student for any item if the student agrees. The member of staff should ensure the student understands the reason for the search and how it will be conducted so that their agreement is informed.

When exercising powers to search the College must consider the age and needs of students being searched. This includes the individual needs or learning difficulties of students with SENDs.

2. Procedures for search

2.1 Authorisation to search

Only a member of the Senior Leadership Team or a member of staff authorised by the Head of College, can carry out a search. The Head of College can authorise individual members of staff to search for specific items, or all items set out in this policy.

The DSL should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited item. The staff member should inform the DSL without delay if they believe that a search has revealed a safeguarding risk.

If the student is not willing to co-operate with the search, the member of staff should consider why this is.

Reasons might include, that they:

are in possession of a prohibited item;

do not understand the instruction;

are unaware of what a search may involve; or

have had a previous distressing experience of being searched.

If a student continues to refuse to co-operate, the member of staff may sanction the student in line with this policy or be supervised whilst they seek advice from the Head of College or DSL.

2.2 Searching without consent

An authorised member of staff can use such force as is reasonable to search for any prohibited items identified above, but not to search for items which are identified only in the College rules.

The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the student harming themselves or others, damaging property or from causing disorder.

The Head of College should ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a student who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises.

2.3 Conducting a search

The search must only take place on the College premises or where the member of staff has lawful control or charge of the student, for example on a college trip.

The law states that the member of staff conducting the search must be of the same sex as the student being searched. There must be another member of staff present as a witness to the search.

There is a limited exception to this rule. This is that a member of staff can search a student of the opposite sex and/or without a witness present only:

if the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; and in the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is same sex as the student or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

A member of staff may search a student's outer clothing, pockets, possessions, desks or lockers. The person conducting the search must not require the student to remove any clothing other than outer clothing. Staff do not have the power to conduct a strip search. Searches of possessions, for example in bags, can only be made in the presence of the student.

2.4 Police searches

Before calling the police into the College, staff should assess and balance the risk of a potential strip search, i.e. a search involving removal of more than outer clothing, on the student's mental and physical wellbeing and the risk of not recovering the suspected item. All other alternatives should be explored.

Once the police are on College premises, the decision on whether to conduct a strip search lies solely with them, and the role of the College is to advocate for the safety and wellbeing of the student(s) involved.

2.4.1 Appropriate adult

There must always be at least two people present, other than the student, whenever a strip search involves exposure of intimate body parts except in cases of urgency where there is risk of serious harm to the student or others. One of the people present must be an appropriate adult.

A Kimberley College member of staff cannot act as an appropriate adult if the College has called the police. An appropriate adult may be a parent, carer or another person agreed by the student. This adult must not be a police officer or otherwise associated with the police. Kimberley College staff members can only be nominated as an appropriate adult if the College has not initiated contact with the police resulting in the search.

Police officers carrying out the search must be the same sex as the student being searched. The appropriate adult must also be the same sex as the student, unless requested by the student. The search must not be carried out in a location where the student could be seen by anyone else.

2.5 Informing parents/ carers

Parents and/carers should always be informed of any search for a prohibited item and the outcome of the search as soon as is practicable. They should also be informed of any items confiscated and the resulting action the College has taken, including any sanctions applied.

2.6 Recording searches

Any search by a member of staff for a prohibited item and all searches conducted by police officers will be recorded in the College's safeguarding database, including whether or not an item is found.

2.7 Confiscation

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

poses a risk to staff or students;

is prohibited, or identified in this policy for which a search can be made; or is evidence in relation to an offence.

2.7.1 Confiscating prohibited or illegal items

2.7.1.1 Controlled drugs

Controlled drugs must be delivered to the police as soon as possible unless there is a good reason not to do so. When staff are unsure as to the legal status of a substance or is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.

2.7.1.2 Other substances

Other substances which are not believed to be controlled should also be delivered to the police, or disposed of, if the member of staff believes they could be harmful.

Confiscated alcohol, tobacco, cigarette papers or fireworks may be retained or disposed of as appropriate but should not be returned to the student.

2.7.1.3 Pornographic images

Pornographic images may be disposed of unless there are reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable. Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images.

2.7.1.4 Stolen items

Stolen items must be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner, or retain or dispose of it if returning them to their owner is not practicable. Staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff should consider the following:

- the value of the item – it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable;
- whether the item is banned by the school;
- whether retaining or returning the item to the owner may place any person at risk of harm; and
- whether the item can be disposed of safely.

2.7.1.5 Offensive weapons

Any weapons or items which are evidence of a suspected offence must be passed to the police as soon as possible.

Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of. The staff should take into account all relevant circumstances and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner or disposed of. They should consider:

- whether it is safe to dispose of the item; and
- whether and when it is safe to return the item.

2.7.1.6 Electronic devices

Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour. As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.

When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the DSL.

If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable. They should always seek advice from the DSL.

2.8 Use of reasonable force

The decision to use reasonable force should be made on a case-by-case basis. Any use of force must be reasonable, proportionate and lawful and should only be applied when immediately necessary to prevent a student from doing or continuing to do any of the following:

committing a criminal offence;

harming themselves or others;

causing damage to property, including their own.