

BHASVIC

STUDENT BEHAVIOUR POLICY

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STUDENT BEHAVIOUR POLICY

1. Policy Statement

- 1.1. BHASVIC's vision is to be a contemporary, creative learning community. We value learning, respect, inclusivity & collaboration. This policy is based on Attachment Aware Guidance provided by Brighton & Hove Local Authority¹ and has included input from staff, representatives from the governing body, parents and carers, and students.
- 1.2. We believe that an inclusive and positive college ethos, which promotes high standards of behaviour and a focus on the emotional health and wellbeing of all the college community², leads to better outcomes for everyone.
- 1.3. We expect that the behaviour of all members of the college will support a calm and purposeful atmosphere which respects others and enables effective learning to take place.
- 1.4. In choosing to study at the college we ask all students to sign a college contract (Appendix A), demonstrating their commitment to share and promote the core values of the college.
- 1.5. We encourage students to become independent lifelong learners who are aware of our expectations of them as members of the college community, and who seek to develop self-discipline, taking responsibility for themselves and others to recognise the impact of their actions and choices in maintaining welfare, safety and happiness for all.

2. Policy Scope

- 2.1. The Instrument & Articles of Government (Article 18.3) requires that: "After consultation with representatives of the students, the Corporation shall make rules concerning the conduct of students, including procedures for their suspension and expulsion (including expulsion for an unsatisfactory standard of work or other academic reason)."
- 2.2. This policy applies to all BHASVIC students and will be implemented by all members of staff. The accompanying procedures should be used when a student breaks the college contract or any other college policy as outlined on the main college website, MyBHASVIC App or in the A-Z Student Guide.
- 2.3. The Principal has responsibility for student behaviour, and only they or their delegated alternate³ can suspend or exclude students on disciplinary grounds.
- 2.4. All staff have a responsibility to assist in maintaining good student behaviour, not only in the classroom, but in all college-related activities on and off site and online. This policy and accompanying procedures provide a framework to assist staff in implementing a fair and transparent system for dealing with any disciplinary situation that may arise whilst a student or students are members of the college community.

¹ *Developing and Attachment Aware Behaviour Regulation Policy: a relationship-based approach to inclusion* (September 2018) [Behaviour Regulation Policy Guidance - Sep 18_1.pdf \(brighton-hove.gov.uk\)](#) and [BHSS advice](#)

² *Community is defined as staff, students, parents/carers, governors, members of partner organisations including employers and our neighbours*

³ *The Principal may delegate authority for temporary exclusion (i.e., suspension) to the Deputy Principal, Vice Principals, Assistant Principal, Guidance Team, Heads of Faculty or Senior Support Staff Manager (e.g., Head of Student Experience; Head of Student Support). The Principal may delegate authority for permanent exclusion to the Deputy Principal or Assistant Principal (Student Services).*

3. Policy Aims

- 3.1. To maintain a learning and working environment which is safe, fair and promotes a whole college approach to positive behaviour management.
- 3.2. To help create an environment in which all people and property are respected and everyone is encouraged to take responsibility for their own behaviour.
- 3.3. To maintain clear boundaries and expectations about behaviour which establishes a consistency of approach that is used in a fair and equitable manner by all staff.

4. Policy Details

- 4.1 BHASVIC's mission is to transform lives through learning, to promote a culture of learning that allows all students to achieve above and beyond what they think is possible, and where staff and students are supported, valued and developed as individuals in a safe environment, knowing that their wellbeing is key to our success.
- 4.2 Students are responsible for meeting the requirements placed on them by the college contract and student code of conduct (Appendix A), which states clearly their obligations. This is a condition of enrolment at BHASVIC and all students sign their agreement to this contract when they enrol. Further guidance on the college's expectations of students is set out on the main college website, myBHASVIC App and the A-Z Student Guide. The college's expectations are explained to new students during induction and tutorial, as part of the '6Rs' (responsibility, respect, reliability, resilience, resourcefulness, risk-taking) and '5 Ways to Wellbeing' (connect, be active, take notice, keep learning, give).
- 4.3 The college will support students who are finding it difficult to meet the college's expectations by setting them clear targets and providing support to meet these, via the Support Plan system (see Appendix B), which will assist them to get back on track to succeed. Full details of the system are also available on the main college website, myBHASVIC App and the A-Z Student Guide.
- 4.4 We will support staff in their efforts to uphold BHASVIC's expectations by taking a bounded, firm response to a student whose behaviour breaks the college contract and code of conduct. This includes where behaviour may mean continued study at the college is becoming unsustainable (see Appendix C)
- 4.5 Formal behaviour management procedures leading to exclusion or removal will only be used when initial, supportive strategies have been unsuccessful, and there will usually be a sequential progression through the Support Planning and /or 'sustainable study' stages except in exceptional circumstances; or where a student is involved in a serious breach of the college contract or college policy, constituting serious or gross misconduct (Appendix C).
- 4.6 Support Plans are staged using a traffic light system with Yellow, Amber and Red stages, followed, if necessary, by a 'final contract' or 'sustainable study' stage. The setting of a Support Plan with a student involves communication/meetings between the student and relevant staff. Each Support Plan identifies what the concerns are and sets targets. Discussion is focused on the student's responsibility in meeting these targets, as well as how the student will be supported in achieving them. Support Plans can be for a specific subject or 'cross-college' if problems are occurring across more than two subjects, in tutorial or outside lessons.
- 4.7 If the Support Plan has reached 'final contract' and continued study appears to be becoming unsustainable, parents/carers are usually contacted directly, unless there are exceptional circumstances. Failure to meet a 'final contract' in a subject will mean that continued study is not considered sustainable, despite supportive interventions, and normally results in the student being removed from that course. Failure to meet a cross-college 'final contract' normally results in the student being asked to leave college or permanent exclusion (see Appendix B, C, D and E).
- 4.8 Permanent exclusion of a student is the last resort in the behaviour or 'sustainable study' process, although there will be occasions when it is appropriate to temporarily exclude or suspend a student as a first step in a behaviour management process. This may include temporary exclusion to help manage risk to self or others, pending further supportive intervention, risk assessment or support plan (see Appendix C).

- 4.9 The power to permanently or temporarily exclude or suspend a student may be exercised only by the Principal or a delegated alternate⁵. Once a decision to permanently or temporarily exclude or suspend has been made, the Principal or their delegate must take all reasonable steps to inform the student, and their parent / carer, in writing (usually via e-mail), as soon as possible. No student under 18 should normally be required to leave the premises following a decision to exclude or suspend, unless or until all reasonable attempts have been made to inform the parent / carer by telephone.
- 4.10 The student (or parent / carer, if the student is under 18) has the right of appeal against a permanent exclusion to the Corporation.
- 4.11 The exclusion procedures, including appeals procedure are attached as Appendix E.
- 4.12 Students under 18 will usually be accompanied by their parent / carer during any disciplinary or behaviour management investigation. Students over 18 have a right to be accompanied by a 'Family Representative' who is any lay person able to support the student during the proceedings. This includes another student, a friend from outside the college, the student's personal tutor, another teacher, parent, carer or other relative. Legal representation will not generally be allowed unless prior approval is obtained from the college and as outlined in Appendix E.

5 Responsibilities

- 5.1 It is the responsibility of **all students** to adhere to this policy, to agree to the College Contract and to follow the Student Code of Conduct, maintaining a respectful and safe college community, both onsite and online.
- 5.2 It is the responsibility of **all staff** to implement this policy and procedures, to help maintain positive student behaviour, to deal with and/or report any incidents or breaches of college expectations and to support students who may be involved in an incident.
- 5.3 It is the responsibility of the **Vice Principal (Student Services)** to ensure that staff and students are aware of this policy and relevant procedures in support of its aims.
- 5.4 Members of the **Senior Leadership Team**, primarily the Vice Principal (Student Services), or their delegates (primarily the **Guidance Team**, assisted by **Heads of Faculty** or **Senior Support Staff Managers** (e.g., **Head of Student Experience; Head of Student Support**) are responsible for implementing 'sustainable study' procedures or behaviour management / disciplinary measures following an incident of misconduct.
- 5.5 It is the responsibility of the **Vice Principal (Student Services)** to ensure that procedures for exclusions, including temporary exclusions or suspensions, are followed by members of college staff when dealing with an incident of misconduct. They must also ensure that **the Principal** is informed of a decision to exclude in cases of serious misconduct, where a disciplinary investigation and possible permanent exclusion may be required.
- 5.6 **The Governing Body** is responsible for ensuring that the college has appropriate policies and procedures in place which promote high standards of behaviour and wellbeing, and which minimise the risks of unsustainable study or incidents of misconduct occurring. These policies and procedures should effectively resolve any such incidents should they occur and be updated regularly

6 Monitoring and Review of Policy

- 6.1 This policy will be reviewed every three years or more frequently if necessary and this will involve consultation with student representatives.

⁵ See 2.3 above

7 Student Attendance: statement, aims and scope

7.1 The college expects students to maintain high levels of attendance and punctuality. Regular and full attendance and punctuality have a direct and positive impact on a student's ability to achieve. Low attendance and punctuality can frustrate the achievement of the individual and disrupt the learning of others. This policy aims to assist all students to take responsibility for their full and prompt attendance at college. Doing so will enhance their learning experience, develop their personal skills and promote high achievement, retention and successful progression into continued study or employment.

7.2 This policy applies to all state funded students who study during the day time at BHASVIC. This policy does not apply to students who are taking evening language courses at the college. This policy will be implemented by all teachers and personal tutors, aided by the Attendance, Guidance and Student Support and Experience teams. The specific expectations regarding student attendance are set out in the college contract (Appendix A) on the main BHASVIC website, and in the A-Z Student Guide, via myBHASVIC App. They are reinforced to students, parents and carers as part of the induction process and New Parent Information Evenings.

7.3 Specifically, the college aims to:

- Promote excellent student attendance and punctuality.
- Support students who are experiencing genuine difficulties in attending college.
- Publish and implement attendance and punctuality monitoring procedures which are understood by all students, staff and parents/ carers.

7.4 The college will do this by:

- Monitoring student attendance and punctuality for all scheduled commitments within guided learning hours.
- Discouraging students from taking unauthorised absence at any time, and making clear to students and parents/ carers the implications of doing so.
- Ensuring that there are effective procedures in place to deal with unauthorised or prolonged absence and poor punctuality.
- Identifying 'at risk' students quickly and taking appropriate action.
- Emphasising to students that good attendance and punctuality is an important part of the college contract and that poor attendance and punctuality by an individual impacts on the quality of learning of others.

8 Student Attendance - Expectations:

8.1 **Attendance:** Our expectation is that students are full-time and attend in-person, being punctual to all their scheduled commitments including tutorial, Personal Development workshops and other activities which form part of their Guided Learning Hours, e.g., Skills and Progression Weeks.

8.2 Students need to maintain a sustainable level of in-person, face-to-face attendance. Whilst we utilise digital technology (for example, Microsoft Teams) where appropriate, to assist teaching and learning, our primary method of lesson and tutorial delivery is 'in-person' and 'on-site'. We therefore expect our students to attend all lessons and tutorial activity 'in-person' and 'on-site' in order to access the primary teaching and learning, to enable progress and to achieve their potential. This is more fully described in our Sustainable Study position statement (Appendix C) "What does study at BHASVIC look like?"

8.3 On accepting a place at the college, students sign a contract with BHASVIC which outlines this expectation and to which they must agree in order to enrol (Appendix A). Attendance which consistently falls below 90% is likely to negatively impact on achievement. Students who do not resolve declining attendance rates will usually be required to agree to a Support Plan (Appendix B) with clear actions to improve (see 4.3-4.7, above).

8.4 **Punctuality:** The college expects punctual arrival to all lessons, tutorials workshops and other college commitments. Students who are unable to make the start times to lessons should communicate with their teacher and personal tutor to resolve difficulties. If a student is late, the teacher/tutor must use the appropriate late mark in the register and record the number of minutes that the student is late. Students who do not resolve ongoing poor punctuality will usually be required to agree a Support Plan (Appendix B) with clear actions to improve.

- 8.5 **Absence:** Students should not miss a lesson or tutorial unless they have followed the correct procedure for absence outlined to them in induction and in the A-Z Student Guide on the college's website and MyBHASVIC App:
- It is the student's responsibility to communicate effectively with the college in respect of all absences and to arrange to catch up with all the work they have missed, preferably before the next scheduled lesson.
 - Students whose absence is above 10% over the duration of a term would normally be considered of concern. In such cases staff are likely to support the student to improve their attendance and this will be recorded in a Support Plan which is also sent to parents/carers.
 - The Guidance Team will work closely with Attendance staff to spot patterns for students who are falling below college thresholds of 90%. Personal Tutors will monitor attendance through half termly reviews and the Head of Guidance and Guidance Team will lead on recommendations for rewards and sanctions for individuals or groups of students. Sanctions may include a comment on the student's college reference for persistent unexplained absence.
 - If a student's absence levels remain of significant concern and do not noticeably improve following supportive interventions as outlined in the Sustainable Study position statement (Appendix C) and Support Plan process (Appendix B) they are likely to be removed from a subject or, if across two or more subjects, asked to leave the college. Decisions about a student's continuation in a subject or at the college will be made by the Guidance Manager, in consultation with all stakeholders including the student and parents/ carers.
- 8.6 **Reasonable Adjustment for high levels of absence:**
- In cases of high levels of absence, the college will help all its students towards success. Where students require special help, the college will offer what extra support it can. The level of support available is defined by the limits of the college's resources and not by what it takes to enable a particular student to succeed.
 - There can come a point where it is no longer in the educational interests of the student to continue with a subject or their studies. This is where study has become unsustainable – please refer to the Sustainable Study position statement (Appendix C)
 - 'Educational interests' includes everything to do with the student's educational development but, centrally, their success in their studies.
 - The sole arbiters of 'educational interests' are the relevant college staff.
 - In making judgements about educational interests, college staff will always be guided, but not determined in their judgement, by all other relevant parties' advice.
 - When a student is deemed unlikely to succeed in their studies, owing to absence, they will normally be asked to leave.
- 8.7 If any of the following points apply to the causes for a student being asked to leave, then a re-start may be considered, but is not guaranteed:
- Causes were due to circumstances outside the student's control, such as significant ill health.
 - Evidence is available to show that causes, such as health, are not likely to trigger a repeat of the problems which occurred (for example, because there is a decrease in their acuteness or causes can be better managed).
 - Causes are not linked to attitude to learning, motivational or disciplinary problems.
 - It is in the student's educational interests to restart.

In all cases, including when deciding on a request for a re-start, the college will consider whether continued study in the course or at the college is sustainable (see Sustainable Study position statement – Appendix C)

9. Student Attendance: 16-19 Bursary

- 9.1 Awards of bursaries will be dependent upon students maintaining full-time attendance (usually above 90%) and displaying satisfactory behaviour at college. It is important to note that the college is accountable to the Department for Education for administration of bursary funds within the national guidelines and is audited annually on this duty.

10. Student Attendance: Specific Roles and Responsibilities

- 10.1 **All Students:** must closely follow the guidance set out in the attendance section of the A-Z student guide on the main college website. Students have responsibility to communicate as early as possible regarding any matters affecting their full attendance and punctuality.
- 10.2 All **Parents/ Carers** are asked to ensure that they support their young person's ability to meet college expectations by not arranging family holidays during term time and by providing evidence of authorised absences. Parents/ carers can access ongoing attendance data via the ParentPortal and through termly Progress Reviews. Parents and carers are asked to monitor their young person's attendance and to communicate with the college if attendance is not above expected levels of 90% or more.
- 10.3 All **Staff:** are required to know and follow published procedures on student attendance.
- 10.4 The **Attendance Team:** will contact the parents/ carers of a sample of students who were absent without prior notification on a daily basis by telephone or text message. The parents and carers of all students whose attendance or punctuality is causing concern will be specifically selected for contact.
- 10.5 **Teachers and Personal Tutors:** are required to monitor attendance accurately through the timely completion of registers and other relevant college procedures laid out in the staff handbook. Students whose attendance or punctuality is causing concern should be set clear and appropriate targets for improvement and must be supported to achieve these targets. This is likely to be via a Support Plan, which is also sent to parent/carers.
- 10.6 **Guidance Managers:** will make decisions about removal from subjects or the college in regard to cases where a student's absence is of serious concern. They will also provide higher level interventions for students whose attendance remains a concern despite support. Guidance Managers will consult students, parents/ carers and teachers on any matters to do with extended absence, charges or extenuating personal circumstances.
- 10.7 **Student Support Team:** will assist in cases where Mental Health is cited as a reason for poor attendance, providing advice to all stakeholders on relevant supportive strategies from internal and external sources; and feeding into a cross-college assessment of sustainable study (see Appendix C)
- 10.8 **The College:** will meet the requirements of the SEND code of practice and will make reasonable adjustments in the case of unavoidable absence (see 8.6) whilst ensuring continued study remains sustainable. (see Sustainable Study position statement – Appendix C).

11. Bullying and Harassment: statement, aims and scope

- 11.1 The college has a firm commitment to equality, diversity and inclusion and will not tolerate the bullying or harassment of any member(s) of its community by others. The aim of this policy is to assist all members of the college community to develop a working environment in which bullying and harassment are known to be unacceptable and where individuals have the confidence to complain about harassment and bullying, should they arise, in the knowledge that their concerns will be dealt with confidentially, appropriately and fairly.
- 11.2 The college welcomes diversity and believes that every student has a right to work and study in an environment which encourages safe and harmonious relationships. The college is committed to preventing bullying and harassment and its commitment to equal opportunity is enshrined in its Equality, Diversity and Inclusion Policy.
- 11.3 Under the Equality Act 2010 (which incorporates the Human Rights Act 2000, Race Relations Act 1976, Sex Discrimination Act 1975 and the Protection from Harassment Act 1997), every student is personally liable if they are involved in discriminating against or harassing someone else.

- 11.4 Allegations of bullying and harassment will be treated very seriously by the college and will be investigated by a college manager. If any parties are guilty of bullying or harassment this is very likely to result in disciplinary action being taken against the perpetrator(s).
- 11.5 The college will take measures to ensure that any student raising a genuine concern under this policy is not victimised as a result of investigations and/or actions taken in response to their concerns.
- 11.6 As allegations of bullying and harassment are very serious and may carry significant implications for anyone accused, the college will also treat any such allegations proven to be malicious as a disciplinary matter.
- 11.7 The college will also treat very seriously allegations of the harassment and/or bullying of a member of staff by a students or students and, if such allegations are proven, they are likely to be the subject of disciplinary action.
- 11.8 The college will normally investigate any incidents of bullying or harassment which have taken place during the college day and within the college grounds or online if both parties involved are members of the college (staff or students). If the reported incident involves people outside the college community, normally, any person(s) reporting such incidents to the college will be advised as to whom else to contact regarding their concerns (for example, the police).
- 11.9 This policy relates to all students who are studying at the college. A separate policy on Dignity at Work exists for staff and advice on this may be obtained from the Human Resources Department.
- 11.10 Incidents of bullying or harassment which involve:
- one or more BHASVIC student(s) and any member of staff (including temporary staff and volunteers),
 - student(s) at the college and any person(s) the college considers a local neighbour or resident,
 - both parties who are students at the college;
- are within the scope of this policy for investigation and/ or action by the college
- 11.11 Incidents that involve external parties to the college are not within the scope of this policy, though affected student(s) and /or their parent(s) or carer(s) will be offered advice.
- 11.12 Such incidents may, however, be considered by the college when assessing risks to other members of the college community and may still lead to an investigation by a college manager.
- 11.13 In such cases, preventative actions may follow for victims or perpetrators of incidents of bullying or harassment, if the college considers these to present a risk to individuals or wider members within the college community.
- 11.14 Incidents of bullying and harassment which take place in person or through any other medium, including online, are within the scope of this policy.

Bullying & Harassment: Procedures

- 11.15 If a student or other person at the college experiences, or witnesses, bullying either in college or online, the most important thing to do is report it. Students can contact their Personal Tutor, Guidance Manager, Student Support team in the Student Services Centre, or any other member of staff. To report via email, use safeguarding@bhasvic.ac.uk or contact Reception (dial 0 or 1).
- 11.16 Further information is available on the 'Student Support' sections of the main college website, MyBHASVIC App and the A-Z Student Guide, as well as posters around the campus.

12. Social Media Policy

12.1 Copied below are expectations of students regarding their social media use and behaviour

9.2 Students:

Must be conscious of the need to maintain the terms and conditions of their College Contract when using Social Media, specifically:

- “We take pride in belonging to the college and recognise we are ambassadors for the good name and reputation of the college as a whole. This applies both on and off-site and on and off-line. We will show consideration for others and... engage positively with ...the community.”

And the **Student Code of Conduct**:

“Be polite and respectful in all interactions and be aware of the way in which your behaviour and communication impacts on the reputation of the college. “

9.3 Students:

- Must not engage in activities involving social media which might bring the college into disrepute.
- Must not represent personal views as those of the college.
- Must not discuss personal information about students or staff.
- Must not use social media and the internet in any way to attack, insult, abuse or defame students, staff, their family members, colleagues, other professionals, other organisations or the college.
- Must be considerate of their colleagues if posting media items such as photos, videos.

9.4 Do:

Be Professional, Responsible and Respectful

- maintain the terms and conditions of your Student Contract when using Social Media
- be accurate, fair and transparent when creating or altering online sources of information.

9.5 Don't:

- engage in activities involving social media which might bring BHASVIC into disrepute
- represent your personal views as those of BHASVIC on any social medium
- discuss personal information about students or staff at BHASVIC on college social media sites
- use social media and the internet in any way to attack, insult, abuse or defame students, their familymembers, colleagues, other professionals, other organisations or BHASVIC.

13. Substance Misuse: statement, aims and scope

13.1 The college aims to create an environment and culture of respect for health and professionalism in both our students and staff. The college is committed to promoting wellbeing in students and the prevention of illegal activities and the harmful consequences associated with substance misuse. It is our view that the use and misuse of drugs and alcohol by those studying at the college can cause problems for the individual, those immediately concerned with them, and the broader community.

13.2 In keeping with the approach to drugs awareness and education, the college is committed to managing substance misuse issues through active education and awareness, promotion of local drugs and alcohol services, and prevention and efficient management of misuse.

13.3 The college is a no smoking site. This means no student or other person is allowed to smoke or vape on college premises (including toilets), or in the immediate surroundings, including in and around gateways, entrances, exits and pathways through the campus.

13.4 The Community Officer, Estates team and any member of staff will move students and others away from the college premises if they are causing a nuisance by smoking, vaping and/or blocking college entrances, exits and pathways.

13.5 Smoking or vaping presents a risk to health and financial wellbeing. Vaping or smoking indoors sets off the fire alarm system. This means the building is evacuated and the Fire

Service are automatically alerted to come to college. Lessons are disrupted and students lose valuable learning time. Most importantly, it is a needless drain on the emergency services and wastes their time.

- 13.6 Students who do not adhere to this are dealt with by disciplinary procedures, as outlined by the college contract and student code of conduct. Any student who is caught smoking or vaping on site is breaking their college contract. If a student is responsible for setting off fire alarms, through vaping or any other means, this will constitute gross misconduct, with immediate suspension.
- 13.7 This policy refers to the use of drugs, alcohol, tobacco and other substances, both legal and illegal, when used for the purpose of intoxication, recreation or general misuse. 'Illegal drugs' refers to any substance included under the provision of the current Misuse of Drugs Acts. Where the document refers to drugs, this includes alcohol, tobacco, illegal drugs, medicines, novel psychoactive substances ("legal highs") and volatile substances, unless otherwise specified.
- 13.8 This policy covers all daytime students and any incidents or evidence will be assessed by a college manager to determine the right course of action. This means that a student who is over 18 will be treated in the same way as a student who is under 18 by members of staff.
- 13.9 This policy relates to all college premises and settings, such as work placements and other college related activities, such as trips and visits.
- 13.10 This policy aims to ensure that we:
- Educate our students about the impact to them and those around them of substance misuse.
 - Minimise the risk of harm to our students.
 - Address concerns about the welfare of our students
 - Identify and respond to students who do not respect the learning environment
 - Deal with criminal activity appropriately and respond to activity that is in breach of the college contract and student code of conduct (Appendix A)
- 13.11 **Substance Misuse: procedures**
To fulfil these aims the college will develop and implement procedures to:
- Promote awareness of the effects of substance misuse and longer-term harm caused alcohol and tobacco use.
 - Identify instances or individuals where there are grounds for concern relating to substance misuse and initiate actions to keep them safe or impose disciplinary or 'sustainable study' measures.
 - Facilitate effective partnership working with local and national health organisations.
 - Ensure that all staff receive appropriate training and support in managing smoking or vaping on site and dealing with substance misuse by students.
 - Respect the rights of our students to make decisions about their own health and wellbeing with regard to the consumption of tobacco, unless this is in conflict with our legal duties.
 - Consider the impact of any changes in college procedures to all stakeholders, including students, parents, carers, staff, neighbours and local partners (such as Sussex Police).
- 13.12 **Substance Misuse: Incident Management**
Incidents involving substance use and misuse may occur in some of the following ways:
- a) Incidents of inappropriate intoxication and intoxicated behaviour within class or college settings.
 - b) Aggressive, threatening or insulting behaviour resulting from substance misuse, especially if causing a disturbance in class/public areas or a health and safety risk (e.g., if operating equipment). Such behaviour is unacceptable and is likely to constitute serious or gross misconduct.
 - c) Unusual or worrying behaviour, such as extreme drowsiness, unusual reactions to situations, facial expressions, loss of balance or muscular control, social withdrawal, demeanour of tiredness and anxiety.

- d) An ongoing build-up of concerning behaviour, which may be very similar in nature to someone suffering from difficulties with their mental health.
- e) The selling or supply or harassment to buy drugs, by students or others wherever college activity takes place.
- f) The possession of illegal substances by students or others wherever college related activities take place.

13.13 The Student Behaviour Policy and procedures should be followed in dealing with an incident - see Appendix D & E below: Misconduct and Exclusions for Misconduct

13.14 Where any member of staff has reason to believe that a student may have committed a criminal offence in which the college has an interest, the college reserves the right to refer the matter to the police. If the college has reasonable belief that a student is in possession of illegal substances, the police will normally be informed.

13.15 If an incident is suspected to involve illegal drugs, or a student has brought into the college premises or is under the influence of alcohol, then a senior manager or delegate (Head of Guidance or Guidance Manager, Head of Faculty or Senior Support Staff Manager e.g., Head of Student Experience or Head of Student Support) should be consulted to support in managing the incident.

13.16 Any screening, searching or confiscation of substances, whether they are known to be or suspected to be illegal, should only be carried out by a senior manager or delegate, usually in the presence of another member of staff, using the same 'search' protocols as outlined below (section 12) for suspected offensive weapons or stolen items.

13.17 Substance Misuse - Key guidelines staff should use when responding to incidents:

- a) Protect, as far as possible, the interests of the student concerned. There may be occasions when the student's alcohol or substance misuse, or the alcohol or substance misuse of parents and carers, raises safeguarding concerns. In these cases the college's Safeguarding and Child Protection Policy and Procedures will need to be followed.
- b) Protect other children and young people.
- c) Tackle dealing of drugs more severely than substance (mis) use.
- d) Reinforce the educational emphasis on knowledge, awareness and skill development.
- e) Challenge prevalent social norms or stereotypes related to drugs, alcohol or tobacco and their use (for example, stereotypes around who is most likely to be involved in misuse or supply)
- f) Provide support in relation to children and young people's needs.
- g) All incidents will be centrally recorded by the Designated Safeguarding Lead or Deputy, usually discussed with the Principal and assessed to determine whether a police investigation is required.
- h) Where there is any doubt or uncertainty in how to proceed with an incident, a member of the Senior Leadership team or their delegates should be involved in a decision as to whether to call the police. This is particularly important with regard to searching and/or confiscation.

14 Offensive Weapons

14.1 It is a criminal offence for any student to bring to college, or carry around college, an offensive weapon. It is also a criminal offence to threaten anyone with an offensive weapon. The college has a statutory duty to inform the police in the event of any incidents involving the use of offensive weapons.

14.2 The legal definition of an offensive weapon is: "any article made or adapted for use for causing injury to the person or intended by the person having it with them for such use by them or by some other person. (This definition includes a disguised knife)". This definition also covers situations where every day normal items found in college such as furniture, sports equipment, tools etc are used to cause physical harm and can be included under the term offensive weapon.

- 14.3 As with substance misuse, where any member of staff has reason to believe that a student may have committed a criminal offence, the college reserves the right to refer the matter to the police. If the college has reasonable belief that a student is in possession of an offensive weapon, parents and carers will be informed at the earliest opportunity and advice will normally be sought from the police.
- 14.4 If there is reason to believe a student may be in possession of an offensive weapon, staff may screen students' belongings for knives or offensive weapons, with or without their consent in accordance with the [current DfE national confiscation guidelines on searching, screening and confiscation in education settings](#) (see section 12, below). Any screening, searching or confiscation should only be carried out by a senior manager or delegate, usually in the presence of another member of staff, using the same 'search' protocols as outlined below (section 12).
- 14.5 Any student who causes physical harm, or threatens others, whether or not this involves an offensive weapon, is breaking the College Contract; and incidents of this nature will be treated as serious misconduct with immediate suspension, pending disciplinary investigation. (see Exclusions for Misconduct – Appendix D and E).

15 Search Procedures (illegal substances, offensive weapons or stolen items)

- 15.1 Where there is reason to believe a student may be breaking their College Contract (for example, by being in possession of an illegal substance, alcohol, fireworks, stolen goods, weapon or other item likely to cause distress or harm) staff at the college have statutory powers to screen or search students.
- 15.3 Screening can happen with or without a student's consent, in accordance with the [current DfE national confiscation guidelines on searching, screening and confiscation in education settings](#). However, any screening, searching or confiscation should only be carried out by a senior manager or delegate, for example Community Officer, in the presence of another member of staff, using the same 'search' protocols as outlined below.
- 15.4 Although the use of '[reasonable force](#)' which involves physical contact, is permitted in exceptional circumstances in educational settings (for example, to guide a student to safety or to prevent violence or injury) physical contact will be avoided, wherever possible, in screen and search procedures. A student will usually be asked to empty pockets, bags or to open a locker. The reason for the request, which demonstrates why there is 'reasonable cause for concern or suspicion', will be given by the member of staff. If the student refuses the request, they may be asked to leave the premises and further investigation will be initiated, according to the Behaviour Management Policy (Appendix D and E).
- 15.5 An appropriate location for the search should be found. Where possible, this should be away from other students. The search must only take place on the college premises or where the member of staff has lawful control or charge of the student, for example on a college trip.
- 15.6 The law states the member of staff conducting the search must be of the same sex as the student being searched. There must be another member of staff present as a witness to the search.
- 15.7 There is a limited exception to this rule. This is that a member of staff can search a student of the opposite sex and/or without a witness present only:
- if the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; and
 - in the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is same sex as the student or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.
- 15.8 When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept.
- 15.9 If there is sufficient concern that a student is in possession of an offensive weapon, prohibited or illegal items, then the police should be called immediately.

- 15.10 If the police are not able to attend quickly then, if it is felt safe to do so in a secure area, a designated member of staff may question a student. Two members of staff should be present at all times and at least one of the two people carrying out the questioning must be of the same sex as the student.
- 15.11 If the student admits to carrying a prohibited item, then it should be confiscated and the student disciplinary procedure will be instigated. The item should be handed to the police at the earliest opportunity. If they do not comply then they can be asked to leave the premises and disciplinary action may be instigated
- 15.12 Any search by a member of staff for a prohibited item and all searches conducted by police officers should always be recorded in the college's safeguarding reporting system (CPOMS), including whether or not an item is found. This will allow the designated safeguarding lead (or deputy) to identify possible risks and initiate a safeguarding response if required.
- 15.13 Parents and carers should always be informed of any search for a prohibited item listed in paragraph 15.1, and the outcome of the search as soon as is practicable. A member of staff should inform the parents/carers of what, if anything, has been confiscated and the resulting action the college has taken, including any sanctions applied.
- 15.14 Students with Special Educational Needs or with limited understanding of English may need a further explanation of what is expected in any situation involving searches or screening.
- 15.15 Due regard should be paid, at all times to equality, diversity and inclusion in initiating search and screening procedures. The college will monitor whether the searches fall disproportionately on any particular groups by analysing the recorded data. This is the responsibility of the EDI Officer and Designated Safeguarding Lead. In such cases where searching is falling disproportionately on any group or groups, they should consider whether any actions should be taken to prevent this to ensure the college meets its duties under the Equality Act 2010.

16 Related documents

- Acceptable Use of Computers (Students) Policy
- A-Z Student Guide
- Bring Your Own Device Policy
- College Contract and Student Code of Conduct
- Complaints Policy
- Coursework Deadline Policy
- Educational Visits and Out of College Activities Policy and Procedures
- Equality, Diversity and Inclusion Policy
- Health and Safety Policy
- Instrument and Articles of Government
- Safeguarding and Child Protection Policy to Promote the Welfare of Children and Young People
- SEND Policy
- Site Security Policy and position statement
- Student Assessment Policy
- Student Charging and Financial Support Policy
- Student Voice Strategy
- Support Planning System and Flowcharts

IMPORTANT DOCUMENT – PLEASE READ

Our vision is for BHASVIC to be a contemporary creative learning community. We value learning, respect, inclusivity and collaboration. In choosing to study at the college we ask you to sign this contract, demonstrating your commitment to share and promote the core values of the college.

Behaviour - BHASVIC is a learning environment

We expect that the behaviour of all members of the college will support a calm and purposeful atmosphere which respects others and enables effective learning to take place.

Happy - BHASVIC promotes wellbeing

We understand that emotional health and wellbeing supports positive learning and achievement. As members of the college we will take care of ourselves and others, recognising the impact of our actions and choices in maintaining welfare, safety and happiness.

Active - BHASVIC expects active participation to help everyone achieve their full potential

We will make the most of our time at college. We will attend all timetabled commitments and arrive on time, fully prepared to engage positively in all activities. We will look for ways to broaden experiences beyond the purely academic, and take opportunities to get involved in wider college enrichment.

Successful – BHASVIC supports a 'high challenge: low threat' ethos

We recognise and celebrate success in all forms, but understand that success usually comes from hard work, grit and determination. We will not be afraid to learn through failure. We will work hard and give of our best, following the '6 Rs' to become reflective, resourceful, resilient, responsible and respectful risk-takers.

Valued – BHASVIC values respect and inclusivity

We celebrate the fact that college is a diverse community. We value all members and will treat everyone with fairness and respect, expecting adherence to our established codes of conduct.

Independent – BHASVIC encourages independence







We aim to develop the skills for independent lifelong learning. We know we need to become well-informed and innovative thinkers who are able to access the learning tools we need throughout our time at college. We aim to know how and when to ask for help, but will seek to develop self-discipline and self-reliance in order that we can take this forward in our lives beyond college.

Community – BHASVIC believes in uniting for the common good









We take pride in belonging to the college and recognise we are ambassadors for the good name and reputation of the college as a whole. This applies both on and off-site and on and off-line. We will show consideration for others and actively respect the college environment, and that of the wider local area, engaging positively with our neighbours and the community.







College Contract

BHASVIC Student Code of Conduct – while attending college, it is expected that you will:

Attendance & Punctuality		Be respectful, professional and mature, behaving in a way that promotes a co-operative, positive and productive learning environment. Bring essential equipment and arrive on time.
		Participate in all learning activities and commit to completing at least 13.5 hours independent study, outside lessons, each week.
		Attend full-time; we expect above 90 per cent. If absent, make sure you (or a parent/carer) contacts the attendance team and follows procedures to authorise all absences. Do not take holidays in term time.
		Communicate with your teacher or tutor if you miss lessons and make sure you complete all work which you have missed, preferably <u>before</u> your next lesson.
		Report to reception if a member of staff does not arrive at a scheduled lesson after 10 minutes and you have not received instructions from elsewhere.
		Attend all tutorial sessions, and participate positively in all college learning activities, including Personal Development, Skills, Progression, Work Experience, Employability and Enrichment workshops and online provision



Participation & Communication		Make sure that the work you submit for assessment is your own. Complete work to the best of your ability and meet all deadlines. Know how to seek help when you need it and take up the support offered.
		Avoid working for more than ten hours a week in any part-time job during term time, as it is likely to impact negatively on your learning. Protect some 'out of hours' time for your own wellbeing; and limit college communications with staff to weekdays and term-time where possible.
		Take responsibility for staying up-to-date with all college communication. Download myBHASVIC App, and turn notifications on. Regularly check Teams, e-mails and other myBHASVIC notifications.
		Take opportunities to contribute to the student voice process, student union, student forum and wider college enrichment activities, clubs and societies. Participate in trips and visits where possible.
		Do not smoke or vape onsite or in surrounding areas. Be careful not to block entrances and exits or public footpaths when in a group.
		Take pride in the college and surrounding local environment. Keep all areas clean, tidy and free from litter. Eat and drink in designated areas only. Respect the property of the college, its staff, other students and visitors.
		Pay all fees and charges promptly or seek advice on bursary or financial support from Student Services.
		Be polite and respectful in all interactions, including online, and be aware of the way in which your behaviour and communication impacts on the reputation of the college.

Safety & Security		Carry your ID badge at all times while at college and show it if asked by any member of staff. Do not allow anyone else to use your ID card: if lost or stolen, report this to Student Services reception and get a replacement.
		Meet friends from other schools or colleges off-site and do not invite any non-BHASVIC person into college. Inform a member of staff immediately if non-BHASVIC students are on the premises. All authorised visitors must sign in at reception and wear valid ID.
		Report inappropriate or unsafe behaviour, including bullying and harassment, both on and off-line. Avoid using inappropriate language which may offend others.
		Take responsibility for your use of IT and make sure that such usage is safe, responsible and legal, taking note of the college's "IT Acceptable Use" and 'Bring Your Own Device' policy.
		Treat college as a place of work. You must not consume or be under the influence of alcohol or drugs whilst on site or be in possession of any alcohol, illegal substances or offensive weapons.
		Follow all other BHASVIC policies and procedures, as published on the main college website and always follow instructions from a member of staff in relation to Health & Safety and Site Security procedures.

College Contract:

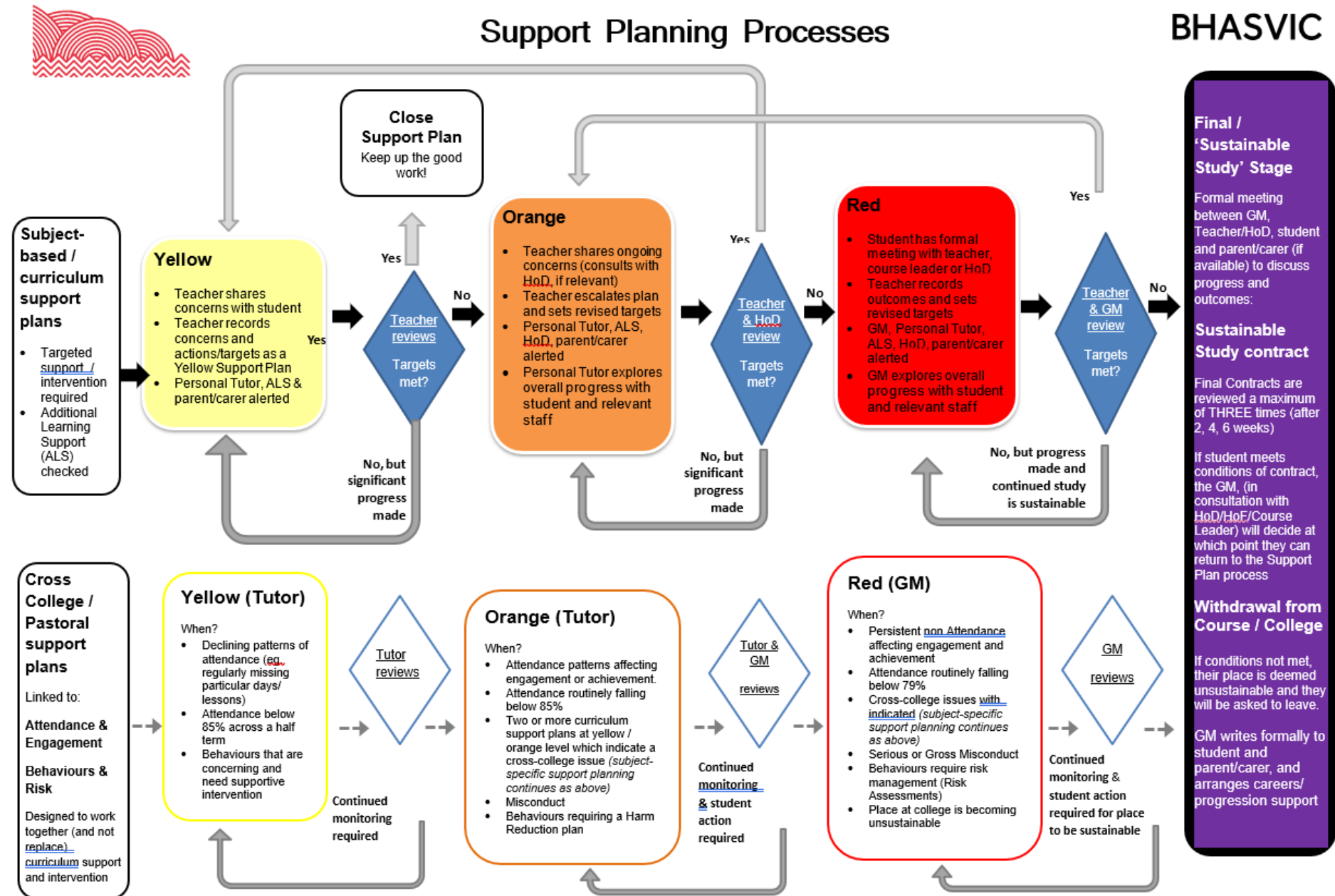
- I agree to maintain positive standards of behaviour throughout my time at college.
- As a BHASVIC student I understand my responsibilities as a member of the college community and a partner in the learning process. I will engage with college materials in a mature and reflective manner, understanding that content and learning may be challenging at times, but trust that the college will take all reasonable steps to manage this in a sensitive, inclusive and professional manner.
- I will take part in supportive interventions, including support plans and sustainable study procedures, as necessary.
- I accept that I may be asked to leave, if, following supportive interventions (as outlined in the Student Behaviour Policy), my place on a course or continued study at college is no longer considered sustainable.
- I agree to uphold the values outlined in the college contract and to meet all commitments within the student code of conduct.

SIGNED:

DATE:

members of the College Community

Appendix B: The Support Plan System and Flowchart





Sustainable Study – position statement (Appendix C)

BHASVIC's mission is to transform lives through learning, to promote a culture of learning that allows all students to achieve above and beyond what they think is possible, and where staff and students are supported, valued and developed as individuals in a safe environment, knowing that their health and wellbeing is key to our success.

We aim to be a contemporary, creative learning community; and to value learning, respect, inclusivity & collaboration. We have taken these values into account in developing this position statement. This Appendix to the Behaviour Policy has been developed by pastoral support and curriculum teams, in conjunction with key stakeholders, and is approved by the governing body.

1. What does 'sustainable study' look like at BHASVIC?

- a) We are a college for full time students, and are funded based on each student completing a minimum of 580 Guided Learning Hours each year.
- b) We provide an all-round education to ensure students develop 'skills, values and breadth' through an holistic study programme which makes up the Guided Learning Hours (GLH). This study programme therefore combines compulsory academic, enrichment and personal development strands, which includes tutorial, careers, work-related and wellbeing activities.
- c) We expect students to attend all elements of their study programme and meet their Guided Learning Hours in full.
- d) Our teachers and tutors plan subject content to be delivered 'face to face' and 'on site'.
- e) Whilst we utilise digital technology (for example, Microsoft Teams) where appropriate, to assist teaching and learning, our primary method of lesson and tutorial delivery is 'in-person' and 'on-site'. This is because we believe in-person, classroom-based teaching and learning deepens knowledge, consolidates understanding and helps to embed good learning practices.
- f) We therefore expect our students to attend all lessons and tutorial activity 'in-person' and 'on-site' in order to access the primary teaching and learning, to enable progress and to achieve their potential.
- g) Where a student is absent, it is their responsibility to contact the teacher/tutor to access lesson materials and complete any follow-up work independently.
- h) The nature of our delivery means that teachers and tutors can only make 'reasonable adjustments' to accommodate online/distance learning for short periods of time (not normally more than two weeks).
- i) Whilst on a temporary basis it is 'reasonable', in extenuating circumstances, for subject teachers and tutors to be flexible with deadlines and sending work home, this cannot be sustained for prolonged periods of absence.
- j) It is important to note that as our primary mode of delivery is in-person and classroom based, even in extenuating circumstances, we cannot guarantee any lesson resources shared with students will be entirely suitable for remote, independent study.
- k) As a result, students who do not attend lessons for prolonged periods of time (for whatever reason) may be asked to leave a course or the college, as their continued study at BHASVIC – which is not resourced or designed to be a distance learning college - is unsustainable. Please see section 13 & 14 of Student Behaviour Policy.

2. Recognising when things go wrong / Making 'reasonable adjustments'

BHASVIC staff do their utmost to support students while they are studying with us. We do however recognise that there are occasions when, for a myriad of reasons, either part or the whole of a student's study programme may become unsustainable. In such circumstances, BHASVIC staff will work with the student to look at what reasonable adjustments can be made.

Some examples of 'reasonable adjustments' may be:

- Extensions to deadlines and/or reduction in workload for a designated period of time
- Short term, online distance learning (not normally longer than 4 consecutive weeks)
- Phased return and/or partial timetable after a period of illness (eg. Attending at least one lesson from each subject, building to a full timetable within 4 weeks)
- Reduced timetables in Year 2 (whilst we may consider two qualification courses, we do not allow one subject only) and we usually require students who fall below 580 Guided Learning Hours to make up their hours through portfolio, learning support or other registered sessions.
- Complete re-starts or repeats of the year (It is worth noting that these are exceptionally rare and usually only considered where there has been an extreme or sudden, unforeseen life event; for example, severe accident and hospitalisation – see 14.5 in Student Behaviour Policy).
- Increased access to key pastoral support (eg. Guidance Managers, Safeguarding and Support or Additional Learning Support teams)

Decisions about what constitutes 'reasonable adjustment' remains the decision of the college and will usually be led by the Guidance Manager and/or Head of Department.

These adjustments will be made in discussion with student, teacher, tutor and other relevant stakeholders.

The adjustment will usually be agreed for a set period of time, as part of a Support Plan or Final Contract. This will have a clear review date, overseen by the Guidance Manager or Head of Department. At the review, a decision will be taken on whether the adjustment is working for all parties, is reasonable and if continued study on the course or at college is therefore sustainable.

If the adjustment is unsustainable, the college reserves the right to change timetables or ask the student to leave. (See Section 13 & 14 of Student Behaviour Policy)

3. When a course or college place become unsustainable

Whether a place is sustainable is the decision of the college and is primarily (but not exclusively) based on four key factors: Attendance, Engagement, Behaviours and Risk.

When making judgement about whether continued study is sustainable, college staff will always be guided, but not determined in their judgement, by all other relevant parties' advice.

Where students require special help, the college will offer what extra support it can. The level of support available is defined by the limits of the college's resources, and not by what it takes to enable a particular student to succeed.

- a) **Attendance & Engagement** – A course is no longer deemed sustainable when a student has missed a large amount of course content to the point that:
- it is not considered possible to catch up
 - the content which has been missed is hindering progression in that subject
 - the workload required for a student to catch up is deemed unreasonable
 - the level of coursework missed makes the qualification unachievable
 - the study programme is no longer sustainable under funding regulations.
 - the level of capacity and support to enable the student to achieve would be unreasonable and to the detriment of other students' learning and progress
- b) **Behaviours & Risk** – A student's place at college could be considered unsustainable if a student exhibits behaviour* which:
- Is contrary to our [Health and Safety policy](#), and/or cause a risk harm to themselves or others
 - Requires a level of support that is deemed unmanageable through our current staffing and/or within our current staffing expertise**
 - Presents a level of risk to themselves or others that is judged to be unmanageable through current staffing and/or within our current staffing expertise**.
 - Constitutes gross misconduct or break the student code of conduct as outlined in College Contract and Student Behaviour Policy.

* Please note that the term 'behaviour' in this context refers to a student's actions either on- or off-site OR online, whilst enrolled at BHASVIC. Please refer to Student Behaviour Policy and College Contract (Appendix A)

**Decisions about what level of behaviours are unmanageable will be made by our current safeguarding team in conjunction with Senior Management. This in no way replaces our duty of care under our [SEND policy](#).

Appendix D: Misconduct

Breaches of discipline may be related to academic progress, behaviour, attitude to learning or a combination of all these. The following are examples of misconduct which may result in disciplinary action. This is not an exhaustive list, but an indication of the types of incidents which the college might treat as not following the college contract and therefore will deem as misconduct or gross misconduct depending on the severity.

- any breach of a student's obligations, as set out in the college contract, main college website or in the A-Z Student Guide (on MyBHASVIC App), including persistent poor attendance and failure to hand in work on time
- deliberately, or by gross negligence, causing damage to any college building, equipment, books or furnishings or the property of others
- any theft of property or any other dishonest act(s)
- any behaviour, including online and /or via social media, which could bring the college or a college activity into disrepute
- any illegal or dangerous behaviour, including online and/or via social media, which may have an adverse effect on the work of the college or on other students
- any bullying, intimidation, taunting, verbal abuse, the threat or use of any violence towards any person, including online and /or via social media
- any bullying, harassment or behaviour which is offensive and discriminatory in nature, including online and /or via social media
- being under the influence of or any use, possession or supply of, any controlled substance on college premises or during any activity off site which is associated with the college
- any failure to follow the reasonable instruction of a member of staff
- any cheating, plagiarism or copying of the work of other students
- disrupting any class or any other college activity, on or off site, whether or not involving staff or other students
- any use of rude or abusive language, including hate speech online and /or via social media
- any unauthorised interference with hardware, software or data belonging to or used by the college, another student or staff member
- bringing pornographic or other offensive or inflammatory literature into college or distributing this online or electronically, for example on mobile phones and /or via social media
- smoking or vaping onsite or in the surrounding area; and/or setting off fire alarms without real cause
- causing a public nuisance onsite or in the surrounding area, for example by congregating in a large group and blocking entrances, exits and public pathways
- littering or unauthorised posting or distribution of bills or flyers
- knowingly inviting, and socialising with non-BHASVIC students on the college premises

Any misconduct involving violence or a serious threat of violence (including verbal or online abuse or via social media), deliberate damage to property, endangering the health and safety of others, repeated misdemeanours or any criminal activities affecting the college or other students (or which could bring the college into disrepute) is likely to be treated as **gross misconduct**.

Incidents of gross misconduct will normally lead to immediate temporary exclusion / suspension of a student, pending an investigation.

Appendix E: EXCLUSIONS FOR MISCONDUCT

These notes set out the procedures for exclusion of students and are intended to make clear to students, parents, carers, staff and Corporation members their rights and responsibilities.

A Temporary exclusion / suspension

1. A student may be temporarily excluded from college by the Principal or delegated alternate⁵:
 - 1.1. as the first step in a disciplinary investigation where, following a meeting with the student concerned, there is reasonable belief that the student has committed an act of significant misconduct or gross misconduct (see appendix D) and/or
 - 1.2. the Principal or delegated alternate considers that the continued attendance of the student at college could:
 - Interfere with an investigation
 - Constitute a continued threat to other people or property
 - Cause undue disruption to the normal operation of the college, or
 - Would not be in the student's own interest
2. When a student is temporarily excluded from college, the Principal or delegated alternate will normally telephone the student's parent/carer to inform them of the temporary exclusion and the student will normally be escorted from the college premises. No student under 18 should normally be required to leave the premises following a decision to exclude, unless or until all reasonable attempts have been made to inform the parent / carer by telephone.
3. The Principal or delegated alternate who temporarily excluded the student will write (usually via e-mail) to the student and their parent/carer as soon as possible and usually within two working days of the temporary exclusion. The written correspondence will outline the reason for the temporary exclusion, the timescale and process (if appropriate) for an investigation and subsequent exclusion interview. Where appropriate, the correspondence will also include arrangements for the student to continue their studies at home and to sit public examinations.
4. In some circumstances, short fixed-term exclusions or temporary suspensions may be implemented by a Guidance or other Pastoral Manager, without a full investigation, to support behaviour management processes, or other breaches of the student College Contract. If this is the case, the written correspondence will make clear the process which will be followed, and the temporary suspension cannot last more than 5 working days. The student has the right to appeal this approach and ask for a full investigation under the process outlined below, but will usually remain temporarily excluded, pending investigation.
5. A student who has been temporarily excluded may not come onto the college premises except with the advance and express permission of their Guidance Manager, or as required for the exclusion interview.

B Investigation

6. An investigation will take place as soon as possible to gather information about the alleged incident. This investigation will normally be conducted by the Head of Guidance, Guidance Managers, Head of Faculty, Head of Student Experience or Head of Student Support (the 'Investigating Manager'), who will interview any staff or students with a significant involvement in the alleged incident. After the investigation is complete, the Investigating Manager will write a brief report to the Senior Leader who is chairing the exclusion interview, outlining their findings.

C Exclusion Interview

7. The Principal will designate a Senior Leader to chair the exclusion interview and they will arrange an exclusion interview with the student, a parent/carer (if the student is under 18) and the Investigating Manager, to take place within five working days of the temporary exclusion. If the student is over 18, they have the right to be accompanied by a Family Representative (see paragraph 38).
8. At the exclusion interview, the designated Senior Leader will explain the purpose of the interview and that there are two stages. First, the college must take the decision to either dismiss or uphold the allegation against the student. Once that decision has been taken, the college will, where the allegation has been upheld, decide upon an appropriate sanction. At that point, the college will also consider any mitigating and/or aggravating circumstances, and any previous live issues on file.

⁵ The Principal may delegate authority for temporary exclusion to the Deputy Principal, Vice Principals, Assistant Principal, Head of Guidance, Guidance Managers, Heads of Faculty, Head of Student Experience or Head of Student Support. The Principal may delegate the authority for permanent exclusion to the Deputy Principal or Assistant Principal (Student Services).

9. The designated Senior Leader will invite the Investigating Manager to summarise the allegation(s) made against the student and summarise any relevant evidence they have gathered during their investigation, including CCTV footage and / or witness statements. The student will be given the opportunity to state their case (including any mitigating factors) and asked to state whether they dispute the allegation(s). If material facts are disputed, the student will be asked to identify any further sources of evidence supporting their case. Where possible, the student will be asked to present the evidence at the meeting.
10. If the student does not dispute the material facts relating to the allegation(s), the designated Senior Leader will bring the exclusion interview to a close and they will explain the timescale for informing the student of their decision. This will normally be on the same day or the next working day following the exclusion interview.
11. If the student disputes material facts relating to the complaints, the designated Senior Leader will invite the student to present any evidence they may have. If necessary, they may adjourn the exclusion interview for a future date within the following five working days to allow relevant evidence (including from sources identified by the student) to be made available by all parties. The designated Senior Leader may arrange for CCTV footage and / or witnesses to be available for the reconvened exclusion interview or (where that is not appropriate or practicable) for written statements to be taken from witnesses.
12. If adjourned, copies of any documentary evidence, together with copies of the Investigating Manager's report will, as far as is fair and practicable, be made available to the student the day before the reconvened exclusion interview is due to take place. When written statements are made available to the student, a decision may, on occasion, be taken by the designated Senior Leader not to reveal the identity of the witness; but, as a general rule, anonymous statements will not usually be considered, other than in the most exceptional circumstances.
13. At the exclusion interview, the student will have the right to question any evidence presented or to question anyone present at the hearing, provided that the nature of the questioning is appropriate and the context relevant to the proceedings.
14. If a witness is not available to answer questions, that will be taken into account by the designated Senior Leader when assessing the weight to be given to conflicting evidence.
15. At the end of the exclusion meeting, the designated Senior Leader will explain the timescale for informing the student of their decision. This will normally be on the same day or the next working day following the exclusion interview.

D Decision-making and sanctions

16. Following the exclusion interview, the designated Senior Leader will make a decision, in consultation with the student's Guidance Manager, Head of Guidance or Student Support (if appropriate) and / or relevant Head of Faculty. After considering any evidence and any mitigating and/or aggravating factors, the designated Senior Leader will either uphold or dismiss the allegation(s).
17. If the designated Senior Leader dismisses the allegation(s), the temporary exclusion will normally cease with immediate effect and the student will be re-admitted to the college as soon as possible. In such situations, the designated Senior Leader, Head of Guidance, Guidance Manager or Head of Faculty will inform the student by telephone on the same day or on the next working day and will e-mail, within five working days of the initial or reconvened exclusion interview, whichever is appropriate, to confirm the outcome. The Guidance Manager will be responsible for informing the student's teachers, tutor and any other relevant members of staff that the student will be returning to college.
18. If the Principal or a delegated alternate upholds the allegation(s), they will normally impose one of the following sanctions after consultation with the Head of Guidance, student's Guidance Manager and/or Head of Faculty:
 - 18.1. To permanently exclude the student
 - 18.2. To re-instate the student on a Red Support Plan or Final 'Sustainable Study' Contract
 - 18.3. To re-instate the student with some other sanction
19. If the recommendation is for permanent exclusion, the student will be given written notification of the

decision within two working days of the initial or reconvened interview, whichever is appropriate. Details of the right of appeal will also be included in this correspondence.

20. If the designated Senior Leader upholds the allegation(s), but decides to re-instate the student on a Red Support Plan, Final 'Sustainable Study' Contract or lesser sanction, the student will be informed by telephone on the same day or on the next working day and asked to attend a meeting with the designated Senior Leader, Head of Guidance and/or Guidance Manager. Other curriculum representatives may also be present. The student will be advised to be accompanied by their parent(s)/carer or a Family Representative. At this meeting, which should take place as soon as possible after the decision to re-instate, the Head of Guidance or designated Senior Leader will explain what sanctions are being imposed and, if relevant, draw up a Red Support Plan or Final Contract to be signed at the meeting.
21. The student will have right of appeal against any recommendation for permanent exclusion.

E The Appeal Process

22. Notice of appeal against permanent exclusion must be lodged with the Principal (if the Principal was not party to the exclusion) or to the Clerk to the Corporation (if the permanent exclusion was made by the Principal) within ten working days of the date of the recommendation for permanent exclusion and must give grounds and brief particulars of the appeal. The recommendation will not be considered by the college until the expiry of the period for lodging the appeal.
23. The Appeals Committee will normally consist of two or three members of the Senior Leadership Team and/or members of the Corporation. The designated Senior Leader has the right to be accompanied by a colleague and the student has the right to be accompanied by a Family Representative (see paragraph 38). Legal representation will only be permitted in exceptional circumstances (see paragraph 39).
24. If a notice is lodged within the time allowed, an appeal interview with the Appeals Committee will be arranged to take place within twenty-one working days of the notice of appeal being lodged. The student will be given at least five working days' notice of the time and place of the appeal interview. Any documents considered at the exclusion interview will be available for the purposes of the appeal.
25. At the appeal interview, the student will be invited to explain the grounds of the appeal and to state their case.
26. The designated Senior Leader who made the recommendation to exclude will be asked to respond to the appeal and explain the reasons for the recommendation.
27. The Appeals Committee may ask questions of the student and the designated Senior Leader and will then consider whether to allow or dismiss the appeal. Witnesses will not normally be asked to attend except in relation to any new evidence which has come to light since the exclusion interview.
28. If the appeal is allowed, the Appeals Committee may decide that disciplinary action lesser than that recommended by the designated Senior Leader should be taken. The Appeals Committee may also decide that no further disciplinary action should be taken.
29. If the appeal is dismissed, the recommendation of the designated Senior Leader will stand.
30. Within five working days of the appeal interview, the final decision by the Appeals Committee will be confirmed in writing / e-mail to the student.
31. The Vice Principal (Student Services) can, at the discretion of the appropriate committee or Chair, be asked to report to the Corporation in the Autumn Term on all permanent exclusions, due to misconduct or gross misconduct, which have occurred in the previous academic year.
32. If, in the final instance, a student, parent or carer is unsatisfied with the way in which the college has dealt with the appeal, they can refer to the Education Funding and Standards Agency appeals procedures <https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa>

F Miscellaneous

Provisions Scheduled

Interviews

33. Failure by a student or their representatives to attend any meeting or interview under these procedures, without notice or reasonable cause, will not prevent proceedings continuing and decisions being taken. This would not exclude the right of appeal where it exists.
34. While the college aims to meet all the time limits in these procedures, if circumstances arise which makes this impossible, the college will contact the student to explain any delay.

Criminal Offences

35. Where any member of staff has reason to believe that a student may have committed a criminal offence in which the college has an interest, the college reserves the right to refer the matter to the police. If the college has reasonable belief that a student is in possession of illegal substances, weapons or stolen goods the police will normally be informed.
36. The college reserves the right to reach a disciplinary conclusion independently of any police enquiry. However, in deference to a police enquiry, the college may decide to suspend its own investigation until the police enquiry has ended.

Definitions

For the purposes of this document:

37. 'Students under 18' refers to students who have not reached 18 years at the date of the alleged incident.
38. 'Working days' refers to term time – this is in recognition of the difficulty implicit in conducting an investigation during teacher and student holidays.
39. 'Family Representative' refers to any lay person who is able to support the student during the proceedings. This includes another student, a friend from outside the college, the student's personal tutor, another teacher, parent, carer or other relative. Legal representation will not generally be allowed unless prior approval is obtained from the college and as outlined below.
40. All disciplinary meetings and interviews under these procedures are internal to the college and not normally open to legal or professional representation for either the college or the student. Legal representation will only be permitted in exceptional circumstances, and at the appeal stage only, for example where the student cannot represent themselves effectively, perhaps due to disability, or where criminal proceedings may arise from an interview. This exception would only be allowed with the written consent of the Principal, and the request must be received in writing by the Principal at least two working days before the date of the appeal interview.
41. 'Illegal substances' refers to any substance included under the provisions of the current Misuse of Drugs Acts and Regulations.
42. Correspondence related to any student disciplinary proceedings will be sent to the student's college e-mail address, and/or the e-mail address of the parent / carer as indicated at enrolment, subject to any amendment notified to the college. Where no e-mail address is available, written correspondence will be sent to the postal address registered with the college.

Variations and Amendments to These Procedures

43. In exceptional cases it may be necessary to proceed with a student case differently than as outlined above. The college may make such variations subject to informing the student concerned and subject always to considerations of reasonableness, fairness and the educational impact on the individual and/or other students. Such variations may include disciplinary or appeal interviews being conducted by different persons (for example, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered) or a variation on the times given here due to technicalities in conducting an investigation and arranging meetings.