



## LEARNING AND BEHAVIOUR POLICY

Updated August 2025

**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
- 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 whilst studying. The Academy expects learners to take responsibility for their behaviour and learning and to achieve their learning goals. The Learning and Behaviour Policy aims to support learners who are at risk of underachieving 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 support learning. These aims are supported by the Learning and Behaviour Contract (Appendix A). Any Learning and Behaviour Contract issued remains active through a learner's study programme at the Academy and is regularly reviewed by the Director of curriculum and the Deputy Director.

**1.3** This policy ensures that the support needs for vulnerable and SEN students are noted, understood and supported accordingly

### 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' behaviour in and around the local community when on breaks and off timetable.

### **3. Definition**

**3.1** Behaviour refers to the actions or reactions of a person in response to external stimuli or internal thoughts and feelings. It is often influenced by past experiences, attitudes, beliefs, and emotions. In learning, behaviour plays a significant role in the acquisition and retention of new knowledge and skills. Behaviour is the demonstration of attitudes towards learning and/or the Academy.

**3.2** The Academy Categorises behaviour into two paths: Academic and Conduct. Please note the below list is not exhausted.

#### **Academic:**

*Examples of behaviour that impacts learning*

- Attendance
- Punctuality
- Communication with staff
- Submission of work
  - Online misuse and Abuse
- Following the absence procedure
  - Attendance to Exams
- Quality of Work
- Cheating
- Discrimination of any kind
- Harmful Sexual Behaviour
- Not following the Academies Values

#### **Conduct:**

*Examples of behaviour that impacts the Academy and others.*

- Failure to wear an ID or use of another Students ID
- Smoking/ Vaping in the Building
- Property & Equipment damage
- Bullying of any kind Plagiarism
- Engaging in or supporting Illegal Activities
  - Not aligning with Academy Values
- Not following classroom expectations/rules
- Not following instructions

Both Behaviour paths are separate but come under the same umbrella.

### **4. General Principles**

#### **4.1 Values**

Learners are to behave in a way that aligns with and promotes the five values of the Academy.

- Kindness
- Respect
- Inclusivity
- Authenticity
- Integrity

#### **4.2 Attendance and punctuality.**

- Learners must have above 90% attendance to all lessons on the study program, including Maths, English and Wellbeing.
- Learners must be on time for all lessons throughout the college day.
- Learners must contact tutors if they are running late or not going to be present, via email (from BCA account to staffs work email) or calling the reception.

#### **4.3 Dress Code:**

We encourage students to use clothing as a form of creative expression, but we do ask all students to be mindful that the college is a professional environment. Therefore, we ask students not to wear:

- Clothes that offend others
- Items that expose significant amounts of flesh such as bra-lets, excessively short crop tops, transparent clothing and exceptionally short skirts, dresses or shorts
- Clothing with discriminatory, Political, explicit or sexual slogans or images
- Hoods whilst inside the building
- Excessively high heels
- Balaclavas
- Excessively low trousers that reveal underwear or underclothing
- String vests
- Appropriate length for skirts/shorts/dresses is nothing higher than 15cm from the knee

#### **4.4 Illegal Activity**

Please note that where illegal activity is suspected, the Academy reserves the right to report to external agencies. Including but not limited to: The Police, Social Services, the LADO.

Learners should not partake in any illegal activity both on and off site, such as:

- Being under the influence of illegal drugs or alcohol (see also the Drugs and Substance Misuse Policy)
- Any illegal activity; including selling or taking non-prescription drugs
- Being in possession of weapons
- Theft or robbery
- Possession of drugs, drug paraphernalia or alcohol
- Malicious damage to Academy, staff or students' property

#### **4.5 Technology**

Learners are to use technology in a safe and secure manner, learners should not:

- Use technology to harm, threaten or bully others.
- Use mobile technology, including phones (unless directed to by staff) in lessons
- Produce, access, send or download any violent, racist, political, sexist, homophobic, obscene or offensive material or participate in cyberbullying
- Copy other students' work or the work of other people or download work from the Internet and present it as your own.
- Record, film or photograph any person without their permission, nor distribute this media.
- Use AI to complete work or assessments without being instructed • Distribute any violent/racist/sexist or political material.
- Sexting, Produce and/or share any sexual photo and videos of and by any young person.

#### **4.6 Bullying**

The Academy does not tolerate bullying of any kind, this may include:

- Serious actual or threatened violence, verbal abuse or bullying (also see Antibullying and Harassment Policy)
- Using technology to produce, access, send or download violent, obscene or offensive material or participate in cyberbullying
- Demonstrate any form of bullying towards peers and staff members.

- 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
- Record, film or photograph any person without their permission, nor distribute this media.

#### **4.7 Assessment**

Learners are required to:

- Meet all deadlines set for assessments, completing work to a passing standard.
- Not copy other students' work or the work of other people or download work from the Internet and present it as your own.
- To hand in all re-submissions for referred work.
- To attend all exams both Vocational and Core.

#### **4.8 Environment** Learners

should not:

- Smoke or vape anywhere except in agreed areas
- Litter, or graffiti anywhere in the Academy buildings and grounds
- Misuse the toilets.
- Behave in any way that could bring the Academy or its reputation into disrepute
- Malicious damage to or theft of Academy/staff/student property
- Eat or drink in classrooms

#### **4.9: Harmful Sexual Behaviour**

Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected to inappropriate, problematic, abusive and violent.

HSB can occur online and/or face to face and can also occur simultaneously between the two. (See also Safeguarding and Child Protection policy)

Any incidents of reported harmful sexual behaviour will be investigated by the Designated Safeguarding Leads (DSL's).

Where a student has an EHCP, the Designated Safeguarding Lead will collaborate with the SENCO to ensure all support needs are met and understood. The SENCO or the SEND Academy Manager will attend meetings to support the student.

Where a student has a SEN support requirement, the Designated Safeguarding Lead will consult with the SENCO to understand support needs and ensure these needs are met.

### **5 Behaviour intervention**

**5.1** 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. Learners will be supported to find strategies to allow them to self-regulate their behaviour and feel calm and safe. Referrals to Student Services and DSL's to be made where appropriate.

The SENCO, SEND Academy Manager or Learning Coaches will be included in steps of the policy as outlined throughout.

The formal stage or serious incident should only be used when informal action has failed or is considered inappropriate.

## 5.2 The behaviour intervention is split into two paths:

*NB Where a student has SEN support requirements but no EHCP, the SENCO or SEND Academy Manager will decide where support is needed throughout the two paths. This will depend on the varying diagnosis and / or support needs*

### Academic:

**ACFC** – Issued by any member of the Academy Staff, if behaviour continues issue first warning. C4C can be logged throughout the intervention model.

**A1**– Held by tutor (target reviewed in 3 weeks if no improvement issue Second Warning

**A2**– Held by CAL (targets reviewed in 3 weeks, if no improvement, request final warning) – Referral to Deputy Director

**A3**– Held by HOC (targets to be reviewed in 3 weeks if no improvement, request exclusion meeting) If there is no improvement learner will progress to an exclusion hearing. (please refer to Appendix B)

Academic	Stage	Who	When	EHCP student support
A-CFC **	Cause for Concern	Any member of Staff	Any behaviour that is against Academy policy.	Learning coaches to attend discussions
A-1 ***	First Warning	Tutor	3 Cause for concerns	SEND Academy Manager to support meeting
A-2	Second Warning	Curriculum Area Lead	Not meeting First warning targets, reviewed after 3 weeks	SEND Academy Manager to support meeting
A-3	Final warning (Place at Risk meeting)	Head of Curriculum	Not meeting Second warning targets, reviewed after 3 weeks	SENCO Senior Manager to support meeting

\*\* Where a SEN student is considered for the A-CFC, the tutor will firstly ensure that all SEN support strategies are being implemented. If they have been implemented the A-CFC can be issued. Where strategies have not yet been implemented, the A-CFC is not issued, strategies are implemented and a review meeting is agreed. After the implementation of support strategies, if concerns persist, the A-CFC will be implemented.

\*\*\* An urgent Annual Review will be arranged where an EHCP student is noted to not be responding to agreed and documented strategies.

### Conduct:

If an incident occurs the seriousness of the incident will determine the outcome:

**C-CFC** – Issued by any member of the Academy Staff, if behaviour continues issue first warning. C4C can be logged throughout the intervention model.

**C1** – Held by tutor (target reviewed in 3 weeks if no improvement issue Second Warning) – Referral to Deputy Director

**C2** – Held by CAL (targets reviewed in 3 weeks, if no improvement, request final warning)

**C3**– Held by HOC (targets to be reviewed in 3 weeks if no improvement, request exclusion meeting)

If there is no improvement learner will progress to an exclusion hearing. (please refer to Appendix B

Conduct	Stage	Who	When	EHCP student support
C-CFC	Cause for Concern	Any member of Staff	Any behaviour that is against Academy policy.	
C-1	First Warning	Tutor	3 Cause for concerns	Where a safeguarding concern the SENDCO Senior Manager will be notified
C-2 **	Second Warning	Curriculum Area Lead	Not meeting First warning targets, reviewed after 3 weeks	Where a safeguarding concern the SENDCO Senior Manager will attend
C-3	Final warning (Place at Risk)	Head of Curriculum	Not meeting Second warning targets, reviewed after 3 weeks	SENDCO Senior Manager will attend

\*\* An urgent Annual Review will be arranged where an EHCP student is noted to not be responding to agreed and documented strategies.

### 5.3 A) Cause for Concern

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. Parents/Guardians are not contacted when a cause for concern is issued.

#### 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

The tutor will issue the first warning and arrange a meeting with the learner.

Examples of behaviour to warrant a first warning are continuous minor breaches of the Learning and Behaviour Policy as above. Parents/carer are informed of the first warning meeting but do not need to attend.

At a first warning meeting:

- Targets are set and progress discussed
- Outcome and action decided
- Students are encouraged to reflect on their feelings and how to manage their behaviour
- The targets set in the first warning meeting will be reviewed in 3 weeks. If the targets have not been met then a second warning is issued.

Possible outcomes:

- No further action at this time, records stay on file and active
- Second warning is issued
- Referral to student services team

**C) Second Warning**

Tutors will issue the second warning, and the Curriculum Area Lead will hold the meeting. Examples of behaviour to warrant a Second warning are not meeting the targets set in the first warning or continuous breaches of the Learning and Behaviour policy. Parents/Carer are informed of the Second warning meeting and will be invited to attend.

At a Second warning meeting:

- Targets are set and discussed
- Outcomes and actions decided
- Students are encouraged to reflect on their feelings and how to manage their behaviour
- The targets set in the Second warning meeting will be reviewed in 3 weeks. If the targets have not been met, then a final warning is issued.

Possible outcomes:

- No further action currently
- Students are encouraged to reflect on behaviour and actions
- Referral to Deputy Director for Behaviour intervention
- Targets reviewed 3 weeks after the meeting has taken place.
- Referral to student services team

**D) Final Warning (Place at Risk)**

The Head of Curriculum holds final warnings, examples of behaviour to warrant a final warning are not meeting the targets set in the second warning, and major breaches of the Learning and Behaviour Policy without being a serious incident (as outlined below). At the final warning review meeting:

At the final warning review meeting:

- Targets are reviewed and progress discussed
- Outcome and action decided
- Students are encouraged to reflect on their feelings and how to manage their behaviour

Possible Outcomes:

- No further action currently
- Students are encouraged to reflect on behaviour and actions
- Referral to Deputy Director for Behaviour intervention
- Targets reviewed 3 weeks after the meeting has taken place.

- Referral to student services team

## **E) Exclusion Hearing**

The Director of Curriculum holds Exclusion hearings for academic concerns, and the Principal holds the Exclusion hear for Conduct concerns.

Examples of behaviour to warrant an exclusion hearing are not meeting place at risk targets, or a serious incident where the outcome of the investigation is to move towards an Exclusion hearing.

Academy staff present at Exclusion Hearing includes:

- The Director of Curriculum or the Principal
- The Investigating Officer
- Minute taker
- When required, a Deputy Director
- When required, Designated Safeguarding Leads
- When required, the SENDCO Senior Manager

The process to be followed at the Exclusion 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 extenuating 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 Warning (First, Second or Final) - targets set and a review meeting arranged by relevant staff member
- Seek support and guidance from external agencies to resolve issues raised because of the incident, internal or external referral to safeguarding team or mental health officer
- Permanent exclusion, in which case see the Exclusions Process at Appendix B
- Fixed-term exclusion
- Attendance to a mediation meeting

### **5.4 Intervention Program:**

This can be introduced at any time within the intervention process. Learners will be required to attend a six-week intervention program.

The program will provide:

- Behaviour support and one to one mentoring
- Weekly meetings with the Deputy Director of Curriculum, connected to behaviour and identify strategies to help with self-management
- Review meetings with the student, parent/guardian, Deputy Director for Behaviour and/ or the Director of Curriculum and Quality

- Support sourced where appropriate from external agencies by the student services team
- Referred where required to the mental health leads to support the student in identifying stress triggers, where previous trauma may have impacted their behaviour
- Referral to the SEN Department to support the student in understanding and expectations, where a student has an EHCP or high support needs

The Deputy Director will collaborate with the SENCO Senior Manager to ensure that EHCP needs are understood and being met within the intervention programme.

### **5.5 Over 18.**

If a learner is 18 years old or over, then parents/carer will not be contacted unless learners have given written consent to their tutor or any member of staff.

### **5.6. A) Role of tutor with interventions.**

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

- discussing concerns with the learner on attendance, punctuality, completion of work, and behaviour
- Using language easily understood in all communication to support the students understanding of Academy expectations and behaviour.
- Being mindful of a student's gender, ethnicity and ensuring they feel represented in any disciplinary panel.
- Exploring reasons or extenuating circumstances including additional needs, safeguarding concerns and learning support, understanding any impact of transition, their developmental needs and how this may impact behaviour,
- Clearly explaining expectations around improvements and the possible consequences of not addressing these. Referring learners to student services to ensure the young person can reflect on their feelings and learn to manage them more effectively.
- Explaining the purpose of 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
- Monitoring their progress
- Gathering feedback from teacher's/support staff in preparation for a review meeting with parents and the student to everyone is fully engaged in supporting the learner.

**B)** Communication with learners will be via their Academy email account. Learners will be:

- Given at least three working day's 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.

**C)** 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.

- D)** 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 before a learner is required to leave the Academy premises. Parents/carers will be informed of disciplinary hearings in writing within five working days and informed of the outcome in writing within five working days.
- E)** Where it has been identified that the Academy should not contact the learner's parent/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/carer in the disciplinary process (on the approval of DSL's). A responsible adult will be allocated to the learner to advise them, support them and ensure they fully understand the process.

### **5.7: 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 leadership team and the Governing Body.

5.8 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 SMT
- Exclusion of a learner is carried out by the Principal or Director of Curriculum
- Withdraw a learner is delegated to the Director of Curriculum and DSL

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 act against learners who do not follow them.

**5.9:** If a learner is placed on a Learning and Behaviour contract upon returning to Big Creative Academy, the contract's terms will supersede any clauses within this policy. Should any of the terms be broken, the learner will forfeit their place at BCA without appeal.

**5.10:** A learner must be withdrawn from the study programme, where the student has not been attending classes for 4(four) consecutive weeks (excluding holidays). Where a student has not been withdrawn but has been absent for more than 4 weeks, there must be auditable evidence of an intention to return subject to any ongoing safeguarding concerns.

**5.11** Learners with a learning difficulty or disability can access support in using the policy by contacting the Designated safeguarding leads. 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 learner, using clearly defined structures and systems for supporting students with SMEH needs.

## **6: Serious Incidents**

**6.1** The Academy will use the Serious Incident part of the Learning and Behaviour Policy to deal with serious alleged breaches. Please note this list is not exhaustive, serious breaches may include:

- Persistent and serious disruption to the learning of others
- Actual or allegations of serious actual or threatened violence, verbal abuse or bullying (also see Antibullying and Harassment Policy) this applies to both students and staff
- Suspected to be under the influence of illegal drugs or alcohol (see also the Drugs and Substance Misuse Policy)
- Possession of drugs, 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
- Actual or allegations of 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.
- Incidents of Harmful Sexual Behaviour
- Smoking or vaping inside the academy building.
- 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 Place at Risk meeting may result in a learner being excluded from the Academy.
- Cheating in exams
- Plagiarism
- Non attendance to an exam
- Producing or distributing sexual imagery

**6.2** Following a serious incident, a member of the senior management team, 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
- The incident requires a detailed investigation to take place.
- Serious breach of safeguarding

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

- Any incident that involves direct or indirect discrimination relating to gender, sexuality, race, culture or disability.
- Serious incident that brings the Academy reputation into disrepute.
- Incidents of harmful sexual behaviour.
- Smoking or Vaping inside the Academy building.

### **6.3 Cooling Off Period**

A cooling off period may be used up to a maximum of 3 days, where it is not believed appropriate to suspend a student. The student will be given work to complete remotely during this 3 day period.

- A cooling off period is at the discretion of the Senior Management Team or Duty Manager
- After the cooling off period, the student must meet an appropriate Academy manager before returning to classes.
- A learner will be asked to submit a statement
- Within these 3 days an investigation will take place

The following outcomes may be reached after a 3 day cooling off period:

1. A learner may be issued with a CFC or a first/second/final warning
2. If there is further evidence provided during a cooling off period, the learner may be formally suspended
3. In the event that a learner is formally suspended they will be expected to work remotely whilst the investigation is concluded this can be up to approximately five working days in addition to the three-day cooling off period.

### **Examples of Serious incidents/behaviour that may lead to a cooling off period are:**

- Allegations of bullying including in person online/cyber bullying
- Allegations of discrimination
- Malicious or vexatious allegations
- Peer on peer conflict/arguments/disagreements

\*Please note list is not exhaustive

A suspension is an interim measure pending the outcome of a serious incident investigation. It does not mean that a learner has been found guilty.

Following an incident or at any point during an investigation or prior to a disciplinary hearing a member of the Senior Leadership Team or Duty 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

- When suspended, a learner must not return to Academy until they have permission to do so from the investigating officer
- While suspended, work and assignments will be sent to a learner's home or made on google classroom, as appropriate
- Parents/carers of students under 18 years old will be contacted to inform them that the learner has been asked to leave the site
- Parents/carers of learner with an EHCP will be contacted to inform them that the learner has been asked to leave the site ensuring suitable travel arrangements have been made

**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
- Speak to all staff involved with the student to ascertain any identified support needs, behavioural concerns or trauma and stress that maybe impacting on a student's behaviour.
- Speak to student services and safeguarding team
- Speak with the SENDCO Senior Manager or SEND Academy Manager Senior Manager to understand support needs
- Produce a report on the findings of the incident, including any mitigating factors.
- 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 and where appropriate parent/carer 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 warning (first, second or final) - targets set and a review meeting arranged
- Required to attend a formal disciplinary hearing
- Required to attend an Exclusion meeting
- If the student has an EHCP the SENDCO Senior Manager will arrange where appropriate an Annual Review of the EHCP and notify the Local Authority. Outcomes of the Annual Review will determine which of the above possible outcomes will be applicable

**6.5** For disciplinary hearings, the Academy will write to learners within five working days of the conclusion of the investigation as outlined in paragraph 6.4, informing them of the outcome of the investigation. Where this is not possible the investigating officer will inform the learner and explain why.

When possible, the hearing will take place within 12 working days of the conclusion of the investigation. Learners will be provided with:

- Confirmation of the alleged breaches of the Learning & Behaviour Contract
- Given at least five working days written notice of the date/time of the disciplinary hearing
- If a learner is under 18 or a vulnerable adult, parents and guardians will also be provided with the information.

**6.6 Learners** can bring up to two people, for example: a friend over 18 years of age (this cannot be a current student at the Academy), or a relative:

- Learners may not bring legal representatives with them
- Learners with learning support or safeguarding needs may bring up to three people

**6.7** Academy staff present at a Disciplinary Hearing includes:

- A member of the Senior Leadership Team who has not been involved in the case, who will act as Chair
- The Investigating Officer
- Minute taker
- When required, a Deputy Director
- Designated Safeguarding Leads
- When required, the SENDCO Senior Manager

**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 extenuating 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 by relevant staff member
- 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 because of the incident, internal or external referral to safeguarding team or mental health officer
- Potential permanent exclusion, in which case see the Exclusions Process at Appendix B
- Potential fixed-term exclusion
- Attend a mediation meeting

## **7. Internal progression - Learner Contract**

**7.1** Where there are concerns regarding a learner's internal progression within the Academy that is linked to the Learning and Behaviour policy, they will be issued a 'Learner Contract' (See Appendix C – Learner Contract)

**7.2** The Learner Contract will be issued towards the end of the learners' first Academic year at the Academy, issued by the Head of Curriculum and/or the Deputy Director.

**7.3** The Learner Contract outlines the concerns regarding progression and issues the conditions of internal progression.

**7.4** The Learner Contract will be reviewed within the first 6 weeks upon a learner's return the Academy in the new Academic Year.

**7.5** Breaches of the above conditions will lead directly to a Place at Risk Meeting with the Principal / Director of Curriculum and Quality and DSL's.

## **8. SEN Learners**

All students that have enrolled to Big Creative Academy are expected to take responsibility for their behaviour and learning. It is understood; however, some students may require additional support to understand implications of their behaviours. The students that have identified additional needs known to the Academy or an EHCP will be supported as outlined throughout this policy.

EHCP students will be supported throughout each step by either their Learning Coach, SEND Academy Manager or the SENCO Senior Manager.

Non EHCP SEN students will be supported as required, the level of support will be agreed by the SEND Academy Manager or the SENCO Senior Manager.

## **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.

### **Safeguarding**

Big Creative Academy is committed to ensuring your safety whilst enrolled on a study programme in accordance with our Safeguarding and child protection policy. We may have to contact your parents/carers to ensure your safety.

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

- Do not lend your ID to anyone.
- Do not smoke anywhere except in agreed areas
- Do not attempt to add any staff member via social media platforms
- Do not contact staff outside of working hours (Monday to Friday/9-5pm) unless it is a safeguarding or mental health concern, at which point this will be passed to the safeguarding team for follow up
- Do not litter, spit or graffiti anywhere in the Academy buildings and grounds.
- Do not misuse the toilets.
- Do not use mobile technology, including phones (unless directed to) in lessons.
- Do not produce, access, send or download any violent, racist, sexist, homophobic, obscene or offensive material or participate in cyber bullying, this is in relation to both staff and peers
- 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.
- Do not download, print, distribute political or religious propaganda.

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

YOU should:

- Take an active role in and responsibility for your learning.
- Take responsibly for your behaviour and working with staff to engage in support strategies.
- Follow Academy policies, including the Equal Opportunities and Diversity, Antbullying & 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. Noncompletion of coursework may result in you being withdrawn from a course.
- Use mobile technology, including phones in an appropriate and responsible manner around the Academy.
- When directed to, use mobile technology, including phones to support learning in a way that does not disturb others or disrupt lessons.
- Respect other people's property and take care of equipment, resources, and buildings.
- Follow the Academies dress code.
- Update the Academy with changes to addresses and phone numbers.
- Provide two emergency contacts for parent/carer, or responsible adult above the age of 21

## 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 expectations and agree to comply with them fully.

NAME.....

SIGNATURE.....

DATE.....

COURSE.....

## Appendix B: Exclusion Process

### Exclusion Hearing:

The exclusion hearing is held by the Director of Curriculum and Quality if Academic and the Principal and/or a member of SLT if it is due to Conduct, supported by DSL's when appropriate. The place-at-risk meeting takes place if the targets from the final warning are not met or if a serious breach of the learning and behaviour policy has taken place. A serious incident (see 6) could result in an exclusion hearing taking place. Parents/Carers are informed and invited to the Place at Risk meetings and exclusion hearings.

The panel at an exclusion hearing will consist of:

- Chair – Member of SLT
- Deputy Director

- Investigating Officer
- Note taker

At an Exclusion Hearing:

- The Target's previous set are reviewed.
- The case (serious incident) is reviewed • Opportunity for learners to reflect and talk.
- Evidence is presented by an investigating officer (Serious incident)

Possible Outcomes:

- No case to answer, no further action
- Issue a formal stage (First, Second or final) - targets set and a review meeting arranged
- Required to attend a formal disciplinary hearing
- Withdraw the learner from the course and/or Academy
- Permanent academic exclusion decided by the Principal or a member of SLT.
- Fixed term exclusion to provide time for both the student and the Academy to risk assess the support and safeguarding needs of the student and assess their ability to meet the expectations of the Academy.
- Referral to the Deputy Director for Behaviour
- Referral to student services team and or external agency.

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 academies reputation into disrepute
2. The exclusion of students is at the discretion of the Principal or a member of SLT for gross misconduct and the Director of Curriculum and Quality 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 Behaviour lead will follow up with a phone call, which is logged, to investigate why the learner was absent and take a decision with the Principal or Director of Curriculum and Quality whether to reschedule the exclusion hearing or make a decision in their absence

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.
8. Fixed term exclusions will only be considered where a risk in relation to safeguarding have been considered and also the ability of the student with support to be able to meet the behaviour expectations of the Academy. During any fixed term exclusion course work will be sent home and access to support will be arranged through online sessions or phone calls. The length of a fixed term exclusion will be decided by the Chair of the exclusion panel.

## **Appeals**

9. 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.
10. 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: [Mark.Shaw@bigcreative.education](mailto:Mark.Shaw@bigcreative.education)

11. 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.
12. For information on independent support and guidance in making an appeal please contact the Clerk to the Governors.
13. 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.
14. Students with an EHCP may require reasonable adjustments to be made and relevant services to be involved

## **Appeal Hearings**

14. 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.

15. Appeals should be heard within 15 working days of the exclusion notice.
16. 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.
17. 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.
18. 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 or SLT member who chaired the exclusion hearing 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.
19. 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
20. 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.
21. 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>  
<https://www.gov.uk/government/organisations/education-funding-agency/about/complaints>  
<https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure>

