



DERBY COLLEGE GROUP POLICY

Positive Behaviour Policy

Policy Number:	CUR-003
Executive Owner:	Deputy CEO
Owning Strategy / Department:	Behaviour for Learning / Student Engagement Strategy
Approval Board / Committee / Group:	Corporation
User Group:	Derby College Employees and Students
Relevant To:	All employees dealing with student behaviour, all students
Implementation Date:	July 2011
Approval Date:	October 2019
Next Review Start Date:	August 2021
Expiry Date Date:	November 2021

Date:	October 2020
Ref:	PB/AD
Originator:	Head of Behaviour
Area:	Behaviour for Learning

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POLICY - PROCEDURES - GUIDELINES - RELATED DOCUMENTS

Policy Accountability and Implementation

Policy Title: Positive Behaviour Policy
 Policy Author / Reviewers: Head of Behaviour for Learning
 Team Manager-Student Engagement
 Policy Implementation: Head of Behaviour for Learning
 Team Manager-Student Engagement
 Policy Monitoring and Compliance: Team Manager-Student Engagement
 Policy Review Timeline: Annual
 Synopsis: To clearly communicate the expectations of behaviour and conduct of Derby College and to clarify the planned consequences that will be implemented to create learning opportunities when expectations are not met

Policy Classification and Publication

Classification

- Not Classified (NA)

Publication

- Intranet – Policy portal
- Student VLE

Empowering/related legislative and/or authoritative references:

Impact Assessment reference: IA46 2014

Periodic Policy Review / Change History

Note: Please make it clear if change/review relates to procedures, guidelines and associated documents only or it is a rational for a new or substantive policy review

Version	Reviewed / Modified by:	Change History	Advisory committee / groups or specialists	Review / Meeting Date/s
V2	Head of Ilkeston and Student Support Services			July 2015
V3	Head of Ilkeston and Student Support Services	No major changes	DP Education and Learner Experience	July 2016
V4	Head of Ilkeston and Student Support Services	No major changes	DP Education and Learner Experience	July 2017
V5	Head of Ilkeston and Student Support Services	No major changes	Deputy CEO	September 2018
V6	Team Manager Student Engagement	Review of content to reflect the promotion of positive behaviours rather than "management" of unwanted behaviours. Incorporation of <i>Searching and Screening</i> and <i>"Reasonable Force"</i> policies. Increased reference to the variety of student groups engaging in College activities.	Deputy CEO	October 2018
V7	Team Manager Student Engagement	Full review, minor amendments.		August 2019
V8	Team Manager Student Engagement	Reviewed: No major changes		October 2020

1. Policy Statement

This Policy is relevant to any individual engaged in Derby College activities.

We have high aspirations for all of our students, with a priority of increasing social mobility by promoting the benefits of participating in education, focusing on social mobility cold spots and creating a line of sight to work and independent living for all (Derby College Strategic Ambitions 2017 – 2020). These ambitions require us to not only have a wide range of study programmes, an extensive offer of support services and partnerships with business and civic communities, it also requires a clarity of expectation of our students and employees.

It is vital that expectations are clearly defined, communicated as early as possible and revisited regularly. It is also important that these expectations are easily understood, concise, positive, aspirational and prominent in all College areas. We have summarised our aspirational expectations for all students and employees under the title of *The 5Ps of Professional Behaviour*.

- Positive
- Polite
- Punctual
- Prepared
- Professional

The promotion of the 5Ps is supported by a training session, “Professional Behaviours for All” and a variety of marketing materials displayed on all sites.

Clearly communicated expectations require a robust process to be followed when expectations are not met. This process needs to be clearly defined, consistently communicated and understood by students and employees as the expectations that proceed it. When expectations are not met and/or the student is in breach of the College Code of Conduct then the first consideration is to how we, as a College, can support the student to meet expectations and to make better decisions in the same or similar contexts in the future. To support this stipulation the College has developed a [Purpose Driven Model of Behavioural Intervention](#) (PDM) as a part of a Whole College Approach to Promoting Positive Behaviour. The PDM can be facilitated alongside or independently of the **DCG Disciplinary Procedure**, however the **DCG Disciplinary Procedure** should not be used independently from the PDM. Any disciplinary sanction (warning) needs to be implemented, and communicated, as a learning opportunity, in that their purpose is to support the student to understand how an expectation was not met, the purpose the expectation or code that was breached serve and the options they have to resolve this and prevent further consequences being implemented.

The College has a zero-tolerance approach to violence, abuse, drugs and alcohol (on site or under the influence), possession of weapons, incitement of hatred, terrorism, discrimination and bullying and harassment of any kind. All these behaviours may lead directly to a recommendation for exclusion, however wherever possible perpetrators of these acts should be advised and guided appropriately to the benefit and development of the individual, the College and society in general as per our duty as a Further Education College. This will be assessed on an individual basis and at the discretion of the College within all statutory requirements and legislative requirements.

We have a duty of care to ensure the health, safety and welfare of all who participate in College activities and College life. We also have the desire to maintain an open environment which staff, students and other members of the community have access to. This duty and this desire bring with them responsibilities and potential hazards, therefore it is vital that any policy relating to behaviour references screening and searching for prohibited items and the use of reasonable force as a “last resort”.

The Education Act 2011 further amended the Further and Higher Education Act 1992 and subsequent Acts in reference to the screening and searching of students for prohibited items. The College has a right to search an individual if the individual gives consent, and authorised staff may conduct a search without consent if there are reasonable grounds to believe the

individual is in possession of a prohibited item. Therefore, Derby College is required to empower staff to act in situations in which they believe a student may be in possession of a prohibited item. This policy and supporting procedure ensure that employees are aware of the procedures that need to be followed to ensure that searches of students are conducted in accordance with the latest powers delegated to Further Education by the Government and with Article 8 of the European Convention on Human Rights.

Under Article 8 of the European Convention on Human Rights students have a right to respect for their private life, however article 8 is not limitless and can be interfered with, but this interference must be justified and proportionate. Powers to search are compatible with article 8 but the College may be required to demonstrate that they are acting in accordance to legislation, policy and procedure, hence its reference here and in Derby College Group's Searching and Screening Procedure. This is further defined in [Searching, Screening and Confiscation - Advice for Headteachers, school staff and governing bodies January 2018](#)

The College is committed to creating a safe, calm and ordered environment that promotes a positive, respectful and inclusive culture. If an employee becomes aware of an altercation, incitement or infraction within our sites and/or our surrounding environment, it is vital that this is dealt at the point of first awareness to prevent any escalation, towards aggression and/or violence. If this is not possible or is missed, there may be times when physical altercations and violence occurs. If it does occur then it is important that employees are prepared to intervene in an appropriate way that promotes the safety of all whilst putting no individuals, including the employee, at more risk. Only in extreme circumstances, when the risk of physical harm to an individual or group is very high, should an employee consider using reasonable force; it is a "last resort". It is important, due to the wish to prevent any incident escalating to this point that references are made within this Policy to Reasonable Force and associated guidelines. It is also important to state at the outset that any employee who employs Reasonable Force, in line with College procedures, guidance and training in an attempt to stop any harm, or further harm, befalling any student or employee, they will be fully supported by the College, including in any legal proceedings begun by a student.

The College takes a zero-tolerance approach to any form of bullying and harassment. If bullying and harassment occurs then the individual or individuals responsible will, where properly evidenced, be subject to disciplinary procedures including, in severe and/or persistent cases, a recommendation to exclude.

2. Definitions

"Bullying and Harassment" refers to behaviour which has the purpose, or effect, of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

"Code of Conduct" refers to the Derby College [Student Code of Conduct](#) and the Derby College Employee Code of Conduct.

"Consequence" refers to an implementation of disciplinary sanctions as per the Disciplinary Procedure.

"Controlled Drug". The Crown Prosecution Service (CPS) defines a "Controlled Drugs" as drugs:

"specified as being of Class A, B or C, as set out in Parts I, II or III of Schedule 2 to the <Misuse of Drugs> Act." ([CPS website](#))

A list of currently controlled medicines and drugs can be found here: <https://www.gov.uk/government/publications/controlled-drugs-list--2>

"Disciplinary Procedure" refers to the set of escalating sanctions that can be implemented when a student's conduct and behaviour is in breach of the [Student Code of Conduct](#).

“Expectation” refers to Derby College’s expectations of students and employees as outlined in the Derby College [Student Code of Conduct](#) and the Derby College Employee Code of Conduct. These are summarised as the 5 Ps of Professional Behaviour: Positive; Polite; Punctual; Prepared; Professional.

“Employee”, where differentiated, refers to any individual employed by the College to fulfil its activities.

“Last Resort” refers to when, to maintain the safety of a student, students, employee and/or employees is to employ the use of “reasonable force”.

“Pre 16 School Student” refers to a student who is on roll at a local school but who, through agreement with the school, is also enrolled on a vocational programme at the College. These students still remain, ultimately, the responsibility of their school, however they are still subject to the same expectations of any other student.

“Prohibited Item” is anything that is illegal or deemed to be unsuitable to be brought onto a College site. This includes:

- Knives and weapons
- Controlled Drugs and Psychoactive Substances as defined by the [Misuse of Substances Act 1971](#) and [Psychoactive Substances Act 2016](#), including vape oils and any other products containing any other substance listed in the above acts
- Products containing TBC (Tetrahydrocannabinol) oil and/or CBD (Cannabidiol) oil (see **“Psychoactive substances”** for further clarity)
- Stolen items
- Alcohol*
- Tobacco and cigarette papers*
- Fireworks*
- Pornographic images*
- Any article that a member of staff reasonably suspects has been, or is likely to be used:
 - To commit an offence
 - To cause personal injury to, or damage to the property of, any person (including the student).

NB: A without consent search cannot be conducted on a student who is 18 years of age or older for any item marked with an ‘*’.

“Purpose-Driven” refers, for the purposes of this policy, to decisions made and actions taken, when a student is in breach of the Code of Conduct, that have the purpose of creating a learning opportunity and providing support conducive to the student meeting the expectations of the College as outlined in The 5Ps. Purpose-driven actions may be utilised independently from the DCG Disciplinary Procedure but the DCG Disciplinary Procedure may not be invoked without considering and implementing purpose-driven action.

“Psychoactive Substance”. The World Health Organisation (WHO) defines a psychoactive substance as:

“substances that, when taken in or administered into one's system, affect mental processes, e.g. cognition or affect.” ([WHO website](#))

THC oil is a psychoactive substance and therefore is judged to be inappropriate for consumption or presence on a College site, even when contained in legal and non-controlled products (non-medicines) due to its effect on cognition and mental processes as defined by the WHO above. If found on a College site items containing THC oil can be confiscated and anyone found in possession can be Timed Out as per the Disciplinary Procedure, if deemed to be appropriate and purposeful (mitigating risk, allowing for investigation and/or creating a learning opportunity).

CBD oil is not deemed to be a psychoactive substance, as per the WHO's [Critical Review Report](#), and does not appear to have any significant effects, positive or negative, on the people who use it; it is primarily a muscle relaxant. However, many of the "over-the-counter" products that contain it are not required to have the rigorous tests that medicines are and are not regulated, leading to the amount present and the ingredients included in combination with it also being unregulated and untested. Because of the above, DCG categorises CBD oil with alcohol, as legal (for 18+) but inappropriate on a College site and therefore is a prohibited item.

For the purpose of this Procedure, "Controlled Drug" and "Psychoactive substance" are synonymous and will both be referred to as "Controlled Drug" from this point forward.

"Reasonable Force" is defined as a degree of force that is in proportion to the context and circumstances. It is intended to prevent harm and is the minimum needed to achieve the safety of an individual and/or others.

"Reasonable in the circumstances" means using no more force than is needed.

"Resident" refers to a student who is also a resident in the accommodation at the Broomfield site.

"Responsible Adult" refers to a parent/guardian/carer or adult designated as having legal responsibility and/or parental rights for a student under the age of 18 or vulnerable adult.

"Role Model" refers to an individual who exemplifies the expectations of Derby College.

"Screening" is a low contact/no contact method using of a hand-held metal detector to identify if an individual is in possession of a prohibited item.

"Searching" is the process of searching an individual's person, clothing and/or baggage for prohibited items within the College's statutory rights.

"Student", where differentiated, refers to any individual enrolled on a College study programme or course, including apprentices, HE students, mature students, those attending College through agreement with school, on a part-time basis and on short courses.

"Trip/Visit" refers to any activity organised by the College for students to partake in on or off-site. This Policy and related documents are relevant even when activities are off-site and/or abroad.

"Us", "We" and "The College" throughout this document are synonymous; it is essential for the success of a positive behaviour approach that, in terms of expectation of conduct, there is no differentiation between the expectations of employees and students.

"Work Experience" refers to activity undertaken at College or in a work place by a student through agreement with the College, employers, work places and Students for the fulfilment of Student Study Programmes.

"Zero Tolerance" refers to the College's approach to behaviours relating to: violence, drugs and alcohol, incitement of hatred, terrorism, discrimination, and bullying and harassment of any kind.

3. Principles

This policy sets out the positive and professional behaviour expectations of individuals at Derby College.

4. Scope and Limitations

This policy applies to all employees, students and others engaging in College activities, College life and on visits/trips (including abroad).

Students on a trip who are deemed to be in serious violation of this Policy and/or who are judged to be a safety concern may have their responsible adult(s) contacted and a request made to collect the student, even when abroad. In these circumstances these collection arrangements will be agreed with the employee leading the trip, at the cost of the responsible adult(s).

Students partaking in Work Experience as a part of their study programme will continue to be subject to the same expectations during their work placement as when they are "in College". This means that they are also subject to the same consequences if they do not fulfil these expectations. When students are in a workplace and there is a breach of any element of the code of conduct then the employer should contact their link Work Experience Officer to discuss at their earliest opportunity.

Residents at our Broomfield site are subject to the expectations outlined in this policy and also the expectations outlined in their residency agreement. A resident who is in breach of their Residency Agreement may incur consequences in relation to their residency, but not their Study Programme. Likewise, a student who is also a resident may incur consequences as per the Student Disciplinary Procedure without any consequence to their residency. However, if a student is excluded from their study programme, this is a violation of their Residency Agreement, in that they are required to be enrolled on a Derby College Study Programme to be a resident.

Pre-16 School Students are subject to the same expectations as any other student, however they remain in the duty of care of their school and therefore any consequence needs to be implemented in communication and agreement with the School Liaison Team Manager and their identified school contact. The process and guidelines for this are outlined in the 14-19 Service Level Agreement and Working in Partnerships with Schools Staff Guide 2019 - 20

There may be specific circumstances, contexts and occasions when reasonable adjustments may need to be made for an individual who has disclosed an inclusion need and whose conduct and behaviour is affected by factors outside of their control. This will be considered on an individual basis by the Team Manager Student Engagement, in consultation with other relevant professionals, when appropriate.

5. Responsibilities

Every employee has a responsibility to role model our expectations, communicate our expectations, support students to understand these expectations and challenge when expectations are not being met. Wherever possible this should be done swiftly, informally and at the time of the breach of the expectations. If these breaches are more serious, or are persistent, then formal disciplinary sanctions, as outlined in the Disciplinary Procedure, should be implemented. Our responsibility, as a College, is to support our students to understand the expectations and associated skills that will benefit them at College, in their community and in the workplace. It is important that we all recognise this responsibility.

The Head of Behaviour for Learning is responsible for the development and implementation of the arrangements covered by this policy.

The Head of Behaviour for Learning, Team Manager Student Engagement, College Heads, Team Managers, Teachers, Personal Tutors, Student Experience and Progression Coaches and Student Expectation Mentors are responsible for the delivery and implementation of the Positive Behaviour Policy in all area(s).

The School Liaison Team Manager is responsible for the engagement of pre-16 students at Derby College, including the communication of the College's expectations, and for the liaison between College and Schools.

The Residential and Welfare Manager is responsible for the communication of the College's expectations to residents of the College and the implementation of necessary actions based on their conduct during residency, in line with their residency agreement.

6. Implementation Arrangements

Employees are obligated to make themselves aware and check their understanding of College policies which are contained within the Policy section of the intranet. Updates and amendments to procedures are disseminated and revisited periodically during team time, CPD and team meetings.

Employees, students and parents have access to this policy on the [College website](#), it can also be found on the DCG intranet.

7. Monitoring and Review

The Positive Behaviour Policy is subject to regular review. The policy and the implementation arrangements which underpin it will be formerly reviewed on an annual basis. The review will take into account the views of employees, students and local and national planning and guidance documents. The College reserves the right to make whatever changes it deems appropriate.

8. Guidelines

Use of Reasonable Force Guidelines
Student Handbook
Working in Partnerships with Schools Staff Guide 2019 – 20
Residential Student Handbook

9. Procedures

Derby College's **Disciplinary Procedure** outlines the consequences (sanctions) related to minor, significant and persistent breaches of the College's expectations as outlined in this document and in both the Student Code of Conduct and Employee Code of Conduct. These consequences range from a "Reference Comment – Behaviour" for relatively minor infringements of the expectations, to the "Recommendation for Exclusion" for infringements related to the wilful creation of hazards to the continued health, wellbeing and/or safety of others or persistent negligent acts that impact the learning, health, wellbeing and/or safety of others. Further explanations of these terms and other related sanctions can be found in the Disciplinary Procedure. This procedure also covers its relationship with students on trips and residential.

Please also see related procedures:

Searching, Screening and Confiscation Procedure

10. Templates / Forms

See relevant Guidelines and Procedures for appropriate forms.

11. Related Documents

COVID-19 Addendum to the Positive Behaviour Policy
Behaviour Assessment Matrix and Consistency of Action Table

14 -19 Service Level Agreement
Licence to Occupy
Attendance Policy
Student Bullying and Harassment Policy
Fitness to Study Policy
International Policy
Safeguarding Policy