



# **The Oaks Specialist College**

**Skills for Independence & Employability**

## **Behaviour Policy 2021**

# The Oaks Specialist College: Behaviour Policy

Date of next review: November 2022

Applicability of Policy	All staff and learners at The Oaks
Location and Access to the policy	<ul style="list-style-type: none"> <li>▪ The College website – <a href="https://www.theoaks.ac.uk/">https://www.theoaks.ac.uk/</a></li> <li>▪ It is available on the College One drive\Policies\Behaviour Policy</li> <li>▪ Hard copies are available, on request, from the Administration Team</li> </ul>
This policy links with the following policies/statements	Attendance Statement Safeguarding Vulnerable Young Adults Policy
Review and edition of policy	November 2022
The Rationale and Purpose of this policy	The College is committed to providing a safe learning environment for all learners. All staff and learners have the right to attend The Oaks feeling confident that people and premises are treated with respect and care.

This Policy consists of three parts:	
Part 1	Behaviour and Standards Policy for Learners
Part 2	Substance Use/Misuse
Part 3	Weapons

# Part 1: Behaviour and Standards Policy for Learners

## 1. Introduction

This document sets out the code of behaviour which learners are expected to follow. The college also sets out the procedure to be followed should the code of behaviour be breached.

- a) Learners should maintain good conduct whilst at The Oaks. They should need minimal guidance regarding behaviour and attitude towards their study, although the tutorial system is designed to provide additional support within this area.
- b) A reasonable attitude and respect for the The Oaks premises and its facilities, as well as to all users and visitors to the site, is expected.
- c) All learners will receive a Learner Code of Conduct at the point of joining The Oaks. Repeated breaches or a single serious breach of the Code of Conduct may lead to disciplinary action and may result in a learner being suspended or excluded from the College.
- d) This Policy applies to all The Oaks learners, whether part time or full time.

## 2. Performance, Attendance and Obligations of Learners.

Learners must:

- a) Use the The Oaks facilities and behave in a way which respects the needs and aspirations of others to learn, teach and live within the community of The Oaks.
- b) Familiarise themselves with The Oaks's Health and Safety Policy, and other regulations, comply with those regulations, and act at all times, with regard for their own and other's safety.
- c) Respect staff, other learners, visitors and property of The Oaks.
- d) Support staff and other learners in the maintenance of a clean and tidy environment throughout The Oaks.
- e) Attend every learning session (and other events which they are scheduled to attend) regularly and punctually.
- f) Inform the appropriate member of staff as soon as practicable if for any reason they are unable to attend a learning session or other scheduled event.
- g) Complete work in a timely fashion.
- h) Consistently behave appropriately when off-site with consideration being given to all learners are representative of The Oaks.
- i) Parents/carers of learners will be informed of concerns and involved in appropriate discussions. We may also contact employers or supporters of The Oaks.
- j) Where problems persist, tutors may involve the Head of College whose action will be as detailed in section 4. Serious mis-behaviour may also involve action directly at the level outlined in Section 4.

## 3a. Misconduct

The following are examples but not an exhaustive list of misconduct which may result in disciplinary action being taken against learners:

- a) Any breach of any of the learners' obligations set out above (including any breach of Health and Safety).
- b) Failure to follow the reasonable instructions of a member of staff.
- c) Smoke on The Oaks's premises outside of the designated smoking areas.
- d) Cheat or plagiarise the work of other learners (or other authors).
- e) Use offensive or abusive language or behave in an unmanageable way.
- f) Disrupt any class or any other College activity, whether or not involving other staff or learners.
- g) Cause damage to any College buildings, equipment, books or furnishings or any property of others, deliberately or by gross negligence.
- h) Interfere with software or data belonging to (or used by) The Oaks, or use unauthorised software on The Oaks equipment, introduce any virus or similar disruptive matter (or other corruption/interference to such equipment or software), or inappropriately use the Internet.
- i) Participate in theft of property or any other dishonest acts.

- j) Drunkenness on The Oaks premises or any activity associated with the College or the use, possession or supply of any illegal substance.
- k) Consistently fail to attend lessons regularly and punctually without good cause.
- l) Consistently fail to meet deadlines to complete work without good cause.
- m) Bully, intimidate or harass any learner, member of staff or visitor to the College.
- n) Behave in a way which is (or can be interpreted to be) racially or sexually offensive or which is offensive to those with learning and/or physical disabilities or impediments.
- o) Behave in a way which could bring The Oaks into disrepute.
- p) Any illegal act which may have an adverse effect on the work of the College or on other learners.

### 3b. Gross Misconduct

Any particularly serious cases of misconduct may be treated by The Oaks as gross misconduct. For example, any misconduct involving violence or a serious threat of violence, deliberate damage to property, endangering the health and safety of others, or any criminal activities affecting the College or other learners (or which could bring the College into disrepute) are likely to be treated as gross misconduct and could lead to exclusion. It is emphasised that this is not an exhaustive list of the types of case which the College may treat as gross misconduct.

## 4. Behaviour and Standards Policy

There are four stages to the behaviour and standards policy:

**Stage One: Cause for Concern.** Should a learner give a member of staff a cause for concern, that member of staff or their tutor will have an intervention meeting with the learner. In this meeting the tutor will outline the cause for concern and may suggest strategies for improvement.

**Stage Two: SMT intervention.** Should the learner's behaviour not improve or should the breach to the Code of Conduct be a re-offence, a member of the Senior Management Team will have an intervention meeting with the learner to discuss strategies for improvement and the consequences of continued disregard of The Oaks's behaviour policy and the Code of Conduct. The tutor may also be present in this meeting.

**Stage Three: Involving parents and/or carers.** Should the learner's behaviour continue to disregard The Oaks's behaviour policy and/or the Code of Conduct or should the breach to the Code of Conduct be a continued reoffence, a meeting will be arranged with the learner's parents/carers. This may take place either face to face or over the phone as soon as is possible for the family and for The Oaks.

**Stage Four: Home Study.** Following stage three, should the learner's behaviour continue to disregard The Oaks's behaviour policy and/or the Code of Conduct or should the breach to the Code of Conduct be a continued reoffence, the learners will be directed to work from home during a period of investigation, with immediate effect. The learner will be sent home and The Oaks may request a parent or carer to collect them for their own safety and the safety of others. A formal letter of home study will be issued by the administration team and investigations will be carried out by a member of SMT and/or the safeguarding team. During this time, The Oaks will investigate the circumstances and, if necessary, consult with the advisory board and the local authority to decide the most appropriate course of action. Outcomes may include, but are not limited to; mediation meetings, written contracts for the learner to agree to on their return, continued home study or the termination of their placement.

**Note: Stage 1 will be followed in the first instance unless the complaint against a learner is sufficiently serious to move straight to Stage 3 or Stage 4.**

## 5. Appeals

The learner will have the opportunity to appeal against the decision of the Senior Management Team if this decision has not been directed by the local authority or police, and this appeal will escalate to Gordon Tillman, Chief Executive Officer of The Oaks Specialist College. All appeals must be made in writing to the

administration office or via email [gordon.tillman@theoaks.ac.uk](mailto:gordon.tillman@theoaks.ac.uk) within 2 weeks of receiving the exclusion letter.

- a) If a notice of appeal is lodged within the time allowed an appeal interview with Gordon Tillman will be arranged to take place within 10 working days of the notice of the appeal being received. The learner will be given at least 5 working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a parent/carer or fellow learner (but not by a legal or other professional adviser unless the College otherwise agrees, having been given reasonable notice before the day of the hearing). A legal or other professional adviser will be permitted only if the College intends to have an external adviser present. Any documents considered at the second stage interview will be available for the purposes of the appeal, together with the notes of the second stage interview and the notes of the disciplinary hearing.
- b) Should the learner fail to attend the hearing meeting on the date and time provided without good reason, or cancel two arranged hearing meetings without cause or within less than 24 hours of the arranged meeting, they will revoke the right to appeal.
- c) At the appeal interview, the learner will be invited to explain the grounds of the appeal and state his/her case.
- d) The Head of College who made the decision to exclude will be asked to respond to the appeal and explain the reasons for the recommendation.
- e) Gordon Tillman may ask questions of the learner and the Manager and will then consider whether to allow or dismiss the appeal. Witnesses will not normally be asked to attend except in relation to any relevant new evidence which has come to light.

NB: In order to protect learner witnesses from fear of recrimination within the College, any written evidence given by a learner will have the identity of that learner obscured/deleted from any copies given to the learner against whom the disciplinary action is being taken.

- f) If the appeal is allowed, management may decide that disciplinary action lesser than that recommended by the Manager should be taken.
- g) If the appeal is dismissed, the recommendation of the Manager will stand. Gordon Tillman must not impose any greater sanction against the learner than that recommended by the Head of College conducting the original interview.
- h) Within 5 working days of the appeal interview, the final decision by the Senior Management Team member will be confirmed in writing to the learner and, where appropriate, to the parents/carers.
- i) There is no right of appeal against this decision.

## Part 2: Substance Use/Misuse

### 1. Policy Statement

- a) The Oaks is committed to providing a clear strategy and guidelines for managing all incidents involving illegal or socially unacceptable substances.
- b) The policy takes account of the current legislation governing these substances and will be reviewed in the light of any future legislative changes.
- c) The Oaks is committed to providing an environment enabling all learners to study effectively without risk to individual health or safety.
- d) Any incidents involving these substances will be dealt with promptly following the procedure laid down in the policy.
- e) All staff, learners and visitors at The Oaks should be made aware that any substance misuse is wholly unacceptable whether or not it is unlawful
- f) The Oaks regards any incident involving illegal or harmful substances as serious and undesirable and will take disciplinary action in all cases

### 2. Definitions of Substances covered by the Policy and Legal Status

The following substances will be covered by the Policy.

#### Illegal Drugs

The Misuse of Drugs Act 1971 regulates controlled drugs and divides them into:-

**CLASS A** which includes Crack Cocaine, Cocaine, Ecstasy (MDMA), Heroin, LSD, Methadone, processed Magic Mushrooms, methamphetamine (Crystal Meth) and any injected Class B drug.

**CLASS B** which includes Amphetamines, barbiturates, cannabis, codeine, methylphenidate (Ritalin), synthetic cannabinoids, synthetic cathinones (e.g. mephedrone, methoxetamine) and ketamine

**CLASS C** which includes steroids, benzodiazepines (diazepam), gamma-butyrolactone (GBL), piperazines (BZP) and khat.

**SOLVENTS** which includes (but is not limited to) aerosols, gasses and glues.

- a) It is illegal to supply any classified drug to another person or possess a classified drug with intent to supply. Class A drugs are treated by Law as most dangerous.
- b) It is illegal to possess any controlled drug unless the drug has been supplied on a prescription by a Doctor. The Head of College must be notified of any legal possession of any prescribed class A or B drug.

#### Alcohol

- a) Although a legal substance, alcohol must not be brought on to The Oaks premises for any reason.
- b) Alcohol must not be purchased or consumed whilst out in the community and off-site during College hours.

### 3. Responsibilities

- a) All members of The Oaks, staff, learners and visitors are required to comply with this policy. Failure to do so will result in disciplinary action in accordance with the College's disciplinary procedures (either staff or learner, as applicable).
- b) Overall responsibility for day to day operation of the Policy rests with the Senior Management Team.

#### 4. Operation

Anyone suspected of being in possession of drugs, solvents or alcohol with the intent to misuse, or being under the influence of the above should be reported immediately to a tutor, the Designated Safeguarding Lead and/or a member of the Senior Management Team.

The following action will be taken:

##### Drugs and Solvent Possession/Misuse

- a) The matter will be reported to the Head of College who will inform the learner's parents and, if necessary, seek advice from the Police and Social Worker.
- b) The Head of College may suspend and detain the learner pending the arrival of the Police.
- c) Following Police advice, the learner may be excluded from The Oaks, or allowed to return pending an investigation.
- d) Any misuse of drugs may result in the immediate suspension of the learner from The Oaks and a disciplinary hearing which could lead to exclusion from the College.

##### Alcohol

- a) Learners are not to consume alcohol before attending The Oaks, within college hours or on the premises of The Oaks. Any misuse of alcohol may result in the immediate suspension of the learner from The Oaks and a disciplinary hearing which could lead to exclusion from the College. If it is not safe for the learner to leave the premises of The Oaks alone, a parent or carer will be called to collect them immediately. Should they not be available, an ambulance will be called to escort the learner from The Oaks for their safety and they may be charged for this service.
- b) Learners are not to bring alcohol onto the premises of The Oaks, even without the intention of consumption.

#### 5. Supportive Framework

Wherever appropriate, The Oaks staff will offer initial advice, guidance and referrals to drugs and alcohol support organisations to learners involved in any incidents of substance use or misuse.

### Part 3: Weapons

- a) The Oaks has a zero tolerance policy on the possession of weapons or instruments with the intent to use as a weapon, either to cause harm or as a method of defence.
- b) Should a learner be found to be in possession of a weapon or instrument with the intent to use as a weapon, or be suspected of this fact, staff have a right to search the learner. However, in most cases staff will be directed to inform the authorities to maintain the safety of all.
- c) Should the weapon be deemed immediately dangerous, such as a blade or heavy blunt instrument, the Police may be called, and the learner will be detained (if safe for staff to do so). If the weapon is deemed to be more severe or it is not safe to detain the learner, the member of staff must trigger the The Oaks Lockdown procedure and call the Police.
- d) Should the weapon not be deemed immediately dangerous, such as a fake or toy weapon, the weapon will be confiscated and the learner will have an intervention meeting with the Head of College, who is also the Designated Safeguarding Lead and another member of SMT. This meeting will be documented.
- e) Any possession of weapons on The Oaks premises may lead to suspension and/or permanent exclusion for the learner. The Police may need to be involved and the learner could incur a criminal record.