



## LEARNING AND BEHAVIOUR POLICY AND EXCLUSION PROCESS

Updated August 2020

Approved by the Governing Body

**This policy links to and should be read in conjunction with the following policies:**

- Safeguarding and Child Protection Policy
- Drugs and Substance Misuse Policy
- Anti-Bullying and Harassment Policy
- Equal Opportunities and Diversity Policy
- Search and Confiscation Policy
- IT Security Policy
- Online Safety Policy
- Complaints, Compliments and Concerns Procedure
- Attendance and Punctuality Policy
- Exclusions Policy
- Identity Card Policy
- Assessment & Internal Verification Policy
- Assessment Malpractice Policy

### 1. Purpose

- 1.1 The Academy aims for all learners to have an enjoyable, safe and successful time while studying at Big Creative. The Academy expects learners to take responsibility for their learning and to work hard to achieve their learning goals. The Learning and Behaviour Policy aims to identify and support learners who are at risk of underachieving or failing their course and to keep staff and students safe.
- 1.2 This policy is based on the principles of mutual respect and responsibility, enabling learners to learn and staff to teach and support learning. These aims are supported by the Learning and Behaviour Contract (Appendix A).

### 2. Scope

- 2.1 The policy applies to all learners while they are enrolled at the Academy, including when on work placements, educational visits, trips and other external Academy activities. It also applies to Academy learners taking programmes through franchise partners who have been contracted to provide services on the Academy's behalf.
- 2.2 This policy also applies to learners behavior in and around the local community when on breaks and off timetable.

### **3. Summary of Stages**

3.1 The Academy will use the Learning and Behaviour Policy when a learner is alleged to have breached the Learning and Behaviour Contract. Whenever possible concerns and issues should be dealt with informally and the learner supported. The formal stage or serious incident should only be used when informal action has failed or is considered inappropriate.

3.2 The policy has two parts:

- The Formal Stage: this will be used to support learners, address issues and deal with minor breaches of the Learning and Behaviour Contract. It has three levels:
  - Cause for Concern
  - First Warning
  - Final Warning
- Serious Incident and Disciplinary Hearing will be used to deal with serious breaches of the Learning and Behaviour Contract. Learners have the right to appeal against the decision to withdraw or exclude them from the course and/or Academy (see Exclusion Process at Appendix B).

### **4. General Principles**

4.1 When a learner's behaviour is subject to this policy, whether at the formal stage or as a serious incident, the learner's lead tutor will support them, including:

- discussing concerns with the learner on attendance, punctuality, completion of work, and behaviour
- exploring particular reasons or extenuating circumstances including additional needs, safeguarding concerns and learning support.
- clearly explaining expectations around improvements and the possible consequences of not addressing these, which includes a first warning, final warning or being withdrawn from their course and/or the Academy
- devising an action plan with the learner to achieve their targets, recorded on their individual learning plan
- referring them to support and contacting agencies as necessary
- monitoring their progress
- gathering feedback from teachers/support staff in preparation for a review meeting

4.2 Learners with a learning difficulty or disability can access support in using the policy by contacting the Academy's Inclusion Lead. The Academy's Inclusion Lead will be notified when a learner with a learning difficulty, or disability is involved in a serious incident or subject to a disciplinary hearing. Reasonable adjustments will be made to the process to accommodate the needs of a disabled learner.

4.3 Communication with learners will be via their Academy email account. Learners will be:

- Given at least three working days notice in writing of a review meeting.
- Given at least five working days notice in writing of a disciplinary hearing
- Informed of the outcome of meetings and hearings in writing within three working days.

4.4 If a learner does not attend a review meeting or disciplinary hearing the Academy will make reasonable enquiries as to why they are not present and decide whether, in all the circumstances of the case, it is fair and reasonable to go ahead without them. If the meeting or hearing does go ahead without the learner being there, a decision will be made in their absence and they will be informed of the outcome.

4.5 For learners under 18 or vulnerable adults, a parent/carer/guardian will be invited to attend final warning meetings with at least three working days notice in writing and informed of the outcome of meetings in writing within five working days. They will be informed immediately when a learner is required to leave the Academy premises. Parents/carers/guardians will be informed of disciplinary hearings in writing within five working days and informed of the outcome in writing within five working days.

4.6 Where it has been identified that the Academy should not contact the learner's parent/guardian/carer, or there are strong indications that contact may impact on the learner's safety, the Academy reserves the right not to involve or inform the learner's parent/guardian/carer in the disciplinary process (at the discretion of a designated child protection nominee).

#### 4.7 Recording, Monitoring & Reporting

- Formal stage, serious incident and disciplinary hearing records are kept on the learner's file for the duration of their course.
- Records of serious incidents, disciplinary hearings, and exclusions are recorded on a central Academy database and are kept for five years electronically.
- Exclusions are flagged on the Academy MIS system for the period of the exclusion.
- Withdrawals, exclusions and appeals are monitored by equality and diversity categories and are reported to the Principal, the Academy senior management team and the Governing Body.
- Monitoring is used to identify equality and diversity issues and areas of action to address inequalities.

4.8 It is the responsibility of all Academy staff to promote and help make all learners aware of the Learning and Behaviour Policy and associated documents.

The Academy has a responsibility to tell learners at the start of their programme about the behaviour that is required of them and the type of action the Academy can take if they break the Learning and Behaviour Contract.

The Principal is ultimately responsible for the Learning and Behaviour Policy. On behalf of the Principal the decision to:

- Suspend a learner is delegated to member of the SLT
- Exclude a learner is carried out by the Principal or VP for Curriculum (see Exclusions Process at Appendix B)
- Withdraw a learner is delegated to the Director of Curriculum

All learners are required to follow the Learning and Behaviour Contract. By enrolling at the Academy, learners are agreeing to follow Academy policies, and the Academy may take action against learners who do not follow them.

4.9 When the Academy reasonably suspects that a learner has committed a criminal offence, the matter may be referred to the police.

When a learner has or may have breached the Learning and Behaviour Contract and the matter is being investigated by the police or is the subject of criminal proceedings, the Academy may start or continue with its own formal sanctions and procedures or it may decide to postpone further action pending the outcome of the police investigation/criminal case.

The Academy will not be bound by the results of a police investigation or criminal proceedings against a student. No learner will be automatically dismissed or otherwise disciplined because he or she has been charged with or convicted of a criminal offence.

## 5. Formal Stage

5.1 Wherever possible issues and concerns should be dealt with informally through discussion between the learner and teacher/tutor to establish the facts and circumstances. The formal stage should only be used when informal action has failed or is considered inappropriate. The Academy will use the formal stage to deal with alleged minor breaches of the Learning and Behaviour Contract. Minor Breaches may include:

- Poor attendance and/or punctuality (also see Attendance and Punctuality Policy)
- Not handing work in on time
- Handing in poor quality or insufficient work
- Poor or challenging behaviour such as talking at the wrong time, using mobile phones, inappropriate language
- Rudeness towards staff or other students
- Failing to follow a reasonable instruction made by a member of Academy staff
- Failing to attend both externally set or internally set exams that include vocational assessments, GCSE re-takes and functional skills

5.2 Entering the Formal Stage may result in a learner being withdrawn from their course and/or the Academy if agreed targets or behaviours are not met.

5.3 The formal stage has three levels: cause for concern, first warning and final warning. A progress meeting can be held at any time in the formal stage if targets have not been met with three working days notice in writing.

### (a) Cause for Concern (C4C)

A C4C can be raised and actioned by a teacher or tutor following informal action

A learner may have multiple C4Cs raised There is no automatic progression onto a first warning or final warning from a C4C. At a C4C review meeting:

- Targets are reviewed and progress discussed
- Outcome and action decided

Possible outcomes:

- No further action at this time, records stay on file and active
- C4C is reissued - targets set and a review meeting arranged
- Case is referred to the learner's personal tutor/subject leader
- First Warning is issued by lead tutor

### (b) First Warning

Examples of behaviour to warrant a first warning are continuous minor breaches of the Learning and Behaviour Policy as above. At a first warning review meeting:

- Targets are reviewed and progress discussed
- Outcome and action decided

Possible outcomes:

- No further action at this time, records stay on file and active
- First warning is reissued - targets set and a review meeting arranged
- Final warning is issued

### (c) Final Warning

Examples of behaviour to warrant a final warning are major breaches of the Learning and Behaviour Policy without being a serious incident (as outlined below). At the final warning review meeting:

- Targets are reviewed and progress discussed
- Outcome and action decided

Possible outcomes:

- No further action at this time, records stay on file and active
- Final Warning is reissued - targets set and a review meeting arranged
- Withdraw the learner from the course and/or Academy
- Academic exclusion at the discretion of the Principal or the Director of Curriculum

## **6. Serious Incident**

6.1 The Academy will use the Serious Incident part of the Learning and Behaviour Policy to deal with serious alleged breaches. Serious breaches may include:

- Persistent and serious disruption to the learning of others
- Serious actual or threatened violence, verbal abuse or bullying (also see Anti-Bullying and Harassment Policy)
- Being under the influence of illegal drugs or alcohol (see also the Drugs and Substance Misuse Policy)
- Possession of drugs, drug paraphernalia or alcohol
- Any illegal activity; including selling or taking non-prescription drugs, and carrying weapons
- Using technology to produce, access, send or download violent, obscene or offensive material or participate in cyber bullying
- Discrimination or harassment either directly or indirectly related to a person's race (colour, nationality, ethnic origin), religion or belief, age, gender, marital status, sexual orientation, gender orientation, or disability.
- Malicious damage to or theft of Academy/staff/student property
- Bringing serious harm to the reputation of the Academy
- Involvement in a Serious Incident and Disciplinary Hearing may result in a learner being excluded from the Academy.

6.2 Following a serious Incident, a senior manager, Duty manager or Security may require a learner to leave the Academy premises immediately if a learner's continued presence is likely:

- To constitute a threat to persons or property
- To cause undue disruption to the normal operation of the Academy

6.3 Examples of serious incidents/behaviour that may lead to a suspension are:

- physical assault
- carrying weapons
- selling drugs
- possession of drugs or alcohol
- significant safeguarding concerns of another learner in the academy

Following an incident or at any point during an investigation or prior to a disciplinary a senior manager may suspend a learner:

- To prevent a threat to persons or property
- To prevent undue disruption to the normal operation of the Academy
- To prevent interference with the investigation
- To protect the best interests of a learner

- A suspension is not a disciplinary penalty; it is an interim measure pending the outcome of a Serious Incident investigation and/or Disciplinary Hearing.
- When suspended, a learner must not return to Academy until they have permission to do so from the Principal
- While suspended, work and assignments will be sent to a learner's home or made available on their ILP, as appropriate.
- Parents/guardians will be contacted to inform them that the learner has been asked to leave the site.

6.4 A member of the Academy management team will act as investigating officer. They will:

- Carry out an investigation to establish the facts and circumstances
- Obtain statements from the learner or from any third parties, by interview or in writing
- Produce a report on the findings of the incident
- Recommend an outcome to the senior manager hearing the case within 5 days of the investigation being launched about the level of disciplinary hearing that should take place.
- Where there is a delay to the collecting of evidence or receiving a statement the student will be informed that the decision will be delayed on what the outcome will be.

Possible outcomes:

- No case to answer, no further action
- Issue a formal stage (first or final) - targets set and a review meeting arranged
- Required to attend a formal disciplinary hearing

6.5 For disciplinary hearings, the Academy will write to learners within seven working days of the incident, informing them of the outcome of the investigation. When possible, the hearing will take place within 12 working days of the incident. Learners will be sent a copy of the case against them as soon as possible, usually within seven working days of the incident, including:

- Confirmation of the alleged breaches of the Learning & Behaviour Contract and copies of evidence gathered during the investigation.
- Copies of documents that the Academy intends to rely upon at the hearing
- Statements from other students on some occasions may have names removed to ensure no young person is put at risk during the investigation process. This will be at the discretion of the investigating officer
- Given at least five working days written notice of the date/time of the disciplinary hearing
- Asked to provide a written statement of their response to the case at least 2 working days before the Disciplinary Hearing
- Where deemed appropriate and if a learner is under 18 or a vulnerable adult, parents and guardians will be also be provided with the information.

6.6 Learners can bring up to two people (for example: a friend, a relative or representative from the Learner Forum)

- Learners may not bring legal representatives with them
- With the Contract of the Academy, learners with particular requirements may bring three people.

6.7 Academy staff present at a Disciplinary Hearing includes:

- A Senior manager who has not been involved in the case, who will act as Chair
- Students tutor or Inclusion manager
- The Investigating Officer
- Minute taker

6.8 The process to be followed at the Disciplinary Hearing will be:

- The Academy (usually the investigating officer) will present the Academy case.
- The learner (or parent/carer/support person) will present their case.
- The Chair of the panel may ask questions.
- The Academy (usually the investigating officer) will summarise the Academy case.
- The learner will summarise their case, explaining any special circumstances.
- The Chair will adjourn, to consider their decision.

Possible Outcomes:

- Dismiss the case against the learner and re-admit the learner to their course/s
- Issue a Formal Stage (First or Final) - targets set and a review meeting arranged
- Recommend, as and where appropriate, that the learner:
- Replace damaged items
- Write an apology
- Seek support and guidance from external agencies to resolve issues raised as a result of the incident, for example, anger management
- Potential exclusion, in which case see the Exclusions Process at Appendix B

### **Inclusion Program**

Where a young person has been at the risk of exclusion due to a serious incident but is retained by the academy, they will be required to attend a six week inclusion program.

The program will provide:

- Behavior support and one to one mentoring
- Weekly meetings with the inclusion manager
- Review meetings with the student, parent/guardian, inclusion manager led by the Vice Principal for curriculum and quality
- Support sourced where appropriate from external agencies
- Referred where required to the counselling service.

## **APPENDIX A: Learning and Behaviour Contract**

The Learning & Behaviour Contract applies to all learners while they are enrolled at the Big Creative Academy, including when on work placements, educational visits, trips and other external Academy activities.

**The Learning & Behaviour Contract explains what you can expect when you become a student of Big Creative Academy and what we expect of you as a student at the Academy.**

The 'Academy' includes staff, service providers and visitors. We will provide:

- A workplace that practices and promotes equality and diversity for all learners and staff.
- Staff who follow Academy procedures and policies including the Learning & Behaviour, Equal Opportunities and Diversity, Anti-Bullying & Harassment, Health & Safety and Safeguarding Policies.
- An Academy where everyone is treated fairly and with respect.
- An Academy committed to improving and promoting sustainability.
- An induction to Academy student services and facilities.
- A tutor who will support your personal development, academic achievement and progression. If you require additional support we will provide it where possible.
- An individual learning plan (ILP) agreed by you and your tutor with guidance and feedback.
- Advice and support on moving to the next stage of your plans.
- Opportunities for you to tell us your views.
- Advice on how to use the Academy complaints and appeals procedures.
- Assignment and work assessments, which are, fair, consistent and understood by staff and students.
- High quality teaching from qualified and experienced staff, and learning using a range of teaching and assessment methods to meet learners' needs and abilities.
- An Academy where sessions start on time, with notification of changes or cancellation of sessions where possible.

### **Safeguarding**

Big Creative Academy is committed to ensuring your safety whilst enrolled on a study programme in accordance with our Safeguarding Policy. We may have to contact your parents, guardians, carers and extended family to ensure your safety. In signing this contract you agree to Academy members of staff contacting your families, regardless of your age, for safeguarding purposes.

### **What the Academy expects from Learners**

YOU should:

- Take an active role in and responsibility for your learning.
- Follow Academy policies, including the Equal Opportunities and Diversity, Anti-Bullying & Harassment, Online Safety Policy and Assessment Malpractice. Student related policies can be found on the Academy website.
- Practice and promote equality for all students, staff and visitors. Treat everyone with respect. Actual or threatened violence, verbal abuse or bullying will not be tolerated.
- Keep your tutor informed of any difficulties you have which affect your course, so that we can support you.
- Use the email account given to you by the Academy. The Academy will use this to communicate with you.



- Comment on your course/s and Academy services and make your views known.
- Act with sustainability in mind by considering the environment within everyday student life.
- Eat and drink in agreed areas only.
- Comply with any reasonable request made by any member of staff.
- Wear your student ID at all times around your neck, so that it is visible with the photo showing and give it to any member of staff when asked. You will not be allowed into the Academy without your ID.
- Behave responsibly and safely at all times when in the Academy.
- Attend your classes and inform the Academy immediately if you are going to be absent. Unauthorised absence for four weeks or more will result in you being withdrawn from your course.
- Arrive on time for lessons and be prepared with notebooks, pens and equipment etc.
- Complete and submit all your work on time and to an appropriate standard. Non-completion of coursework may result in you being withdrawn from a course.
- Use mobile technology, including phones, in an appropriate and responsible manner to support learning and in a way that does not disturb others or disrupt lessons.
- Respect other people's property and take care of equipment, resources, and buildings.
- Update the Academy with changes to addresses and phone numbers.

The Academy requires that you:

- Do not lend your ID to anyone.
- Do not smoke anywhere except in agreed areas
- Do not litter, spit or graffiti anywhere in the Academy buildings and grounds.
- Do not misuse the toilets.
- Do not produce, access, send or download any violent, racist, sexist, homophobic, obscene or offensive material or participate in cyber bullying
- Do not behave in any way that could bring the Academy into disrepute.
- Do not participate in any illegal activity; including selling or taking non-prescription drugs or carrying weapons.
- Do not distract or disrupt the learning of other students.
- Do not copy other students' work or the work of other people or download work from the Internet and present it as your own.
- Do not cheat in exams.

## Policies

This contract will be held centrally as proof that you adhere to all Big Creative Academy policies. All Academy policies can be found at: <http://www.bcepolicies.com/bca-policies/>

I confirm that I am aware of Big Creative Academy policies and agree to comply with them fully.

NAME.....

SIGNATURE.....

DATE.....

COURSE.....

## Appendix B: Exclusion Process

1. This process sets out procedures for the exclusion of students, which will only come into effect in at least one of the following circumstances:
  - That the disciplinary process laid out in the Learning and Behaviour Policy is exhausted – this is referred to as an academic exclusion
  - That there has been an incident of gross misconduct which endangers the safety of other students
  - That there has been an incident of gross misconduct which is unlawful.
  - There has been an incident of gross misconduct that brings the academy's reputation into disrepute
2. The exclusion of students is at the discretion of the Principal for gross misconduct and the Director of Curriculum for academic exclusions.
3. Learners and parents will be informed of the exclusion hearing by email and formal letter, sent via recorded delivery. These will be followed up by a phone call, which is logged, to ensure that both the learner and parents know that the exclusion hearing is taking place.
4. If a student is identified as a SEN learner the inclusion manager will be fully briefed on the incident and provide a report to the Principal on the strategies and support agreed with that learner.
5. If a learner does not attend their exclusion hearing, the Vice Principal of Curriculum will follow up with a phone call, which is logged, to investigate why the learner was absent and take a decision with the Principal whether to reschedule the exclusion hearing.
6. If a learner is excluded, formal notice will be provided in writing as soon as possible after a disciplinary hearing, usually within three working days.
7. Governors will be fully informed of all exclusions.

### Appeals

8. Learners have the right to appeal against an exclusion following a disciplinary hearing or the decision to withdraw them from the course and/or Academy.
9. To request an appeal, the learner must write to or email the Clerk to the Governing Body at within 10 working days of receiving notification of the exclusion.

Postal address: Big Creative Academy, Clifton Avenue, London E17 6HL

Email address: [victoria.spence@bigcreative.education](mailto:victoria.spence@bigcreative.education)

10. The appeal letter must clearly explain the reasons for requesting an appeal and include all statements and other documents that they wish to rely upon. Learners may request an appeal based on the following grounds:
  - New material evidence is available which was not reasonably available at the time of the exclusion.
  - The belief that the outcome or disciplinary process was unfair and/or resulted in a sanction that was excessive or disproportionate to the breach.

- The Learning & Behaviour Policy was not followed and this considerably disadvantaged the learner.
11. For information on independent support and guidance in making an appeal please contact the Clerk to the Governors.
  12. The Academy has the right to reject an appeal if the request for an appeal is not received within the set time or the grounds for requesting an appeal set out above are not met.

### **Appeal Hearings**

13. If an appeal is to be heard there will be an Appeal Hearing. The learner will be:
  - Given at least five working days written notice of the date/time of the appeal hearing.
  - Sent copies of all documents that were considered in making the decision that they are appealing against and any other documents the Academy intends to use in responding to the appeal.
14. Appeals should be heard within 15 working days of the exclusion notice.
15. Learners must attend the hearing in person. The following people may/may not attend an appeal hearing with a learner:
  - Learners can bring up to two people (for example: a friend, a relative or student representative).
  - Learners may not bring legal representatives with them
  - With the agreement of the Academy, learners with particular requirements may bring three people:
    - Learners with a learning difficulty and/or disability may bring a support worker.
    - Learners for whom English is a second language may have an interpreter.
  - Learners must inform the Clerk to the Governors at least three working days before the Appeal Hearing if they wish to bring three people or if they need help with arranging a support worker or interpreter.
16. Academy staff present at an Appeal Hearing include:
  - An Academy Governor, who will act as Chair.
  - An Academy senior manager who has not previously been involved with the case.
  - The Principal
  - A Personal Assistant (or equivalent) will take minutes of the Hearing.
17. The process to be followed at the Appeal Hearing will be:
  - The learner (or parent/carer/support person) will present their appeal, explaining any special circumstances
  - The Principal will respond to the appeal
  - The members of the panel may ask questions
  - The learner will summarise their appeal
  - The panel will adjourn, to consider their decision.
18. The panel may conclude the following outcomes:

- Allow the appeal (dismiss the exclusion/withdrawal) and readmit the learner to their course(s) - previous findings will be removed from the learner's record
  - Impose a further stage to the disciplinary process in place of the exclusion/withdrawal
  - Uphold the exclusion
19. The learner will be informed in writing of the outcome of the appeal as soon as possible, usually within three working days of the Appeal Hearing.
20. If you wish to appeal further, you can contact the Education & Skills Funding Agency or to look at whether your case was handled properly. They cannot overturn the exclusion.

<https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure>