



Positive Behaviour, Anti-bullying & Harassment Policy (Guidance for Staff)

May 2023

History of Changes

Version	Description of Change	Authored by	Date
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1. Introduction

This policy should be considered along with the Positive Behaviour, Anti-Bullying & Harassment Policy.

Borders College is committed to promoting a positive learning experience for all students and a positive working environment for students, staff and visitors.

Central to this ambition is the need for the behaviour of students to reflect the College's values, which are indicated below.

It is acknowledged that dealing with behavioural matters can be challenging. This document provides guidance for staff when dealing with student behaviours which are contrary to the College's values and/or impact negatively on student, staff or visitor wellbeing.

2. Definition of Behaviours.

Below is a list (not exhaustive) of behaviours that are contrary to the College's values.

Such behaviours may occur within and outwith College premises, and could potentially compromise the College's reputation, and student and staff wellbeing.

Please note Borders College is an inclusive college and recognises, at times, some student behaviour (see below) can be related to additional support needs and/or medical conditions, or is temporarily outwith an individual's character. In such instances this must be considered when addressing behaviours, and reasonable adjustments made and conversations held. The recording of these, where appropriate, should take place to enable support for both staff and students.

Minor Concerns

- Inappropriate or offensive language
- Spitting
- Disruptive behaviour
- Smoking or vaping in non-designated areas
- Online/social media activity that is low-key but disrespectful
- Undermining and criticism of student peers and/or staff about quality of tasks and/or assignments

Concerning Behaviours and/or Persistent Minor Misbehaviours

- Derogatory name-calling related to protected characteristics
- Threatening, intimidating or abusive behaviour, including cyberbullying
- Breach of the College's acceptable use of IT policy
- Being under the influence of alcohol or illegal substances
- Breach of Health and Safety Policy and Procedures
- Failure to address minor misbehaviours

Serious Behaviours

- Failure to adhere to a regulatory body's codes of conduct, in terms of 'Fitness to Practice Rules', either in College or on placement
- Carrying a weapon or an item intended to be used as a weapon
- Bullying and harassment
- Threat of violence or actual violence towards others
- Displaying sexual images and/or offensive material
- Theft and damage of property
- Academic malpractice, including plagiarism
- Serious breach of Health and Safety Policy and Procedures

Involving the Emergency Services

In the unlikely event that serious behaviour is displayed and there is an imminent or actual serious threat to students, staff or public safety, the emergency services should be contacted via 999.

In addition, staff dealing with such situations should contact the College's main reception on 888. This will instigate a response from a member of the Senior Leadership Team.

There are silent alarms within our restaurant, main reception, hair salon, student advice centre and library at our Galashiels campus, which provide immediate access to the emergency services. For staff based at other campuses, please contact 888. Once 888 has been dialled, a member of our reception team will contact a member of the Senior Leadership Team.

Should an incident occur in the evening, in another campus or during an off-site excursion, please dial 07753 908 841. A member of our facilities team will notify a member of the Senior Leadership Team.

Staff must complete an incident report.

3. Responding to Behaviours

Minor Concerns

Staff should remind students of our Positive Behaviour, Anti-bullying & Harassment Policy at the beginning of term and detail expectations of behaviours during and outwith class. All staff at Borders College must have an understanding of our Equality, Diversity and Inclusion responsibilities. It is essential that awareness is applied to students with a disability wherein unintentional discrimination could occur. It is necessary for staff to understand our students' needs and any mitigating circumstances for behaviours that fall below standards expected.

In most instances at Borders College, student misbehaviour is minor in nature, and should be addressed as quickly as possible using informal discussions with the student, often at the time of the minor misbehaviour. No notice period is required. It is necessary for a student to be informed when their behaviour falls below our College values. This forms part of a student's development.

Staff dealing with minor misbehaviour should address this with the student in a calm and respectful manner; they should explain the risks of such minor misbehaviours and/or the consequences of such minor misbehaviours on others.

Such discussions should take place in a quiet and confidential space.

In such instances, there would generally be no need for specific formal meetings and/or formal documentation.

However, for some minor concerns there may be a need to document the conversation and pass this to the student concerned via tracked email, or in some instances document the conversation on the student's Promonitor record. In most cases, such references must be removed after the end of the academic year.

Procedure to Address Concerning Behaviours/Persistent Minor Concerns and/or Serious Misbehaviour Where Restorative Practice is Appropriate

Any instances of concerning behaviour, persistent minor concerns or serious behaviours, must be reported in the first instance to the student's Programme Leader/Achievement Coach (who can inform the Programme Leader) or relevant staff member, who will then take responsibility for leading on any consequent action.

When dealing with misbehaviours which are minor in nature but persistent, or are more concerning, the initial role of the relevant staff member is to instigate informal restorative approach.

While certain behaviours are indeed a concern, a period of reflection should be considered prior to instigating formal procedures with a student. In many circumstances, a staff member should request the student to leave for the day and arrange to meet the next day to discuss. This enables a 'cooling off period' and at times can avoid further escalating of a behaviour. While staff may wish to instigate a formal process and there is a concern of interrupted learning, it may be best to have a period of reflection in order to fully realise the impact of a formal process on the staff member and, of course, our student.

Restorative approaches provide opportunities for reflection and learning, and are built on values which try to separate the person from the behaviour. They promote accountability, and an understanding of the consequences of poor behaviour, and seek to repair any harm caused in a situation. Restorative approaches also enable discussion about any extenuating circumstances, which may cause the student to act out of character.

An informal restorative meeting should be arranged between the relevant staff member and the student.

A [standard letter template](#) has been provided for staff to notify a student that they have been invited to an 'informal restorative meeting'.

This letter must indicate the details of the incident and be sent via tracked email as soon as possible after the incident.

It is important the student is offered the opportunity for representation at this meeting. BCSA can help with such matters. The email to the student will ask if they require reasonable adjustments for the meeting, such as low lighting or meeting outwith their College timetabled time.

The focus of a restorative meeting is to enable our student to establish:

- What happened?
- What were the student's thoughts at the time?
- What have been the student's thoughts since?
- Who has been affected by what happened?
- How have they been affected?
- What does the student think needs to happen now?

In almost all cases, if a student engages in an informal restorative meeting it might not be necessary to initiate more formal action, and therefore the matter should be considered closed once the meeting has been concluded and/or any agreed actions delivered.

One such action could be a learning agreement between the student and the College, where our student agrees to a plan of action to make progress, and seek help when required.

The outcome of the 'restorative practice meeting', using a [standard template letter](#) should be emailed to the student within five working days, providing clear expectations on behaviours in the future, and detailing what support the College or other agencies can provide. The outcome of the 'informal restorative meeting' should be recorded on ProMonitor (if appropriate) by the relevant staff member.

Further information about restorative approaches can be found at: [Restorative approaches | Social and emotional factors | Specific support needs | Additional support | Parent Zone \(education.gov.scot\)](#).

Should a student choose not to engage in the 'informal restorative meeting', or persists in engaging in minor or concerning misbehaviour, then more formal proceedings should be initiated (see below).

Guidance for Instigating a Student Disciplinary Process

If more formal action is required, the relevant staff member should instigate a formal process known as a disciplinary hearing. The HOS/PL/relevant staff member will be the chair of the disciplinary meeting and should arrange for an impartial staff member to attend.

The process for organising a disciplinary meeting is as follows:

1. The staff member should send the student an invite to disciplinary hearing letter by tracked email, using the [standard letter template](#), providing at least five working days' notice, to attend a disciplinary meeting with a representative (if appropriate). The letter should include date, time, campus and room number. The letter should detail why a disciplinary meeting is taking place and what the specific behaviour/incident is. Attached to the letter should be a copy of the Positive Behaviour, Anti-bullying & Harassment Policy, including guidance for students.
2. The staff member should gather evidence/statements from the appropriate people relating to the incident, and thereafter provide the student with a copy of these at least two days before the disciplinary hearing. *Please note, the staff member gathering evidence/facts relating to the incident should only contact the relevant staff and students. Individuals contacted should be encouraged to stick to the facts and be discouraged from offering their personal opinion. The staff member should also remind individuals that the matter is strictly confidential.*
3. All attempts must be made to provide the student with sufficient time to prepare for such a meeting and to seek appropriate representation (BCSA staff member or class representative). In addition, meetings should ideally be scheduled during a student's normal timetabled hours and at their campus location.
4. Should the student be unable to make the proposed meeting, an alternative meeting date and time should be offered. If the student does not attend the second meeting date offered, the disciplinary hearing may take place in their absence.

Procedure for Conducting a Disciplinary Hearing

Disciplinary hearings should be Chaired by either a Promoted Lecturer (PL) or Head of Sector (HOS). To ensure impartiality, a Chair with no prior knowledge of the student should be appointed where possible. Chairs must not have been involved directly or indirectly with the incident.

The PL/HOS or relevant staff member will chair the meeting (there should also be one other impartial staff member present). The chair provides introductions and explains the reason for the meeting, including details of evidence gathered as part of any investigation.

The Chair must emphasise that the meeting is confidential (where possible), stick to the facts, be objective and impartial, and allow the student and their representative an opportunity to speak.

The hearing should be documented as a meeting note. The student should be informed of the outcome of the hearing within five working days (using the [standard letter template](#)). In such instances, it is likely that this information will be retained on the student's Pro-monitor record for the remainder of the academic term.

Disciplinary Meeting Outcomes

Below is a list of outcomes that can serve as the outcome of a disciplinary hearing:

- A. No further action
- B. Verbal warning (it is recommended to have a Learner Contract/Restorative meeting, if required)
- C. First written warning (it is recommended to have a Learner Contract/Restorative meeting, if required)
- D. Final written warning (it is recommended to have a Learner Contract/Restorative meeting, if required)
- E. Withdrawal from the course (if this is the likely outcome and the student is a school pupil, the school must be notified immediately)
- F. Referral to another College course or organisation

Guidance Regarding Fitness to Practice

For students who engage in persistent concerning behaviours or serious misbehaviours, and who are on programmes of study leading to professional registration with a professional body, such cases should refer to the relevant Fitness to Practice (FTP) rules of the relevant professional body.

For example, Fitness to Practice guidelines at the Scottish Social Services Council (<https://www.sssc.uk.com/fitness-to-practise/>).

It is important that curriculum staff (who are well versed in FTP rules) take the lead role in investigating and responding to such matters. The results of such investigations, and any consequent action should be fed into the disciplinary investigation process. In such cases, the student does not have to undertake a restorative practice exercise.

Guidance on Mental Health and Medical Conditions

Where there are instances of a student's behaviour relating to a mental health issue or a medical condition, reasonable adjustments must be made during any consequent action (however, if the matter is serious, it may not alter the disciplinary outcome).

Please note, in such instances there must be a concerted effort to deploy informal restorative approaches, rather than formal disciplinary approaches.

Guidance on Suspending Students

In extreme circumstances and for safety purposes, it may be necessary to suspend a student until the outcome of a disciplinary meeting.

In the first instance, the HOS will consult with an Assistant Principal to determine if suspension is appropriate. Considerations for suspension are: the student is at risk of harming themselves or others, or the student remaining at College could impede an investigation.

Preferably, in the first instance, the student should be informed of the reasons for their suspension in person or via phone call.

The student should then be notified by letter using the [standard letter template](#) via tracked email. Again, the reasons for the suspension must be made clear in the letter. In certain circumstances and to avoid unnecessary paperwork for all, this letter can form part of the invite to disciplinary meeting letter.

Suspension should be no longer than five working days. At times, suspension may last longer (in line with the investigation period). Again, the student must be informed of the reasons for this.

It is important to inform the student of what they can and cannot do during this time with regard to learning activities and any course requirements. Should a student be in receipt of an EMA or bursary, there should be no detriment to their funding. A note of the suspension must be documented on the student's Pro-monitor record. This information should be retained on the student's record.

Procedure for Appeal Hearings on Student Withdrawal

The student has a right to appeal if they have been withdrawn from their course of study.

There are three grounds for an appeal, which are indicated below:

1. Medical, personal or other circumstances which affected the student, and which the original panel were not aware of
2. Procedural irregularities (i.e. the process not being followed correctly)
3. New evidence which was not considered at the time of the original hearing.

The student must email their Assistant Principal (AP) within five working days of receiving their disciplinary meeting outcome letter of withdrawal, indicating which of the three grounds they are basing their appeal on.

Once the AP has received the appeal notification from the student, the following procedure must be applied:

1. The AP will request all information from the chair of the disciplinary meeting.
2. The AP will chair the appeal hearing. The AP will also request two further appeal panel members, who are either members of the College Wider Leadership Team or members of the Senior Leadership Team, and the BCSA support officer. The AP (chair) will share the information with the panel members. It is important that the AP clarifies the primary role of panel members, namely to come to a fair and impartial judgement based on the evidence at hand.
3. The AP will write to the student in question via letter/tracked email (using the [standard letter template](#)) within five working days of receiving the written appeal.
4. The student is entitled to bring one representative to the appeal hearing, for example a Class Representative or BCSA staff member. The role of the representative is to provide support to the student but not to speak on their behalf unless prior notice has been given to the Appeal Panel by the student.
5. A panel member is nominated to take minutes of the meeting, which would be required as evidence should the student later complain (via SPSO) about the panel's decision.
6. One alternative panel meeting date and time and venue, if required, should be offered to the student. Should the student not attend the offer of a second meeting, the appeal hearing can be held in their absence.

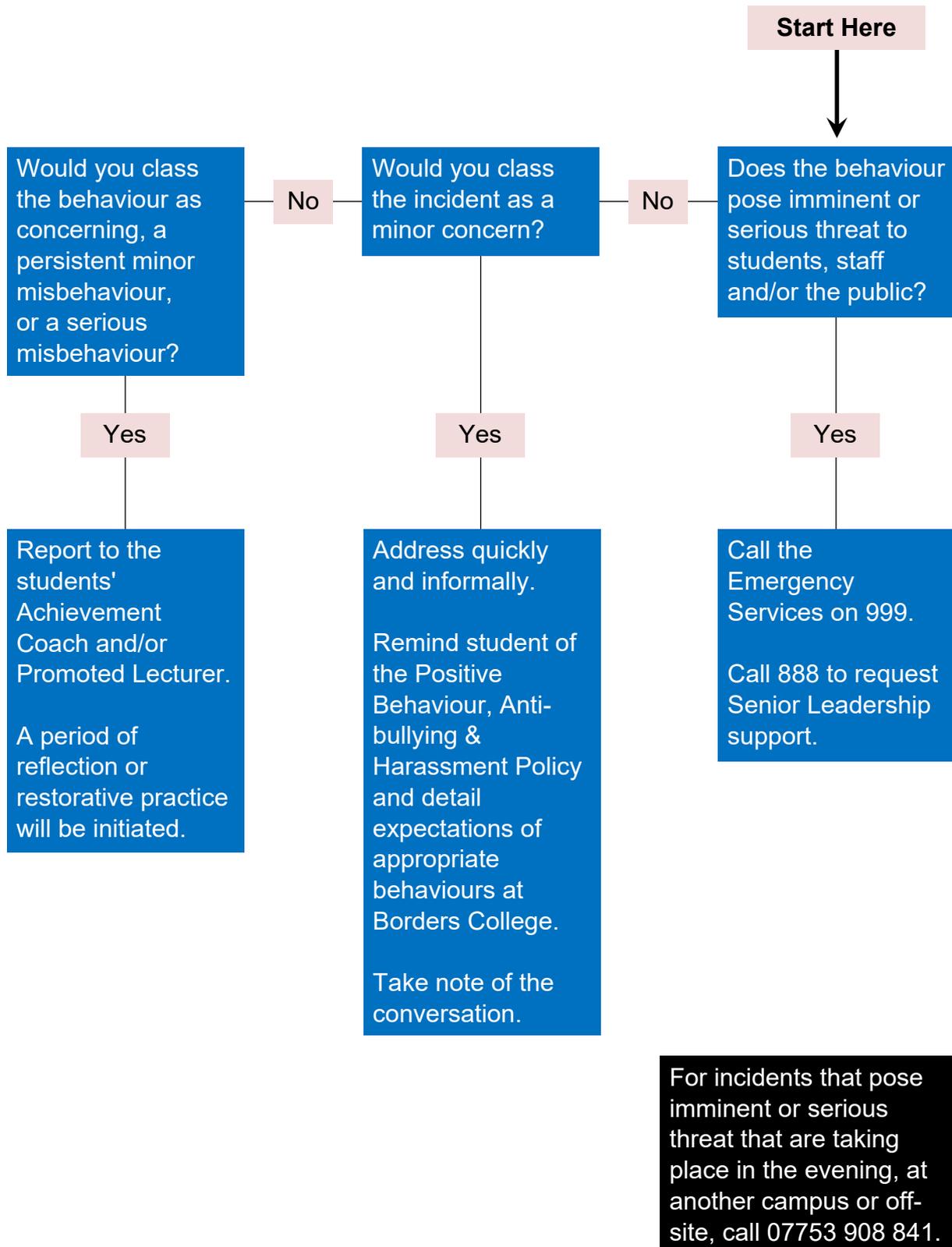
7. At the Appeal Panel meeting, the AP chairs the meeting and provides the student with all information pertaining to their withdrawal.
8. The Chair invites the student to provide the panel with details of their appeal. When the meeting is concluded, the panel will consider the outcome.
9. The outcome of the Appeal hearing must be communicated to the student and their HOS within five working days using the [standard letter template](#). Appeal is either upheld or not upheld.

The decision of the panel is final.

4. Further Information

The student's remaining right of appeal must then be directed to the Scottish Public Service Ombudsman.

Positive Behaviour Policy Flowchart



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