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Positive Behaviour and Anti-Bullying & Harassment

Guidance and Procedures for Staff

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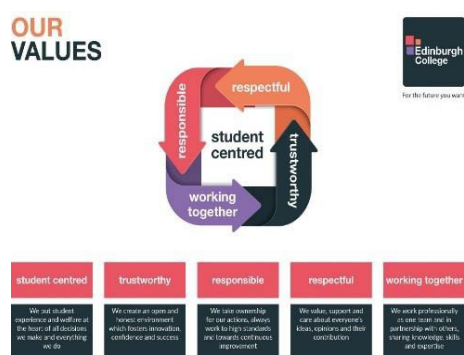
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1. INTRODUCTION

These procedures should be considered along with the **Positive Behaviour and Anti-Bullying & Harassment Policy**.

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

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



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.

It should also be noted that some student behaviour (see below) can be related to additional support needs and / or medical conditions. In such instances this must be taken into account when addressing behaviours, and reasonable adjustments applied. It also needs to be taken into account where these behaviours have occurred.

Minor Concerns

- Swearing
- Spitting
- Disruptive behaviour
- Smoking or vaping in non-designated areas
- On-line / social media activity that is minor but is disrespectful
- Undermining and criticism of student peers, and / or staff, about performance of tasks and / or assignments

Concerning Behaviours

- Derogatory name calling related to protected characteristics
- Threatening, intimidating or abusive behaviour including cyber bullying
- 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.

Serious Behaviours

- Failure to adhere to a regulatory bodies codes of conduct, in terms of fitness to practice 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 & safety policy & procedures

There may be certain cases when student behaviour relates to other College policies (for example, ICT Acceptable Use Policy, Safeguarding Policy). In such instances, advice should be sought from the Corporate Development team to agree which policy applies.

Involving the Emergency Services

On occasion, when serious behaviour is displayed and there is an imminent or actual serious threat to student, staff or public safety, the emergency services should be contacted via 999.

In addition, staff dealing with such situations should also refer to the College Critical Incident Management Policy and Procedure. The procedure requires a member of the Executive team or Senior Management team to be informed as soon as possible, to assess whether or not the critical incident management procedure should be invoked.

3. RESPONDING TO BEHAVIOURS

Minor Concerns

In most instances, student behaviour 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 behaviour. No notice period is required.

Staff should speak to students in a calm and respectful manner, they should explain the risks of such minor behaviours, and / or the consequences of such minor behaviours on others.

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

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

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.

Concerning Behaviours/Persistent Minor Concerns

Any instances of concerning behaviour, or persistent minor concerns, must be reported in the first instance to the student's Learning Development Tutor (LDT), or other relevant staff member, who will then take responsibility for leading on any consequent action.

When dealing with behaviours which are minor in nature but persistent, or are more concerning, the initial role of the LDT/relevant staff member is to use informal restorative approaches.

Many people believe that students who engage in concerning behaviours must be punished through formal procedures. This type of response can often be ineffective and make situations worse.

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 organised by the LDT / relevant staff member.

A standard letter template has been provided for the LDT / other relevant staff member to notify students 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 that the student is offered the opportunity for representation at this meeting. ECSA can help with such matters.

The focus of a restorative meeting is:

- What happened?
- What were your thoughts at the time?
- What have been your thoughts since?
- Who has been affected by what happened?
- How have they been affected?
- What do you think needs to happen now?

If a student engages in the 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 to agree a 'Learner Contract' with the student, to clearly define expected behaviours in the future, and outline what support the College or other agencies can provide, to ensure the student is successful at College.

However, if a student chooses not to engage in the informal restorative meeting, or persists in engaging in minor or concerning behaviour, then more formal proceedings maybe initiated (see below).

The outcomes of an 'informal restorative meeting' should be recorded on ProMonitor (if appropriate) by the LDT/relevant staff member, and shared with the student, and anybody who accompanied them to the meeting (via tracked email) as soon as possible after the meeting.

This information may be removed from the Promonitor record at the end of the academic year.

Further information about restorative approaches can be found at:

<https://education.gov.scot/parentzone/additional-support/specific-support-needs/social-and-emotional-factors/Restorative%20approaches>.

Procedure to address serious behaviours/persistent concerning behaviours

Any instances of serious behaviours or persistent concerning behaviours must be reported in the first instance to the student's LDT / relevant staff member, who will then take responsibility for leading on any consequent action.

Staff should consider whether or not a restorative approach would be appropriate in such instances.

If more formal action is required, the LDT / relevant staff member should then initiate a disciplinary investigation. A critical part of this investigative process will be to meet with the student in question to gather information about their views relating to their behaviour.

The process for organising a disciplinary meeting should follow the steps described below:

1. Inform the student by letter via tracked email, using the standard letter template, providing at least two working days' notice, to attend a disciplinary meeting with a representative (if appropriate).
2. All attempts must be made to provide the student with sufficient time to prepare for such a meeting and to seek and secure appropriate representation (ECSA staff member or class representative). In addition, meetings should ideally be scheduled during a student's normal timetabled hours and at an appropriate campus.
3. Initiate an investigation into the incident to collect evidence to inform the disciplinary meeting (this should ideally take no

longer than five working days). To note again, the student engaged in the behaviours in question should be offered an interview prior to the disciplinary hearing taking place.

4. Arrange for the meeting to be chaired by an appropriate Head of School/Curriculum Team Manager or relevant staff member if the H of S/CTM is unavailable.
5. The letter to student should clearly state the behaviour being investigated, when and where the meeting will be held, and who will chair the meeting.
6. Seek an alternative meeting date and time if the student is unable to attend the first meeting. If the student does not attend the second meeting date offered, the disciplinary hearing may take place in their absence.
7. Document the meeting with the agreed outcomes, note this on the student's Promonitor record, and inform the student and their representative of the outcome of the meeting 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 Promonitor record.

Guidance for staff conducting a Disciplinary Hearing

The LDT / relevant staff member will delegate the chairing of the meeting to the Head of School/Curriculum Team Manager, or relevant staff member if the H of S/CTM is unavailable.

Whoever chairs the meeting must offer introductions and explain the reason for the meeting, including details of evidence gathered as part of any investigation.

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

Disciplinary Meeting Outcomes

Below is a list of the potential outcomes from a disciplinary process:

- A. No further action
- B. Verbal warning, along with a Learner Contract if required
- C. First written warning, along with a Learner Contract if required
- D. Final written warning, along with a Learner Contract if required
- E. Withdrawal from your course
- F. Referral to another College courses or organisation

Mental Health and Medical Conditions

Where there are instances of a student's behaviour relating to a mental health issue, or medical conditions, reasonable adjustments must be made during any consequent action.

Reference to the guidance offered in the College's Mental Health Policy would assist in such cases.

In addition, 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 for safety purposes, it may be necessary to suspend a student.

The LDT / relevant staff member should consult with the Head of School/Curriculum Team Manager in such instances.

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.

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

It is important to indicate to the student what they can and cannot do during this time with regard to learning activities, and any course requirements.

A note of the suspension must be documented on the student's Promonitor record. This information should be retained on the student's record.

Guidance regarding Fitness to Practice

For students who engage in persistent concerning behaviours, or serious behaviours, 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.

Procedure for dealing with appeals against student withdrawal

The student has a right to appeal a decision to withdraw them from their course / s of study.

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

1. Medical, personal or other circumstances which affected the student 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 panel.

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

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

1. The appropriate LDT / relevant staff member will collate information relating to the alleged behaviour, and action taken leading to the proposed withdrawal. This will be passed to the HoS.
2. The HoS will set up an Appeal Panel, and will share the information with the panel members. It is important that the HoS clarifies the primary role of panel members, namely, to come to a fair and impartial judgement based on the evidence at hand.
3. The HoS 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. An Appeal Panel is formed to make a judgement on the appeal. The Panel must comprise of Head of School, or Curriculum Team Manager (not previously involved in the case) and an ECSA Elected Officer.
5. The student is entitled to bring one representative to the appeal, for example a Class Representative or ECSA 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.

6. A panel member is nominated to take a note of the meeting, which would be required as evidence should the student later complain about the panel's decision.
7. An alternative meeting date and time and venue, if required, should be offered to the learner.
8. At the Appeal Panel meeting, the Head of Faculty chairs the meeting and provides the student with all information pertaining to their withdrawal.
9. The Chair invites the student to provide the panel with detail of their appeal. When the meeting is concluded, the panel will consider the outcome.
10. The Panel Meeting outcome must be communicated to the student and LDT and Head of School within five working days.

The decision of the panel is final.

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

4. FURTHER INFORMATION

Further information on this policy can be obtained from:

Nick Croft

Head of Communications, Policy & Research

Tel 0131 344 7179

Mobile 07969 955386

Email nick.croft@edinburghcollege.ac.uk

web www.edinburghcollege.ac.uk

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