

# BHASVIC

## STUDENT DISCIPLINE POLICY

**Last Updated:** JULY 2013

**Review Date:** JULY 2017





## STUDENT DISCIPLINE POLICY

### 1. Policy statement

- 1.1. BHASVIC's aspiration is to be a community in which everyone is considerate of themselves, of other people and of the college and wider environment.
- 1.2. All members of the college, and potential members of the college, are treated with equality and fairness in every aspect of college life and their treatment is based solely on objective criteria.
- 1.3. We encourage students to take responsibility for their own learning and to be aware of their rights, responsibilities and our expectations of them.
- 1.4. We set high standards of student behaviour as detailed in the College Contract and Student Handbook, set out at induction, on the student VLE and on the College intranet.

### 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. The Principal has responsibility for student discipline, and only they or their delegated alternate<sup>1</sup>, can suspend or exclude students on disciplinary grounds.
- 2.3. All staff have a responsibility to assist in maintaining good discipline, 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 support staff in implementing a fair and transparent system for dealing with any disciplinary situation that may arise during the normal college day, or whilst involved in a college-related activity.
- 2.4. 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 breaches the College Contract or any other policy or regulation as set out in the Student Handbook or on the main college website, VLE or intranet.

### 3. Policy aims

- 3.1. To maintain a learning and working environment which is safe, fair and promotes our Education for Life philosophy of 'consideration of self and others' when dealing with student disciplinary matters.
- 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 consider the educational value for the individual student(s) involved in a case or incident, and for other students at the college, of disciplinary procedures taken.
- 3.4. To inform all members of the college community<sup>2</sup> about how the college expects everyone to work.
- 3.5. To establish a consistent approach to managing unacceptable behaviour that is used in a fair and equitable manner by all staff.

### 4. Policy details

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<sup>1</sup> The Principal may delegate authority for temporary exclusion (ie. suspension) to the Deputy Principal, Assistant Principals, Guidance Managers and Heads of Faculty. The Principal may delegate authority for permanent exclusion to the Deputy Principal or Assistant Principal (Student Services).

<sup>2</sup> Staff, students, parents / carers, governors, members of partner organisations and our neighbours

- 4.1. BHASVIC's mission is to transform lives through learning, to meet the individual learning needs of students, and support them to achieve.
- 4.2. Students are responsible for abiding by and fulfilling the requirements placed on them by the College Contract (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 at the college. Further guidance on the college's expectations of students is set out on the main college website, Student VLE, intranet and in the Student Handbook. The College's expectations are explained to new students during Induction, as part of the 6Rs<sup>3</sup>, and returning students are reminded in tutorial at the start of the new academic year in September.
- 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 in the Guidance section of the college intranet and Parent / Carers' section of the website.
- 4.4. We will support staff in their efforts to uphold BHASVIC's expectations by taking effective action in response to a student who fails to satisfactorily meet their commitments.
- 4.5. Formal disciplinary procedures will only be used when initial, supportive strategies have failed or where a student fails to comply with other college policies or regulations or is involved in a particularly serious breach of the College Contract.
- 4.6. Support Plans are staged using a traffic light system with Green, Amber and Red stages, followed, if necessary, by one 'Final Contract' stage. The setting of a Support Plan with a student involves meetings between the student and relevant staff. If the Support Plan is red or has reached 'final contract' parents/carers are also contacted directly or met. Each Support Plan identifies what the concerns are, allows the student to comment in response to these concerns, and sets SMART<sup>4</sup> targets. Discussion is focused on student 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. Failure to meet a cross-college red Support Plan and/or Final Contract normally results in the student being permanently excluded from the college. Disciplinary action may begin at any stage, but there will usually be a sequential progression through the Support Planning stages, except in exceptional circumstances, or cases of misconduct (see 4.7).
- 4.7. The student may enter the Support Plan system at the red stage in the event of a serious breach of the College Contract or alleged gross misconduct (Appendix C).
- 4.8. Permanent exclusion of a student is the last resort in the disciplinary process, although there will be occasions when it is appropriate to temporarily exclude a student as a first step in a disciplinary investigation (temporary exclusion / suspension).
- 4.9. The power to permanently or temporarily exclude a student may be exercised only by the Principal or a delegated alternate. Once a decision to permanently or temporarily exclude 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, 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 D.
- 4.12. Students under 18 will be accompanied by their parent / carer during any disciplinary investigation. Students over 18 have a right to be accompanied by a 'Family Representative' who is any layperson 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

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<sup>3</sup> The educational values of the 6Rs (responsibility, respect, reliability, resilience, resourcefulness, risk-taking) are promoted throughout a student's time at College

<sup>4</sup> SMART targets are Specific, Measurable, Achievable, Realistic, Time-bound.

will not generally be allowed unless prior approval is obtained from the college and as outlined in paragraph 37 (below).

## **5. Responsibilities**

- 5.1. It is the responsibility of all students to adhere to this policy and to maintain a respectful and safe college community, including online.
- 5.2. It is the responsibility of all staff to implement this policy and procedures, to help maintain student discipline, 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 Assistant 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 Management Team, primarily the Assistant Principal (Student Services), or their delegates (primarily Guidance Managers, assisted by Heads of Faculty or senior curriculum representative) are responsible for implementing disciplinary procedures following an incident of misconduct or gross misconduct.
- 5.5. It is the responsibility of the Assistant Principal (Student Services) to ensure that procedures for exclusions, including temporary exclusions, are followed by members of college staff when dealing with an incident of misconduct or gross misconduct. They must also ensure that the Principal is informed of and involved in a decision to exclude, including temporary exclusion.

## **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.

## **7. Related documents**

- Acceptable Use of Computers (Students) Policy
- Bullying and Harassment Policy
- Child Protection Policy
- College Charter
- College Contract
- Complaints Policy
- Coursework Deadline Policy
- Educational Visits and Out of College Activities Policy and Procedures
- Equality and Diversity Policy
- Health and Safety Policy
- Instrument and Articles of Government
- Safeguarding (Students) Policy
- Smoking Policy
- Social Media Policy
- Student Assessment Policy
- Student Attendance Policy
- Student Charging and Financial Support Policy
- Student Handbook
- Support Planning System and Flowcharts
- Substance Misuse by Students Policy



# BHASVIC

The following statements outline what we expect of our students and have been drawn up with the help of the Student Union. They are based on the College's aim to promote **consideration of self and others** which underpins our Education for Life philosophy.

Name of Student \_\_\_\_\_ Date \_\_\_\_\_

## THE COLLEGE'S COMMITMENT TO STUDENTS

Brighton, Hove and Sussex Sixth Form College will endeavour to meet all of its commitments to you, as described in the College Charter, an extract of which can be found in the Student Planner.

Signed

Alison Cousens, Assistant Principal (Director of Student Services)

## STUDENT COMMITMENTS TO THE COLLEGE

**BHASVIC is a learning environment.** Your primary purpose at College is to acquire the knowledge, understanding and skills, both academic and personal, needed to gain the qualifications and education you want. Work with us and you will achieve your full potential.

**To achieve this** you are expected to attend all of your lessons, tutorials and other commitments, to arrive on time, fully equipped and prepared to engage and take part and to do the work you are set and submit it on time. Doing so will mean you produce work with which you are pleased and proud.

**At BHASVIC staff and students treat each other with consideration.** You should be aware that your attitude, behaviour and language affects the learning and wellbeing of other members of the College community. You should follow instructions and requests made by members of College staff.

**Out of lessons** you should at all times show consideration to those members of the BHASVIC community you come into contact with. Your interactions should be polite and you should actively respect the environment in which we all work, for example using the litter bins provided and recycling wherever possible. You are ambassadors for the College and are responsible for how your behaviour and language impacts on the good reputation of the College. These expectations apply both on and off-site and on and off-line, including comments you post about BHASVIC via social media.

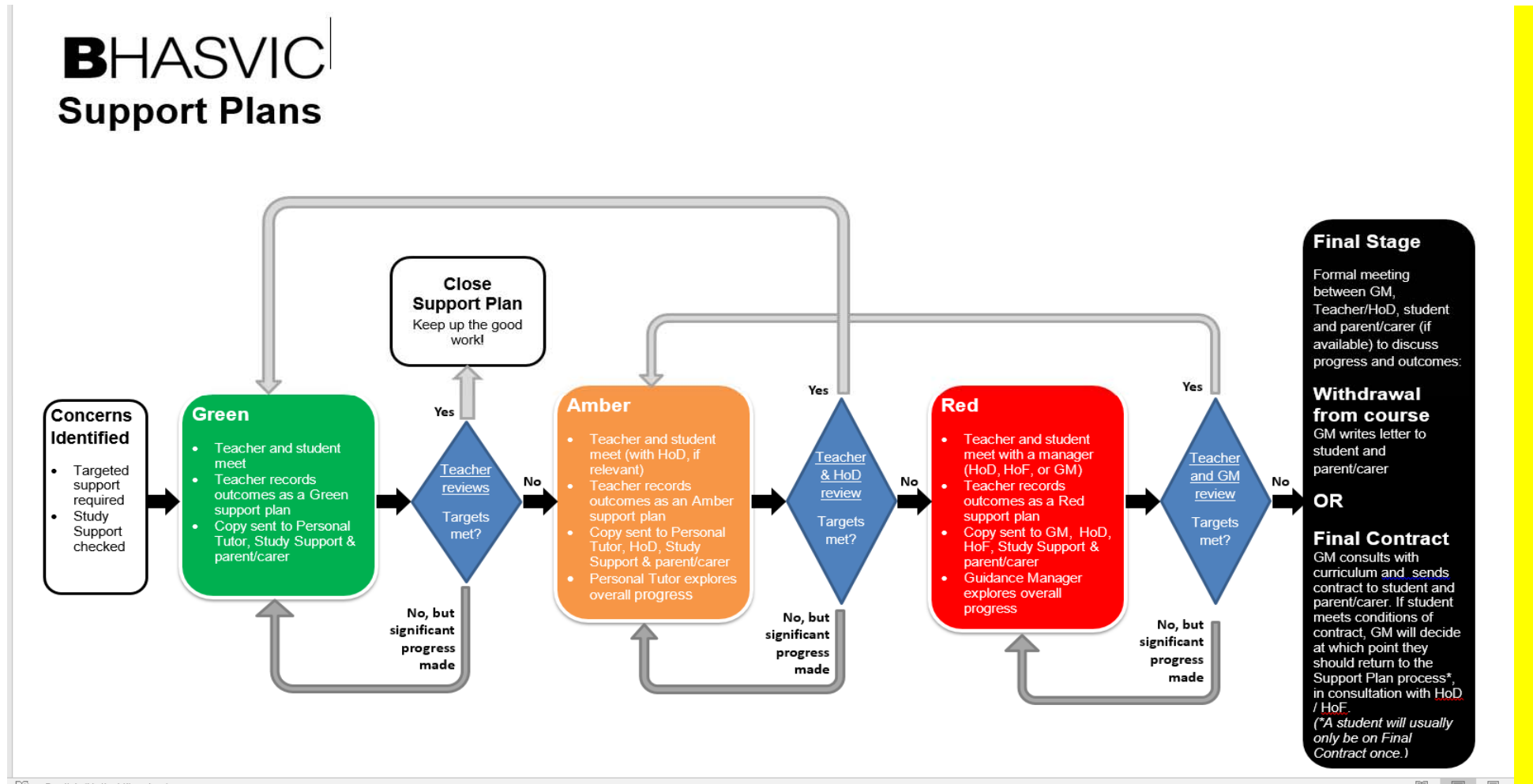
**Safety** – for the safety of the whole College community, all students must carry their college ID cards at all times and ensure they are visible. You must not invite onsite or knowingly socialise with people who are not BHASVIC students, who do not have official business at the College and have not signed in at reception. Doing so is in breach of this contract. If you become aware of unauthorised visitors you should report this to reception.

In choosing to enrol for a course at BHASVIC, I agree to meet all my student commitments as outlined above and I undertake to complete all work set, punctually and to the best of my ability. I understand that a standard of behaviour acceptable to the College must be maintained at all times. I am aware that failure to meet College commitments will result in my being subject to College disciplinary procedures, may cause me to incur charges for examination and/or assessment costs and may lead to my being required to leave BHASVIC.

Signed \_\_\_\_\_ (Student) Date \_\_\_\_\_

## Appendix B: The Support Plan system and Flowchart

Please also see the Guidance section on the staff intranet and Parent – Carer section on the main website to view these files. There is a flow chart, and accompanying notes which outline the process from Green, Amber to Red and Final Contract Support Planning



## Appendix C: 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, on the VLE, intranet or in the Student Handbook, 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 foul or abusive language, including 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 in a non-smoking area
- littering or unauthorised posting or distribution of bills or flyers

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 D: 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 alternate<sup>5</sup>:
  - 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 C) 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 within one working day of the temporary exclusion. The written correspondence will outline the reason for the temporary exclusion, the timescale and process 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. 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

5. An investigation will take place as soon as possible to gather information about the alleged incident. This investigation will normally be conducted by the student's Guidance Manager or Head of Faculty (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 Principal or Assistant Principal (Student Services) outlining their findings.

### C Exclusion Interview

6. The Principal or Assistant Principal (Student Services) 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 36).
7. At the exclusion interview, the Principal or Assistant Principal (Student Services) 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.
8. The Principal or Assistant Principal (Student Services) will invite the Investigating Manager to summarise the allegation(s) made against the student and summarise any relevant evidence they have gathered during their

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<sup>5</sup> The Principal may delegate authority for temporary exclusion to the Deputy Principal, Assistant Principals, Guidance Managers and Heads of Faculty. The Principal may delegate the authority for permanent exclusion to the Deputy Principal or Assistant Principal (Student Services).



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.

9. If the student does not dispute the material facts relating to the allegation(s), the Principal or Assistant Principal (Student Services) 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.
10. If the student disputes material facts relating to the complaints, the Principal or Assistant Principal (Student Services) will invite the student to present any evidence they may have. If necessary, the Principal or Assistant Principal (Student Services) 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 Principal or Assistant Principal (Student Services) 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.
11. 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 Principal or Assistant Principal (Student Services) 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.
12. 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.
13. If a witness is not available to answer questions, that will be taken into account by the Principal or Assistant Principal (Student Services) when assessing the weight to be given to conflicting evidence.
14. At the end of the exclusion meeting, the Principal or Assistant Principal (Student Services) 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**

15. Following the exclusion interview, the Principal or Assistant Principal (Student Services) will make a decision, in consultation with the student's Guidance Manager and / or relevant Head of Faculty. After considering any evidence and any mitigating and/or aggravating factors, the Principal or Assistant Principal (Student Services) will either uphold or dismiss the allegation(s).
16. If the Principal or Assistant Principal (Student Services) 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 Principal, Assistant Principal (Student Services), Guidance Manager or Head of Faculty will inform the student by telephone on the same day or on the next working day and will write / 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.
17. If the Principal or a delegated alternate upholds the allegation(s), they will normally impose one of the following sanctions after consultation with the student's Guidance Manager and/or Head of Faculty:
  - 17.1. To permanently exclude the student
  - 17.2. To re-instate the student on a Red Support Plan or Final Contract
  - 17.3. To re-instate the student with some other sanction
18. 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.

19. If the Principal or Assistant Principal (Student Services) upholds the allegation(s), but decides to re-instate the student on a Red Support Plan, Final 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 Assistant Principal (Student Services) and the Guidance Manager. The Head of Faculty or other curriculum representative 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 Assistant Principal (Student Services) 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.
20. The student will have right of appeal against any recommendation for permanent exclusion.

## **E The Appeal Process**

21. 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.
22. The Appeals Committee will normally consist of two or three members of the Senior Management Team and/or members of the Corporation. The Principal or Assistant Principal (Student Services) has the right to be accompanied by a colleague and the student has the right to be accompanied by a Family Representative (see paragraph 36). Legal representation will only be permitted in exceptional circumstances (see paragraph 37).
23. 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.
24. At the appeal interview, the student will be invited to explain the grounds of the appeal and to state his or her case.
25. The Principal or Assistant Principal (Student Services) who made the recommendation to exclude will be asked to respond to the appeal and explain the reasons for the recommendation.
26. The Appeals Committee may ask questions of the student and the Principal or Assistant Principal (Student Services) 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.
27. If the appeal is allowed, the Appeals Committee may decide that disciplinary action lesser than that recommended by the Principal or Assistant Principal (Student Services) should be taken. The Appeals Committee may also decide that no further disciplinary action should be taken.
28. If the appeal is dismissed, the recommendation of the Principal or Assistant Principal (Student Services) will stand.
29. 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.
30. The Assistant 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.

## **F Miscellaneous Provisions**

### **Scheduled Interviews**

31. If a student or their representative fails to attend a scheduled exclusion or appeal, one further attempt to reschedule may be made. Failure by a student or their representatives to attend any further 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.
32. 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**

33. 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 or weapons, the police will normally be informed.
34. 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 and disciplinary action until the police enquiry has ended.

## **Definitions**

For the purposes of this document:

35. 'Students under 18' refers to students who have not reached 18 years at the date of the alleged incident.
36. 'Working days' refers to term time – this is in recognition of the difficulty implicit in conducting an investigation during teacher and student holidays.
37. 'Family Representative' refers to any layperson 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.
38. 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 himself or herself 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.
39. 'Illegal substances' refers to any substance included under the provisions of the current Misuse of Drugs Acts and Regulations.
40. 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**

41. 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.