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ABSTRACT

This manual was developed to help educators, especially in further education colleges in Britain, to develop a whole-college approach to managing disruptive behavior in students and to serve as a resource for disciplinary policy and staff development. The manual is organized in eight chapters. The first chapter explores the background to the issues surrounding disruptive behavior in postsecondary education; in chapter 2 it outlines the premises of the research project that is the foundation for which the manual is based. Chapter 3 provides a framework for identifying and analyzing the types and reasons for problem behavior; chapter 4 presents the model that has been adopted in this research to achieve a whole-college approach. In chapter 5, the manual offers a self-assessment schedule to audit existing behavior management policies, systems, and delivery methods and from there plan an agenda for action (presented in chapter 6). Chapter 7 offers guidance and interpretation of the legal issues arising from disruptive behavior and the rights and responsibilities of college staff. The manual concludes with a section on future directions, a checklist of performance indicators relating to each level of the whole-college model, and a list of recommendations. A reference list and bibliography contain 134 citations. Fourteen appendixes provide research documents and college policies. (KC)

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AIN'T MISBEHAVIN

managing disruptive behaviour

inclusive learning

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Using this manual

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Introduction

Why address disruptive behaviour?

The range of students who come through the doors of further education colleges is wide. They have different learning aims and requirements. Some will exhibit behaviour which is disruptive. In seeking to include these individuals, and ensure that they have successful learning experiences and outcomes, college staff need to adopt a strategic, whole-college approach.

Purpose of this research

This manual is derived from FEDA research projects on disruptive behaviour. It aims to balance current practice in colleges with an expert overview across education and other sectors. Rather than focusing on deficit models, as much work in this area does, it concentrates on a whole-college approach recognising that such an approach has to take account of differences in college size, structure and management style.

Initial research identified the nature and impact of the issues in colleges. Then eight colleges, representing a range of sizes, locations, regions and specialisms, took part in the development work. Together they helped to identify best practice from both inside and beyond FE, and develop specific approaches to produce recommendations for FE institutions and signposts for further development.

The aims of the research were: to provide a model for whole college analysis and development; to provide practical strategies and tools for managing disruptive behaviour and to draw up guidance on legal issues. Details on the specifics of this research project are given in Chapter 2.

Defining disruptive behaviour

For the purposes of this report we have adopted 'disruptive behaviour' as a generic term to include a range of behaviours along a continuum from the irritating to the serious. In the last 10 years, colleges have begun to recognise that disruptive behaviour is an issue for FE. In this context of clearly evidenced, invasive disruptive behaviour we use the following definition:

> *The term disruptive behaviour here describes patterns of repeated behaviour which significantly interrupt the learning of others or threaten their personal security or well-being, or bring the organisation into disrepute.*

Project colleges used this definition as a basis for discussion in order to develop their own distinctive definitions, some of which were broader and some narrower and more specific in focus.

We rejected the term 'challenging behaviour' because it:

- fails to recognise the distinction between 'normal' behaviour patterns of adolescents who are exploring and challenging the boundaries of authority as they establish their individual identities; the management of behaviour is a long-established and well-accepted part of the tutor's task
- is used increasingly and legitimately to describe the less voluntary but norm-challenging behaviours of some individuals and groups of individuals with learning difficulties or disabilities
- is qualitatively different from the term 'disruptive', and using the two synonymously is not helpful when developing positive procedures and strategies
- could be used to cover certain cultural differences which are challenging to many individuals in a multicultural society, but which should not be viewed as necessarily disruptive.

However, some colleges prefer to use the term 'challenging behaviour'. When developing a positive, whole-college approach, they should ensure that their policies, procedures and systems for managing disruptive behaviour support and work in congruence with their other policies, procedures and systems.

What this manual offers

Ain't misbehavin' is designed to give college managers, teaching and learning support staff guidance on how to develop a whole-college approach to disruptive behaviour at the levels of strategy, systems and delivery. It provides the basis for organisational analysis and development.

Content

This manual begins by exploring the background to the emergence and recognition of the issues surrounding disruptive behaviour in the post-16 sector. It identifies key initiatives and central and local government responses. In **Chapter 2**, it then outlines the underlying premises on which the research project is based by setting out the stages involved.

This is followed by a framework for identifying and analysing what types of behaviour occur, where the disruption is located, who gets involved, when it arises and why the sector is experiencing these problems. This framework, given in **Chapter 3**, can serve as a useful starting point for staff development sessions because it opens up the agenda and calls on the experience of all members of the college.

Chapter 4 then presents the model which has been adopted in this research as a means to highlight the interlinked decisions and actions which need to be addressed in order to achieve a whole-college approach. These occur at the three levels of strategic, systems and delivery. This 'cone' model provides the basis for the organisational analysis and development which this manual advocates.

The manual then offers a self-assessment schedule, in **Chapter 5**, which colleges can use to audit existing behaviour management policies, systems and delivery methods and from there plan an agenda for action. At the action planning stage it is suggested that colleges initially focus on just three or four of the areas they have identified as needing action. The manual then advocates and illustrates a practical approach of listing desired outcomes and then breaking these down into sub-stages with details of methodologies, responsibilities and target dates. This is followed, in **Chapter 6**, by an agenda for action at each of the three levels. At the strategic level, this is accompanied by examples of behaviour policies and codes from the partner colleges; at the systems level by staff and student survey materials, a range of staff development materials and various forms of procedural documentation from the partner colleges, and at the delivery level by materials describing the methods and approaches indicated in the self-assessment schedule.

Chapter 7 offers guidance and interpretation on the legal issues arising from disruptive behaviour, detailing the rights and responsibilities of all college staff including governors, lecturers and support staff. While written by a legal expert, it does not constitute authoritative legal interpretation, which is exclusively a matter for the courts. A summary of the key points is provided (in the appendices) to use as a reference document and as a handout for a staff development session.

The manual concludes with a section on future directions offering a checklist of performance indicators relating to each level of the whole-college model and the legal aspects guidance document. It also offers a list of recommendations for the FE sector as a whole.

The bibliography encompasses a range of materials which will be particularly useful at the delivery level of the cone model. Many of the recommended texts were researched in and written for the primary and secondary schools sectors, but they readily transfer to the FE sector.

The manual can be used in a number of ways including:

- as the basis for developing a whole-college approach to managing disruptive behaviour; this will involve carrying out the self-assessment and action planning and then developing the policies, systems and practical strategies
- to gain a comprehensive picture of a college's legal responsibilities relating to challenging behaviour
- as a resource for reviewing and modifying the college's existing:
  - disciplinary policy
  - strategies for preventing and managing disruptive behaviour at the delivery level
  - as reference and resource material to use for staff development.

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Context and background

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Context and background

Changing face of FE

In the three years following the incorporation of colleges in 1992, the FE sector was required by the then government to achieve a 25% average increase in participation. This inevitably resulted in a change in the nature of the FE college's client base. Coupled with the requirements of the emerging new funding methodology, this resulted in:

- a broader age range of clients and new cohorts of clients
- new attendance modes and the growth of resource-based and less supervised learning
- an increase in outreach provision, sometimes in less appropriate accommodation
- more disaffected and demotivated clients
- more clients with learning difficulties and disabilities.

These changes occurred against a background of accelerating changes in society in the UK which include:

- a rise in general and violent crime
- a rise in the prison population
- a rise in exclusions from school
- a lessening of positive parental influence and control
- an increase of 'gang' culture.

All of the evidence suggests that the issue of disruptive behaviour in post-16 education is likely to increase rather than decrease.

Disruptive behaviour and FE

Increasingly, FE colleges are taking positive approaches to disruptive behaviour. Some colleges see this work as an integral part of their mission in making education and training accessible to all members of their local communities. They are working with schools and other organisations to make specific provision for young people who have been identified as having emotional and behavioural problems.

Others have identified the need to take a whole-college approach since disruptive behaviour may occur on any programme in any area of the college. They are developing clear policies and procedures and have well-trained, confident staff who are better able to manage behaviour, defuse conflict and enable students to succeed in their learning and achievements. This is reflected in improving levels of retention and achievement.

Roots of disruptive behaviour

It is unhelpful to think of 'groups' of learners as being the disruptors or to assume that a single approach will be effective in every circumstance. The roots of disruptive behaviour are complex and individual. They can include family disadvantage or dysfunction, poor parenting skills, poor experiences at school, bullying, difficulties in learning and psychological difficulties. A range of approaches is needed, derived from and matched to each individual's requirements. Individuals and their behaviour should be considered in context to understand the origins of the behaviour and to make an effective response.

Social context and government policy

The current context continues to be one of change. With the change of government in May 1997 came a different policy agenda designed to promote social cohesion and economic prosperity, with education placed firmly at the heart. The new government has recognised that with widening social and economic inequality considerable personal and social damage is inflicted on those who are on the wrong side of the social and economic divide. These people are more likely to experience poverty, social exclusion and restricted opportunities and have reduced life chances. Failure to tackle the issues brings high costs to society, not only through the reduced economic contribution of these individuals, but in extreme cases through leading to criminal activity and the resulting costs of imprisonment should this be the outcome.

Education providers can minimise social inequality through tackling the learning divide. The challenge is to reduce the gap between those who have had a successful experience of education, achieved qualifications and are actively involved in learning and those who have not. It is not surprising that where there are widely differing social inequalities, there is disaffection, alienation and hostility towards education which may be perceived as causing or at least perpetuating the inequality. The challenge this presents to education, including FE providers, cannot be underestimated.

The Government's commitment to education is demonstrated though a range of initiatives for education and training such as Welfare to Work, New Deal and New Start. It has set up an Advisory Committee on Adult and Continuing Education which makes the case for a culture of lifelong learning for all, throughout the whole of the UK. This is stated in *Learning for the 21st century*, the committee's first report published in November 1997.

At the same time as this changing context was taking place, three key national committees reported on further education. Chaired respectively by Sir Ron Dearing, Professor John Tomlinson and Baroness Helena Kennedy, each of these significant reports has implications for students who exhibit disruptive behaviour. These, and other key initiatives with implications for the approaches taken to managing disruptive behaviour, are outlined below.

Key reports and initiatives

Reports with implications for managing disruptive behaviour

Dearing review of qualifications for 16 to 19-year-olds

Although limited in its remit to 16–19 qualifications, Sir Ron Dearing's review (1996) recognised that many young people had become excluded or alienated from education before the age of 16. He made it clear that there is a need to recognise a wider range of achievement for post-16 learners. Acknowledging that FE has a long history of catering for learners who have been unsuccessful in school through providing a vocationally relevant curriculum, he recognises that making further provision to ensure that such learners achieved should be a major policy objective. He suggests that entry level qualifications and courses to accredit skills for independent adult life could improve motivation for learners.

Inclusive learning

This report of the FEFC Learning Difficulties and Disabilities Committee (published in September 1996 and commonly known as the Tomlinson Report, the name of its chair) specifically identifies that young people who are described as having emotional and behavioural difficulties are underrepresented in FE. The lack of good quality learning opportunities for supporting these young people was noted, as was the unsuitability of some of the provision made.

Inclusive learning sets out an approach which focuses on learning and places the learner at the centre of the process. It requires colleges to reconsider their learning environments to provide the best match between how individuals learn best, and what they want and need to learn. Although starting from the perspective of students with learning disabilities and/or learning difficulties, the committee's concept of inclusive learning represents the most effective practice for all learners and learning. It puts the responsibility for responding positively to all learners firmly in the hands of college staff. This implies a college-wide approach and an increased awareness and understanding of the issues across the organisation.

It reports a range of reasons why young people are not participating in learning. Some are unable or unwilling to do so, others are unaware of what is available and where. Some do not value the opportunities available or think they will receive the support they require. This group includes people with mental health or emotional difficulties, including those who exhibit aggressive and disruptive behaviour, who are characterised by having had little support in growing up, bad experiences of school and a record of non-attendance.

Widening participation: learning works

This committee, chaired by Helena Kennedy, was set up by the FEFC to recommend how the sector could widen participation in further education not just by increasing the numbers of learners in post-school education, but by including a wider range of people and enabling them to have successful experiences of learning.

Kennedy recognises that while there has been an unprecedented period of growth in the sector since incorporation, this has failed to widen participation substantially. Competition has resulted in some improvement in responsiveness but many colleges have targeted those easiest to recruit and most likely to succeed. Learners with

disruptive behaviour do not meet these criteria and, as noted by Tomlinson, they are underrepresented in FE. This situation has been compounded by diminishing resources and continued requirements for growth, which has squeezed out disadvantaged groups.

The report's recommendations include to reform the FEFC's funding methodology, to encourage reaching underrepresented groups and to create partnerships to extend provision and offer a more flexible curriculum structure supported by a credit framework. If implemented, these all provide the underpinnings for including learners with disruptive behaviour. In common with *Inclusive learning*, the report also notes that new groups of students will demand new skills from a wider range of staff. They will need to be able to adjust their teaching and learning strategies to respond to individual requirements and learning styles.

The Elton Report

Probably the single most important and seminal document on this area was the Report of the Committee of Enquiry chaired by Lord Elton, published under the title *Discipline in Schools* (DES, 1989). While this is based on research in secondary schools, the project colleges were particularly appreciative of the experience it represents and the messages it can offer the FE sector. Acknowledging written evidence from 68 LEAs, 59 initial teacher training establishments, 88 national and regional organisations and a further 394 additional written submissions, together with oral evidence from some 70 representatives or expert witnesses, the report made 138 recommendations, many with sub-recommendations. These include:

- difficult behaviour is a complex phenomenon and there are no easy single solutions
- on the whole, most schools are 'well-ordered' but even in well-run schools, minor disruption can be a cumulative and significant problem
- teachers need to be helped to become effective classroom managers through initial and continuing training opportunities; this might involve developing skills such as:
  - the use of appropriate non-verbal as well as verbal behaviour
  - choosing appropriate classroom layout
  - good lesson organisation
  - the appropriate use of reinforcement
- schools should develop a positive ethos through measures such as:
  - a whole-school pastoral and curriculum policy which is conducive to effective teaching and learning as well as the avoidance of failure and frustration
  - clear, consistent and positive styles of management with structures and practice which effectively transmit the ethos of the school
  - graduated and appropriate sanctions which are fairly applied
  - the promotion of positive relationships
  - active co-operation with parents in the community
  - an emphasis on personal and social education to help prepare pupils themselves for parenthood
  - close collaboration with support services
  - preventative and problem-solving rather than crisis-driven approaches
- LEAs should develop their management information systems in order to target consultancy and support services to schools in difficulty.

While the report operates at a number of levels it concentrates, inevitably, on strategic approaches rather than on concrete recommendations about teaching and learning.

Youth work in colleges

This publication by Jenny Hand and Wayne Wright (1997) highlights the role of youth workers acting in partnership with FE colleges. It states that colleges employing youth workers are generally ones with an ethos of student participation, responsibility and involvement. Key areas where youth workers offer support to students include:

- providing projects that enhance and support the curriculum
- offering advice, information and informal counselling, in particular providing group work sessions on behaviour management
- acting as a mentor to support disadvantaged or disaffected students
- being on hand in public areas during students' free time to handle and defuse difficult situations involving disruptive behaviour
- helping with the recruitment and induction of new students, to ensure learners do not end up on inappropriate courses and to help students settle in and feel a part of college life when they first arrive
- responding to unplanned issues which arise within the college, such as bullying, stress, racism, many of which are related to students' attendance and consequently their achievement.

All of these roles support the college in managing and preventing disruptive behaviour. This publication provides case studies to illustrate each of these roles in action.

Appendix 1 sets out the job function and tasks undertaken by the youth workers at one such institution, Luton Sixth Form College.

Disruptive behaviour in schools and planning for transition

Many young people who manifest disruptive behaviour, will have experienced a history of difficulties at school and in some cases exclusion from school. Colleges need to be aware of the issues, developments and requirements from the schools' perspective to provide continuity, plan for transition and learn from effective practice in this sector.

Excellence for all children

The green paper *Excellence for all children* (DfEE, 1997) devotes a chapter to policies and action related to children with 'emotional and behavioural difficulties' (EBD). It stresses that while education cannot be expected to solve, unaided, problems linked to wider social issues, there needs to be closer co-operation with other services and agencies. This includes FE.

It lists the following as being the foundations of an overall strategy:

- *education policies for improving the achievement of all children, combined with broader social policies to combat disadvantage*
- *early identification and intervention, with schools and other agencies working with the families of children with EBD*
- *effective behaviour policies in schools and LEAs*
- *strengthening the skills of all staff working with pupils with EBD*

- *a range of specialist support to meet the varied needs of pupils within this broad group*
- *wider dissemination of existing best practice*
- *encouraging fresh approaches.*

(DfEE, 1997, p79)

There are many similarities in this strategy to the approach recommended in this manual for FE. It is important to provide continuity of approach to ensure the smooth transition from school to FE.

Excellence in schools suggests that schools need to offer a setting where all children are valued and encouraged to behave well, where there are clear guidelines for behaviour, teaching is positive, and where damaged self-esteem can be rebuilt. Many are working towards whole-school strategies designed to sustain this approach, encompassing pastoral systems, specific policies to promote achievement by boys, and explicit agreement about the role of support services. Such approaches need the support of all staff, and a strong lead from the school's management. Other proposals encourage the careful introduction of 'assertive discipline', and the use of home–school contracts. This general approach is equally applicable in FE and has implications for developing partnerships and ensuring a consistency of approach.

LEA behaviour support plans

LEAs are required to produce behaviour support plans which set out their arrangements for the education of young people with behavioural difficulties. In drawing up their plans they are required to consult a range of relevant local interest bodies, including the FE sector, to establish joint enterprises for providing for these learners. The 1997 Education Act states that FE colleges must help LEAs produce these plans and identify the contribution they can make to meet the needs identified. While the type of joint enterprises encouraged by this approach are already found throughout FE, the implication is that even more need to be developed.

School-college links

School children with emotional and behaviour difficulties which may disrupt the education of others are often assessed and then given a statement of special educational needs, which is reviewed annually. Colleges need to be aware that the process of transition planning which begins at 14 may include the provision of FE facilities. Early contact will allow colleges to make their own assessment of the situation so that they can provide the learning environment that the individual needs.

FE colleges may also be involved with schools and LEAs in providing for young people excluded from school or in pupil referral units (PRUs). Sir Ron Dearing noted the valuable work achieved with these young people which motivated and encouraged them back into education.

Include (formerly Cities in Schools)

The Include initiative provides bridge courses for young school-aged pupils out of school because of permanent exclusion or long-term non-attendance and who appear unlikely to progress to further education or training. Programmes involve: two days a week in the FE college focusing on basic literacy, numeracy and IT; two days a week work experience and one day a week working with a group tutor covering personal tutorials, groupwork and leisure activities. Positive outcomes of the programme have included improved

attendance and attitudes towards learning; accreditation of literacy, numeracy and other skills and a high proportion moving on to further education and training. For example, in 1995, Coleg Glan Hafren delivered a link course for Year 11 pupils with poor attendance levels and behaviour difficulties from two Cardiff secondary schools. Include employed a support worker to be responsible for the pupils selected. The course offered a taster induction programme to give the students experience of different vocational subjects. The attendance rates of all pupils involved rose, both in college and at school. By offering a different approach to that offered in schools, such courses aim to provide a learning environment within which these pupils can succeed.

Other government initiatives

New Start

This government initiative is designed to re-engage disaffected young people who are outside learning or at risk of leaving early through local interagency strategies in partnerships across the country. Partnerships, which include the careers service, schools, FE colleges, TECs, local authorities, youth service and voluntary organisations, bid for locally devised projects designed to reduce disaffection and non-participation.

A 1997 FEDA research project, commissioned by the DfEE, on access and support strategies for disengaged young people entering FE found that two-thirds of colleges had experienced an increase in such students during the past three years and a similar proportion predicted that numbers would continue to increase. It highlights the importance of partnership approaches, cross-college strategies, learning programmes which are varied and different from schools and a trained and supported staff. Demotivated students wanted above all to be treated as adults and with 'respect'. The resulting practical guide for colleges, *Further education: giving young people a new start*, is available free from FEDA (while stocks last).

New Deal

The Government's New Deal programme for 18 to 24-year-olds aims to help young people who have been unemployed and claiming Jobseekers' Allowance (JSA) for six months or more to find work and improve their prospects of remaining in sustained employment. New Deal consists of 'gateway' provision designed to provide initial careers advice and guidance and prepare young people for one of four options: a subsidised job with an employer; full-time education or training; work with the Environmental Taskforce, or work with the voluntary sector.

The full-time education and training option is designed primarily for those without NVQ 2 or equivalent level qualifications especially those who lack the qualities, attitudes and skills for employment. It is likely that some of these young people, whose previous experience of education was unsuccessful and who have failed to gain or remain in employment, will present challenges and may exhibit disruptive behaviour. Colleges will need to be prepared to respond positively to these young people to enable them to succeed.

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Outline of this research project

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Outline of this research project

Managing disruptive behaviour has become a crucial issue for colleges to address. The extent of disruptive behaviour in the sector is wide and it is having an impact on the college image in general and recruitment, retention and achievement in particular. Colleges are keen to put systems in place for managing disruptive behaviour and are looking for guidance on:

- behaviour management strategies (drawing on good practice)
- the legal aspects of disruptive behaviour
- the development of behaviour policy
- whole-college initiatives
- curriculum models to foster good behaviour.

These were the key messages to come out of a recent FEDA seminar on 'Positive approaches to challenging behaviour'. The seminar also identified that there are many positive examples of strategies for dealing with disruptive behaviour issues, but it also suggested a lack of coherence of approaches in colleges, and a widespread need for staff development at all levels.

FEDA used this information and advice from the sector to determine the aims and methodology for this project. The consultants running the seminar then worked with eight of the participating colleges to develop ways to address these issues in practice. This was the beginning of this project.

Aims

The aims of this project were to identify:

- policy models
- legal advice
- curriculum structures
- support services
- practical strategies for promoting appropriate behaviour in FE colleges.

Methodology

The eight colleges which volunteered to participate in the project were together representative of the FE sector in terms of size, geography, specialism and catchment. They were all committed to addressing the issues of disruptive behaviour. Each college nominated a project manager and a cross-college project working party to steer the work.

The behaviour management consultants produced the whole-college cone model as the basis for whole organisation analysis and development. This identifies 3 levels of activity and decision making – strategic; systems and delivery. From this work they derived the self-assessment schedule (Chapter 5) to enable the colleges to map and evaluate their existing policies, procedures and processes. The cone model proved a powerful focus for engaging all members of each of the participating colleges.

Completing the self-assessment schedule involved each college in examining the systemic nature of their institution. It revealed overt and covert, conscious and unconscious procedures and patterns of behaviour. One college commented that while the exercise was reassuring in that it identified a number of good practices and well-defined procedures and systems, it also revealed a lack of penetration of the college ethos, a lack of performance indicators, a lack of policy statements and inconsistencies in the implementation of the disciplinary system.

Another college described the self-assessment process as:

> *an exercise which created a very comprehensive picture of the reality behind the formalised college structure.*

In many cases the self-assessment exercise identified gaps in a number of areas. The colleges were asked to identify and focus on three to four key areas for action.

Each college then completed an action plan, an example of which is given in Table 9 (Chapter 5, p9). In this plan they identified desired outcomes for their three or four areas for action. They broke these down into sub-stages and identified methods, responsible personnel and timescales for achieving them. The areas for action included such things as:

- developing common responsibility for managing disruptive behaviour
- achieving a consistent approach
- improving communications
- enhancing the college's reputation
- examing the nature of disruptive behaviour as it relates to:
  - students with learning difficulties and disabilities
  - within classrooms
  - within a multicultural student population

The behaviour management consultants offered training and consultancy to each of the project colleges to help them to achieve their intended outcomes. The identified outcomes were different for each college, reflecting the range of contexts in which disruptive behaviour occurs.

Three seminars held throughout the year of the project enabled the college leaders to meet with the consultants to share their issues and discuss their plans and strategies. This also allowed them to become aware of the broad spectrum of activities taking place across the project.

This manual is informed by feedback from the eight college teams, including exemplars of policy documents, report forms, strategy models and staff development materials. It also includes the package of guidance and training materials produced and used by the consultants. The legal guidance section gives not only general advice not only on disruptive behaviour but also on specific issues identified by the project colleges.

The following cameos, produced by each of the eight colleges taking part, outline the:

- college and the area it serves
- rationale for selecting intended outcomes
- chosen methodology
- key learning points
- emergent issues and outcomes.

The colleges used their results from completing the self-assessment schedule in Chapter 5 to identify their areas for action.

College cameos

The eight colleges featured below have gone through the process of self-assessment and action planning to inform their approach to addressing disruptive behaviour. Each college identifies different outcomes, reflecting the range of circumstances in which disruptive behaviour is manifested.

The colleges share a mutual concern that disruptive behaviour is:

- increasing
- changing in nature
- becoming more difficult to manage within the prevailing climate of efficiency gains.

Coleg Glan Hafren, Cardiff

The college

Situated in the new Cardiff county, previously part of South Glamorgan, Coleg Glan Hafren is tertiary with 8,200 student enrolments yielding an FTE (full-time equivalent) of 3,355. It employs 181 full-time management and lecturing staff, 127 full-time support staff and 138 part-time staff.

The area

Cardiff is a cosmopolitan, multi-ethnic and multicultural city and is the administrative, business, cultural and educational centre for Wales. The demise of the coal and steel industries has necessitated attracting new industries and there are ambitious schemes in hand, such as the redevelopment of the docks area, but these do not always affect the established communities.

Unemployment and associated disaffection among young people are continuing, serious and deeply-rooted problems. Many young people drop out of or have poor attendance at school. There are widespread basic skills deficiencies and a substantial number of the young from ethnic minority communities have ESOL (English as a second or other language) needs.

College initiatives

The college is participating in a number of governor training initiatives, it is collaborating with Include (formerly Cities in Schools) to offer provision for disaffected Year 11 pupils and has devised its own Access to FE programme as well as offering a range of GNVQ foundation options and courses for students with learning difficulties. The 'image' of the college is seen to be important as there is intense competition with school sixth forms for students as well as a need to attract fee-earning business from local industry. The opening of a prestigious site in the city centre was designed to enhance this image.

However, the college is also mindful of its role in addressing the very real problems of the disaffected and disadvantaged young and unemployed people. These are the individuals most likely, although not exclusively, to exhibit disruptive behaviour, and affect the public image of the college. Such behaviour puts pressure on staff and other students which, it is felt, is contributing to stress-related staff sickness and student dropout rates.

Self-assessment

The college's self-assessment schedule confirmed that certain courses, and one department in particular, are perceived as being 'responsible' for the presence of difficult students in the college. There is a lack of agreement about whether such students should be admitted to the college in the first place, about whose responsibility they are and about how they should be dealt with. These problems seem to be recurring and, probably, escalating.

Action plan

The college's action plan focuses on 'intra-college strategies to ensure a whole-college approach'. The aim was to develop a sense of common responsibility and purpose in dealing with this issue, by highlighting consensual and co-ordinated policies and procedures which will allow the college to adopt a cross-college approach.

Exeter College

The college

Exeter College in Devon opened in 1970 as the first tertiary college in England. It is the main provider of post-16 education in the area with about 11,000 students on roll, of which 3,500 are part-time. It has 511 full-time equivalent employees of whom 280 are lecturers. The comparatively large size of the college means that it can offer a wide range and combinations of A-level subjects, the International Baccalaureate, a good range of vocational subjects at all levels and discreet provision for students with special needs. Approximately 80% of the five 12–16 city high school-leavers progress onto full-time programmes in the college along with a high proportion of students from the three special schools. One of the college's many strengths is its strong tutorial system and the opportunities it provides to broaden the curriculum for every full-time student. Its main campus provides about 50% of its accommodation, and the rest of its provision is delivered from its eight satellite centres scattered across the city.

Assessment of the situation

The college first offered discreet courses to students with mild, moderate and severe learning difficulties in the mid-1980s. Since then these students have become more integrated into the college, including where the courses are located.

In the past few years, the number of students enrolled at the college with severe behavioural problems, mostly on discreet programmes for SLD students, has increased. A few incidents of inappropriate behaviour towards staff and fellow students resulting in injury have been reported. The Health and Safety Committee were asked to explore the issues to then develop a 'Restraint policy'. However, progress came to a halt while awaiting guidelines from the LEA. Meanwhile incidents were still being recorded and staff felt vulnerable, not knowing what they could or could not do.

The gradual increase in numbers and movement on to the main site campus of students with learning and behavioural difficulties raised issues of how staff viewed their behaviour, especially outside the classroom and in public areas. There had been several complaints from a minority of teaching and non-teaching staff, students and, in some cases, members of the public, about their general (and in some cases specific) behaviour. This included messing about, fighting, bad language, loudness and a tendency to congregate in communal areas such as near to the staff dining-room, the refectory and

toilets. Students who were aware of this, and some staff, felt that in some cases, especially where the EBD students and those with moderate learning disabilities were concerned, they had been singled out for disapproval. However, it was true that in some circumstances the nature of their difficulties was a contributing factor. Other issues were at stake, namely the lack of facilities where the students felt comfortable or confident to go or activities which would occupy them during the lunch breaks and insufficient levels of support worker supervision at certain times. There was also (and still is to some extent) an expectation among some staff that these students displayed behaviour that needed to be modified. Similar behaviour was ignored or even accepted among other groups or individuals on mainstream programmes elsewhere in the college. These issues needed college-wide discussion.

Action plan

The college's action plan focuses on examining the behaviour of students with special needs in the college. This is not meant to be seen as an endorsement of the idea that they represent the main areas where the problems occur. The intention is to progress and explore the issues already described and to see if any areas of expertise among the experienced staff working with these students could be identified and shared with mainstream staff who encounter similar problems. Increased staff awareness of the project exposed a need for many of the issues to be explored among staff with students on mainstream programmes at all levels and so an extra dimension was added to the project work in this college.

Outcomes

The college recognised the need to develop learning which is inclusive and to set up structures to accommodate members who have learning and behavioural difficulties.

Bury College

The college

Established as a tertiary college in 1987 by the amalgamation of one FE and two sixth form colleges, Bury now operates on three sites. Two of the sites are close to the town centre, the third being about four miles away in Whitefield. Apart from a Catholic Sixth Form College, the college is the only provider of 16–19 education within its borough. It gained good grades in its FEFC inspection in October 1994 and now attracts a significant number of students from outside of the town.

The area

Bury is the second most affluent borough of the Greater Manchester conurbation. It has a higher proportion of owner occupiers (76.9%) and car owners than the average for the region. Unemployment is lower than the regional average despite the decline in recent years of the town's manufacturing sector. Approximately 70% of the working population works outside of the town, principally in Manchester, which is easily accessible by means of the Metrolink. The town has a post-16 staying-on rate of around 70%, well above the staying-on rate for the region.

College initiatives

The college offers an extensive range of courses, reflecting the needs of the different abilities and categories of students it recruits. There has been a steady increase in the number of adults recruited to Access and GNVQ fast-track courses and to part-time courses. However, the core work of the college is with full-time students in the 16–19 age group. It has an extensive A-level programme, GNVQs at advanced, intermediate and foundation level in a range of subjects, and National Nursery Examinations Board (NNEB), English as a Foreign Language (EFL) and ESOL programmes.

Action plan

The college's action plan focuses on disruptive behaviour in the classroom, which occurs mainly, but not exclusively, among GNVQ foundation and intermediate groups and pre-advanced groups. It manifests itself as disruptive late arrivals, the disruption of learning, inattentiveness and not keeping to the task set, rudeness and inappropriate behaviour and language.

City and Islington College

The college

City and Islington College formed in April 1993 following the merger of four institutions, City and East London College, North London College, Islington Sixth Form Centre and Islington Adult Education Service. It reorganised into a campus-based structure in 1994 to reflect geographical entities linked to three main 'gateways': 16–19 education; FE provision, and adult education provision. The City Campus occupies four sites in the South of Islington and the Sixth Form Centre and Islington Campus occupy six sites in the north of the borough. There is little in the way of competition for post-16 provision in the school sector, but the college is surrounded by FE competitors within easy travelling distance.

Assessment of provision

The sixth form centre operates predominantly full-time A-level programmes for 16 to 19-year-old students and represents 20% of the student population. Islington Campus represents 40% and provides a range of vocational and adult basic education programmes. City Campus has two adult education sites and the former FE sites offer a mixture of full-time and part-time provision. The college is one of the largest FEFC-funded colleges in the country with 4,800 full-time students and 20,000 part-time enrolments. It attracts a large ethnic minority student group which comprises 65% of enrolments. Its work with non-traditional students entering HE includes a mentoring scheme for black students.

The borough of Islington is characterised by mixtures of great wealth and poverty and is home to a large number of refugees and asylum seekers. For budget reasons, the college has restricted the guided learning hours for all full-time courses to 16. This has protected the large number of adult students undertaking full-time courses while claiming benefits. The college is also committed to developing learning resource facilities.

The growth in student numbers required to reduce a high average level of funding (ALF) happened disproportionately, with the northern campuses adding 30% more students in the three-year period with lower growth in the campuses in the south of the borough. During this time the college was shedding staff, centralising learning resource line

management and reorganising site facilities staff. The northern sites were starting to experience behavioural problems, theft and control problems. The two campuses introduced security guarding.

Action plan

In a highly competitive environment the college needs to maintain its student numbers and to improve retention and achievement. The quality of the student experience and improved achievement are keys to continued success.

Against a background of continuing resource constraints the college will be expanding a range of learning delivery methods which will:

- reduce the time teachers spend with individual groups of students
- expect students to take responsibility for learning outside the classroom
- provide new demands on staff in learning resource bases and centres
- maintain and possibly expand the time that students spend attending sites.

To develop and maintain a quality image when students spend less time in the classroom, the college must address problems experienced through increased usage of learning resource areas and common areas. Its underlying concerns are to develop an expectation around behaviour which is applicable to all college sites and is consistently adopted by staff and students.

The chosen focus points for the action plan are to:

- provide a mechanism through which staff and student behavioural expectations are a feature of the college ethos
- provide a framework for developing consistency of approach, irrespective of role or location
- build a means of monitoring effectiveness of approach to challenging behaviour.

National Star Centre

The National Star Centre provides further education for students with physical disabilities and secondary handicaps. It is located within the South Midlands and has an intake of 117 students from throughout England, Scotland and Wales of whom 113 are fully or partly funded by the FEFC. The campus is on the edge of Cheltenham, five miles from Gloucester in a suburban/rural setting. Its mission statement states its main purpose as being:

> *to enable young people with physical disabilities to prepare for the best that adult life can offer through innovative programmes of education, training and independence.*

Assessment of provision

Because the centre aims to educate the whole person within a multidisciplinary system and recognises the complexity of all human beings, it places great importance on a whole-college approach. It considers accountability of provision paramount and has quality standards directly related to its mission statement, strategic and operational plans.

All students have an individual learning programme designed to meet their primary learning goals and to ensure they are on courses which motivate and develop them. Implicit within this approach is the understanding that successful learners present fewer behavioural problems.

Being residential, the college also offers students the opportunity to develop independence skills through individual extended curriculum programmes. Effective links between course and personal tutors help to keep the need for crisis behaviour management to a minimum.

Because the college has a relatively small number of students with highly complex needs, it is essential to manage student behaviour effectively because of the high costs of losing just one student due to disaffection, disruptive behaviour by other students, or family or mental health problems. However, the forms of challenging behaviour are on the increase. The physical, psychological, educational and emotional needs of students are more complex than those of the average FE student and the college is accepting young people who are more disabled than it did previously. It is also accepting more young people with brain damage – at least 10% of its current intake – because it can provide an appropriate learning and rehabilitative environment where real skills can be developed with professional support. Such young people can present complex challenging behaviour and often require intervention on a college-wide basis.

The action plan

The college action plan focuses on developing clearer expectations of students and improved communications. These are the issues regularly highlighted by staff as key concerns, along with policy towards inappropriate behaviour. The centre wants to make use of the fresh approaches and skills offered by new staff while also providing them with necessary guidelines. A rationale for the personal development course was also developed.

Luton Sixth Form College

The college

Luton Sixth Form College is built on a single site in a residential setting about a mile from the centre of Luton. The immediate area is overwhelmingly white, middle class and ageing. By September 1996 it had 1,900 full-time students – 1,500 studying on two-year courses either A-level or GNVQ advanced and 400 on GNVQ intermediate and foundation classes. A few students study a Business and Technology Education Council (BTEC) national programme. At this stage, the buildings were sufficiently overcrowded and under pressure for the college to decide that students could just attend timetabled classes if they wished, rather than insisting, as previously, that all students stay on the premises all day. Each year about 500 students go on to university.

The college provides sixth form education for the 11 high schools in the town and for about half the sixth formers from the 11–18 Catholic school. There is an FE college in Luton and another in Dunstable, part of the same conurbation, but these only compete for some GNVQ students, and that is limited.

The area

Luton's level of unemployment has tended to be significantly higher than Bedfordshire and surrounding areas. There is considerable financial pressure on many college students to contribute to the family income through part-time jobs.

Luton as a whole has a population of 170,000 of whom some 75% are white and 25% from different ethnic minorities.

Assessment of provision

The college is proud that it has always reflected the make up of 16 to 19-year-olds in the town, and does so now exactly with 53% white and 47% from the different ethnic minorities. Of this latter group, 20% are Pakistani/Kashmiri, 10% Bangladeshi, 10% Indian, 5% African-Caribbean and 2% from other groups. Other local colleges have tended to have disproportionately small groups of ethnic minority students, and the community is aware of this.

Of the college's 200 full-time equivalent staff, 95% are white, 3.5% of Asian origin and 1.5% of African-Caribbean origin. Three of the college's 17 governors are of Asian origin.

Of the town's 11 high schools, three now have almost entirely ethnic minority cohorts and the other eight have disproportionately large cohorts of white students. The 11–18 Catholic school is almost an all white school. Consequently, when students arrive at the college aged 16, whatever their background they are likely to be unused to mixing with significant numbers of students from a background different from their own. This is a matter of concern for the college. Some of the behaviour problems it is addressing, especially each September and October, seem to be linked to this lack of multicultural experience between the ages of 11 and 16. Approximately 30% of college students are Muslims and for the most part the genders are not allowed to mix socially outside college. Consequently, Muslim students tend to stay in college to socialise when they do not have a class, or need to work in the library or a resource base.

The action plan

The college project team identified four focus outcomes in the action plan to address a range of behavioural issues where the college was determined to do better. The most basic of these was to improve understanding of the attitudes and views of all the students. The college was particularly interested in examining the barriers that some students feel are imposed by a society and culture different from their own. Likewise, some students or potential students can feel threatened by an ethnic mix that is different from what they have become used to at their high school. The college identified a need to listen to its students and understand what they were saying and thinking before deciding on the best course of action.

The second aim was to set in motion a more positive attitude towards learning and towards the other opportunities available at college, to help students deal with all the unstructured time that they were not used to dealing with.

The third desired outcome was to enhance the image and reputation of the college throughout Luton, and in particular in the immediate neighbourhood. An increase in student numbers of 25% in a three-year period, without any increase in the buildings or changes to the site, meant that the relative degree of over-crowding resulted in students spilling out more and more into the local area. The residents had been quick to contact the college and record a wide variety of concerns. The reluctance of some groups of students to leave the college and its surrounds (even when they had a whole session free of classes) coincided with more limited opportunities for students to participate in traditional extra-curricular activities. Also, significant numbers of like-minded students from other institutions, together with other outsiders, realised that there were attractions in visiting the college either to resolve unfinished issues that had arisen in some dispute elsewhere, or to check out (or 'scan') the female students to whom they had no access after the end of the college day. The college reputation in the immediate neighbourhood was at risk and although it explained that many of the youths that the residents

complained about were causing at least as much trouble for the college as for the local community, it was told, 'Even if they are not your students they've only come here because of your students'.

The fourth aim was to improve the effectiveness of overall security so that no college members could claim that the concentration they required to obtain qualifications was affected adversely in any way by other students or by outsiders. College security concerns include cars driven to the front of the college, even if they remain off site. This is in response to allegations made by residents that some of these visitors may be there for illegal reasons.

Croydon College

The college

Croydon College serves the academic and vocational training needs of more than 11,000 students. About 50% of its students come from the borough, a further 35% are attracted from surrounding London boroughs and counties and 15% are from other national and international locations, attracted by the further and higher education on offer and by the specialist programmes. Students range from school leavers to those on degree or higher level professional courses. The programmes cover a wide spectrum of interests and include a significant provision for students with special needs. The college is an associate college of a large university which gives it many of the advantages associated with a highly-regarded university. This year the college has reduced its operation to two sites and will eventually consolidate all its work on to one campus in the town centre. The college employs more than 300 full-time lecturers and a further 450 part-time lecturers. A further 450 non-teaching staff provide a range of services and educational support roles. The college's size enables it to provide a high level of central resources which complement the in-course support and tutoring systems. There is a comprehensive student support service and an active and supportive student association affiliated to the National Union of Students (NUS). The college has a highly formalised and structured management framework within which procedures are set.

The area

Croydon College is located in a large London borough with a population of 320,000 and a working population of 136,000. Nearly one-fifth of the population is of ethnic minority origin and 9.4% are unemployed. The borough is ranked about one-third of the way down the list of the most deprived local authorities (with the most deprived listed at the top). It is a borough of contrasts. It encompasses a spectrum from considerable wealth to serious poverty and deprivation. There are residential areas that are, ethnically, predominantly white, compared with others where those from ethnic minorities constitute up to 45% of the local population.

The borough also has a significant minority of refugees and asylum seekers living within it. There have been some overt racial tensions in particular areas as well. However, there is no simple correlation between ethnicity and wealth or deprivation.

Despite the complexity of the overall picture, there is a perceivable north/south divide within the borough. The majority of those from ethnic minorities live in the north where unemployment and deprivation are far more evident compared with the south.

Assessment of provision

The college has a range of published policies and statements which inform staff and students of the expectations and entitlements of all its members and which indicate its ethos and procedures. Students are offered a range of activities additional to their academic and vocational studies and a student council is being established. The picture then is of a large, complex and multi-faceted institution.

Action plan

Croydon College decided to focus on addressing policy development within a whole-college approach to achieve acceptance, ownership and meaningful implementation of the policy. The aims were to identify ways to:

- influence the ethos of the college over time
- affect the culture within the college
- create a safer, more pro-active environment which demonstrated consistency and mutual support across the institution.

To achieve the intended outcomes there was a need to:

- assess where the college stood in all aspects of its organisation and operation
- map existing policies, processes and procedures so that the new policy could be integrated with them
- produce a draft policy and guidelines to be used as the focus of a consultation process
- identify those values that would need to be included in an ideal ethos and culture and the appropriate structures and procedures, development and training strategies to achieve this
- ensure that all members of the college took ownership of the values developed
- establish a genuine and meaningful process of consultation which was seen to have an influence on how the policy evolved, to help to ensure that all members of the college took ownership of the policy; it would then be seen to be responsive to individual needs and capable of implementation
- provide appropriate training and development, both specific and generic, so that individuals would feel more confident in themselves, in their skills and in the support they might expect, both from other members of the college and from the college procedures
- establish a dual process of policy and guideline development alongside a programme of staff and then student development, while ensuring the process of consultation remained central to the development.

Bradford and Ilkley Community College

The college

Located in the inner city, the college provides for 29,500 students in 51 buildings, which are generally in a good state of repair, on campuses in Bradford and in Ilkley (17 miles from Bradford). It employs 1,434 full-time staff. In this split-site college, students move from building to building for teaching, to use the refectory, library and Student Services Centre.

Catering facilities, the area in some of the buildings where disruption often brews or occurs, have recently improved and are very popular. The main library, a large, comfortable and well-used area, is where much of the disruption occurs. Smoking is restricted to specific rooms created off the canteen areas. Students often congregate outside the buildings at break-times to smoke or chat. Lighting in the area was improved with the Safer Cities project – a government-funded local partnership initiative managed by the Crime Concern Trust – and the neighbouring university and nurses home. Changes to the entrances of buildings, such as cutting down bushes, installing curators' desks, have been made to improve security and reduce the fear of crime. Colleges should look out for opportunities to become involved with such initiatives as the Safer Cities project, which also offer the potential to create partnership links.

The area

According to figures from Bradford TEC, the district has lost 30,000 jobs from local firms in the past 30 years. Unemployment is high among young people and is especially concentrated among young Asians (34% unemployed). In the inner city, unemployment rates of Pakistani/Bangladeshi communities are four times the rate of the white population. Long-term unemployment is a problem with 35.1% of the total unemployed having been out of work for more than one year. The district is also characterised by a high level of low-income households: almost one-third of male manual workers in West Yorkshire earn less than £200 per week and 57% of female workers earn less than £170 per week.

A recent study of the aspirations of Year 11 pupils in the area indicates that 25% of those planning to stay in education expected to be in a professional occupation. In their opinion the most significant barriers to them achieving their aspirations were:

- lack of experience (50%)
- lack of relevant qualifications (50%)
- for ethnic minority pupils, racial discrimination (30%).

Population changes indicate that the growth in Bradford is 0.9% above the average for England and the labour force is set to increase by 9,800 by the year 2011. This means increasing competition for jobs among young people.

Action plan

Bradford and Ilkley Community College identified four focus outcomes. These were to:

- develop a college code of practice on dealing with disruptive behaviour
- identify strengths and weaknesses in practice and encourage good practice
- respond to identified training needs at all levels and ensure detailed support and guidance is appropriately available
- monitor effectiveness of the college's response to managing disruptive behaviour and evaluate the process.

Through staff voicing concerns to their line managers, the college had become aware of the growing number of instances of disruptive behaviour reported to security (for instances outside the classroom) and through the academic structures (for disciplinary problems in class and between students). The security manager reports direct to the principal. Action to disseminate guidelines was in response to upward reporting of misbehaviour from all sources.

MEET MISBEHAVIOUR

Defining the issues

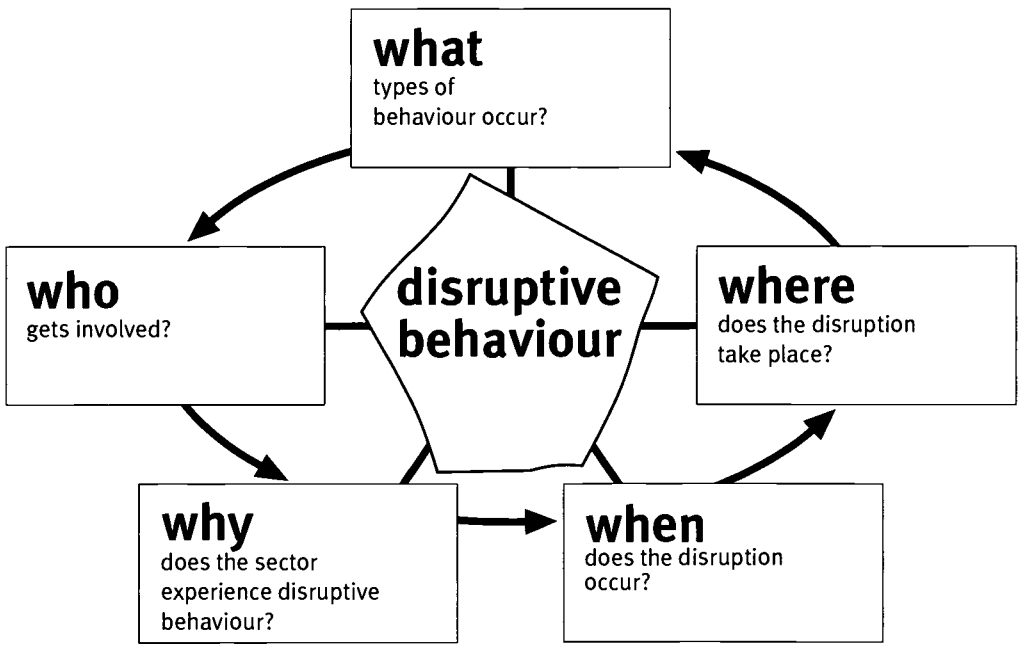
3

Defining the issues

The framework provided in this section helps to identify and analyse the range of interconnecting factors involved in addressing disruptive behaviour. It can be used by colleges undertaking self-assessment, seeking to analyse incidents or patterns of behaviour or wishing to identify staff development needs. Accurate recording of specific behavioural incidents is essential for monitoring the extent of problems, and for identifying patterns of disruption. The framework breaks down the specific types of disruptive behaviours, identifies when and where incidents are most likely to occur and who is likely to be involved. It then takes a wider perspective and considers why disruptive behaviour occurs in the FE sector, identifying contributing factors at the three levels of strategic, systems and delivery.

Framework

Figure 1 5-W scenario



What types

A staff questionnaire developed by Coleg Glan Hafren identified and categorised the following types of behaviour which staff found challenging or disruptive (see questionnaire results at Appendix 2):

- Childish behaviour:
  - rule breaking
  - 'winding up'
  - false accusations
  - lying
  - immature behaviour
  - peering and jeering through windows
  - persistent irritating behaviour
  - name calling.
- Aggressive behaviour:
  - physical violence
  - fights
  - hitting, biting, hair pulling
  - bullying
  - verbal abuse
  - self-abuse
  - overdose.
- Behaviour that inhibits learning:
  - non-co-operation
  - non-compliance
  - non-participation
  - feigned illness
  - poor punctuality
  - poor attendance
  - non-completion or submission of work
  - preventing others from learning
  - hyperactivity.
- Relationship problems:
  - challenging authority
  - disrespect
  - defiance
  - foul language
  - passive behaviour
  - cultural clashes.
- Environmentally challenging behaviour:
  - graffiti
  - vandalism
  - litter
  - spitting
  - vehicle misuse
  - setting off fire alarms
  - arson
  - inappropriate use of facilities or equipment.

- Anti-social/criminal behaviour:
  - breaking rules and regulations
  - theft
  - group or gang behaviour
  - rowdy and intimidating behaviour
  - sexual harassment
  - racial harassment
  - homophobic behaviour
  - intimidation
  - drug use and dealing
  - noise and disruption
  - victimisation.

In recording behavioural incidents it is important to be very precise e.g. 'aggressive behaviour' is too broad a term.

Where *does disruption take place?*

Where disruption occurs varies from college to college and depends upon a range of factors such as staffing profile in different areas of the college, security arrangements and ethos. For example, one college experiences most disruptive behaviour in unsupervised areas including corridors and canteens; in another, the learning resource centre is a key area. Likely places include:

- public places in college:
  - canteens and cafeterias
  - at the coffee machine
  - toilets
  - entrances
  - corridors
  - student commonrooms
  - 'behind the engineering block' and other corners
  - car parks
- resource centres and libraries
- classrooms and base areas
- particular campuses of split-site colleges
- local neighbourhood and shops
- specific to residential colleges, in private rooms and bars.

Who *gets involved?*

Staff as well as students can become involved in disruptive behaviour. In seeking to maintain a balance between offering an open and welcoming environment and providing security, people with no legitimate purpose may gain access and become involved in disruption. In any disruptive incident it is important to record who was involved. Those likely to be involved include:

- adults:
  - staff who lack interpersonal skills and do not understand group dynamics and behaviour management techniques including academic staff who do not respect support staff, and support/contract/teaching/part-time staff
  - frustrated people including those who are ill or disturbed from trauma, divorce, death and so on, and those in ethnic groups whose culture differences are not harmonised within the college.
- young people:
  - pre-16
  - 16 to 19-year-olds with transition problems and those on full-time courses which do not match their needs and motivation.
- particular nuisance people – key individuals
- students using the college for non-learning activities
- outsiders and intruders
- males of all ages (as they generally present more examples of disruptive behaviour than females).

Of course, any college user may be involved directly or indirectly. Those who have been trained in preventing and managing conflict and disruption are more likely to prevent disruption and/or manage incidents effectively.

When *does the disruption occur?*

Times when it is more likely for disruption to occur include:

- 8.45–9.00 am, break-times and after 5.00 pm
- Friday pm
- end of term
- festivals
- enrolment times (testing out the new environment)
- evenings and weekends in residential colleges
- after breaks (non-return).

Careful recording of when incidents occur can identify particularly vulnerable times of day, week, month and year when incidents are more likely to occur. Solutions may lie in timetabling adjustments.

Why *does the sector experience disruptive behaviour?*

Strategic level

Factors which may contribute to disruptive behaviour include:

- staff who do not respond appropriately; contributing factors include:
  - franchising/contracting – contract staff often do not appreciate the college ethos

- part-time staff are often not familiar with the college ethos; a heavy dependency upon part-time staff increases the burden for full-time staff; part time staff often do not have staff development opportunities
- staff-demoralisation, through new conditions of service, redundancies and additional pressures
- reduction in taught hours for students.

- students who have long periods of unstructured and/or unsupervised time resulting from a reduction in taught hours.

Systems level

Factors which may contribute to disruptive behaviour include:

- a lack of time to communicate (especially between staff)
- failure to follow up non-attendance
- curriculum issues – flexibility can mean less control, accountability and responsibility if it is not well managed
- transitional problems – failure to help students adjust from the school to the college environment can lead to students who lack the skills to cope in a more adult environment
- poor induction and/or lack of continuity of expectations and learning contracts.

Delivery level

Factors which may contribute to disruptive behaviour include failing to:

- give tutorials which address behavioural issues
- provide appropriate guidance
- address equal opportunities issues
- accommodate different learning styles
- offer variety in teaching methods
- understand and address cultural differences.

Strategies

Table 1 lists just some of the many positive strategies which can be used to address disruptive behaviour in college. However, what is also needed is a coherence of approaches, models of good practice and staff development at all levels.

Use the 5-W Scenario to define issues in context. Ask staff to identify:

What behaviours concern them

Where the behaviour take place

When they mainly occur

Who gets involved

Why they think the behaviours arise.

Use post-it notes to sort common themes into groups. This section has just given a brief and general overview of the main issues involved in managing disruptive behaviour. It is important that your college looks at the picture specific to its institution. This is where the cone model and self-assessment schedule that follow are useful in that they provide a tool with which to identify the issues specific to your college.

Table 1 Strategies for addressing disruptive behaviour

Talk strategies – reasoning, explanation, request and so on

Defining the rules – involving students where possible, but including clear legal guidelines

Providing detailed information at induction with continuous follow-up

Installing security systems – including closed circuit television (CCTV), security guards, ID cards/passes, reception desks, patrol of communal areas

Adopting school-leavers schemes – such as pre-induction preparation

Upgrading buildings/furnishings – to create a more hospitable atmosphere

Using strategies successfully used in schools – such as anti-bullying schemes, an ABC (antecedents, behaviour, consequences) scheme, assertiveness training, positive discipline

Using educational psychology services

Formulating explicit disciplinary/behavioural codes of practice – to include referral on to other agencies such as the police, social services and to include an exclusion policy

Developing tracking systems – which give quick feedback on performance and attendance

Developing application/enrolment/identity procedures – to support implementation of behaviour policy

Using peer tutoring and peer pressure

Introducing student mentoring/buddying schemes

Providing mentoring and sponsorship – from outside college, especially local employers

Using positive role models – especially to resolve cultural/class/gender/age issues but avoiding leaving it to a small minority of staff to resolve all problems

Developing an under-16 strategy – with an inclusive policy following assessment

Using school reports sensitively – allowing for a fresh start

Being sensitive to illness – both mental and physical

Having a complaints procedures – and using this to identify institutional strengths and needs

Offering staff development – providing customer-care training for all staff with priority for front-line staff and including security, catering, cleaning and library staff, and providing staff development which includes training in group dynamics and teamwork

Taking a whole-college approach to behaviour – to include staff and students so that there is common ownership of the policy; identifying key staff to take responsibility; operating the code across all college sites; involving students in developing the code

Developing an integration policy – to deter labelling of particular groups who may display (or be expected to display) particular behaviours

Ensuring a balance between Health and Safety at work rights and equal opportunities/equal access policy

Employing youth workers – for detached work and specific groupwork

Adopting new forms of curriculum delivery – experimenting to improve the learning opportunities provided

Recognising social and cultural needs alongside education and training needs – thereby providing support services and social and leisure opportunities

inclusive learning

FEDA Further Education Development Agency

A model for developing a whole-college approach

4

A model for developing a whole-college approach

Effective practice in managing disruptive behaviour depends upon action at the three levels of strategy, systems and delivery, and the interactive relationship between them. Using a cone divided into three to show the different levels of activity and decision-making in a college expresses this relationship well (see Figure 2 overleaf).

To achieve a whole-college approach to managing disruptive behaviour, these three organisational levels must interact.

Colleges can use this model to:

- understand issues and needs across the whole college
- plan an eventual whole-college response
- communicate issues and progress to staff at all levels in the college.

The model is represented in the self-assessment schedule which can be used to make a 'health check' for each tier of the cone model.

The model provides powerful imagery for staff development sessions, and it is persuasive for grassroots staff because it emphasises that there can be no 'us' and 'them' in addressing disruption. It shows how effective action can be hindered or blocked between the strategic level, the systems level and the delivery level of the cone model.

Figure 3 (on page 3) gives a further breakdown of the elements at each level and indicates the importance of top-down support and control and bottom-up implementation and accountability.

Figure 4 (on page 4) illustrates how the college can become fragmented through ineffective interaction between the three levels.

Colleges can use the cone model as the basis for whole organisation analysis and development which engages all members of the college in preventing and managing disruptive behaviour. The policies and systems and procedures identified in the first two levels are self-explanatory and examples are offered in the action planning section. The methods listed in the delivery section may be less familiar so require further explanation here.

Figure 2 The cone model – taking a whole organisation approach to managing disruptive behaviour

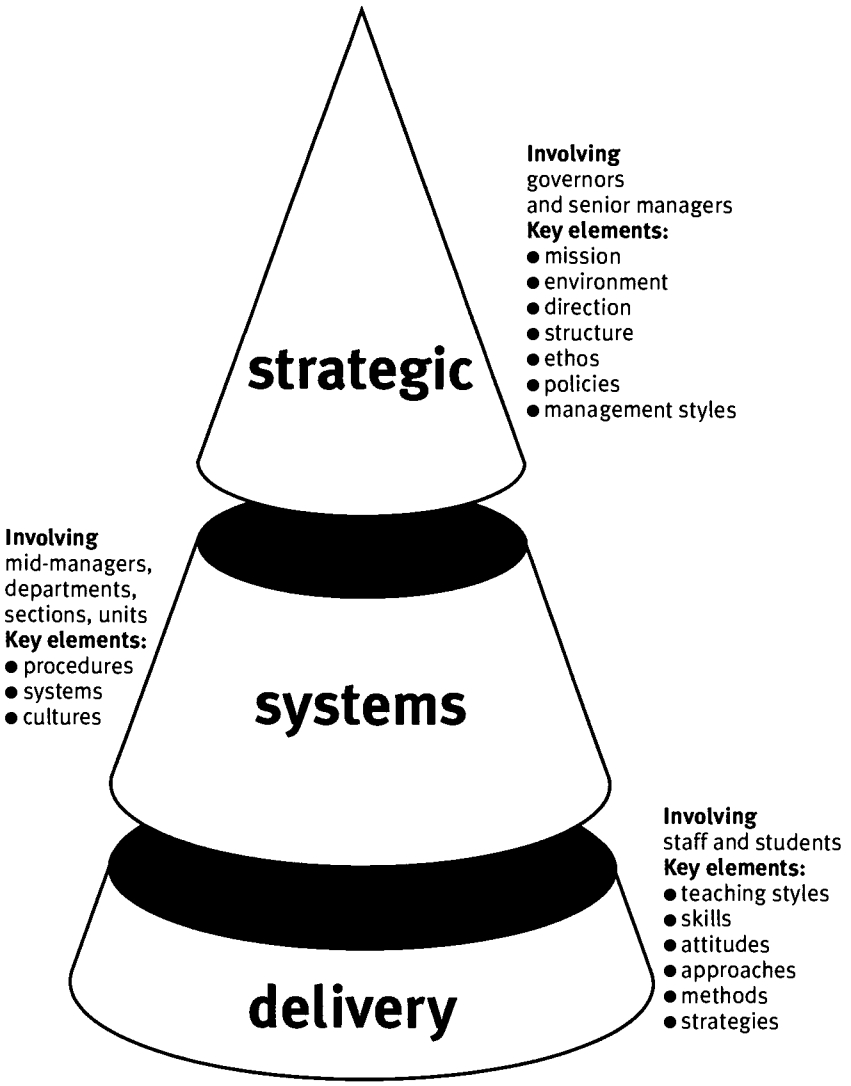


Figure 3 Examples of elements at each level of the cone model

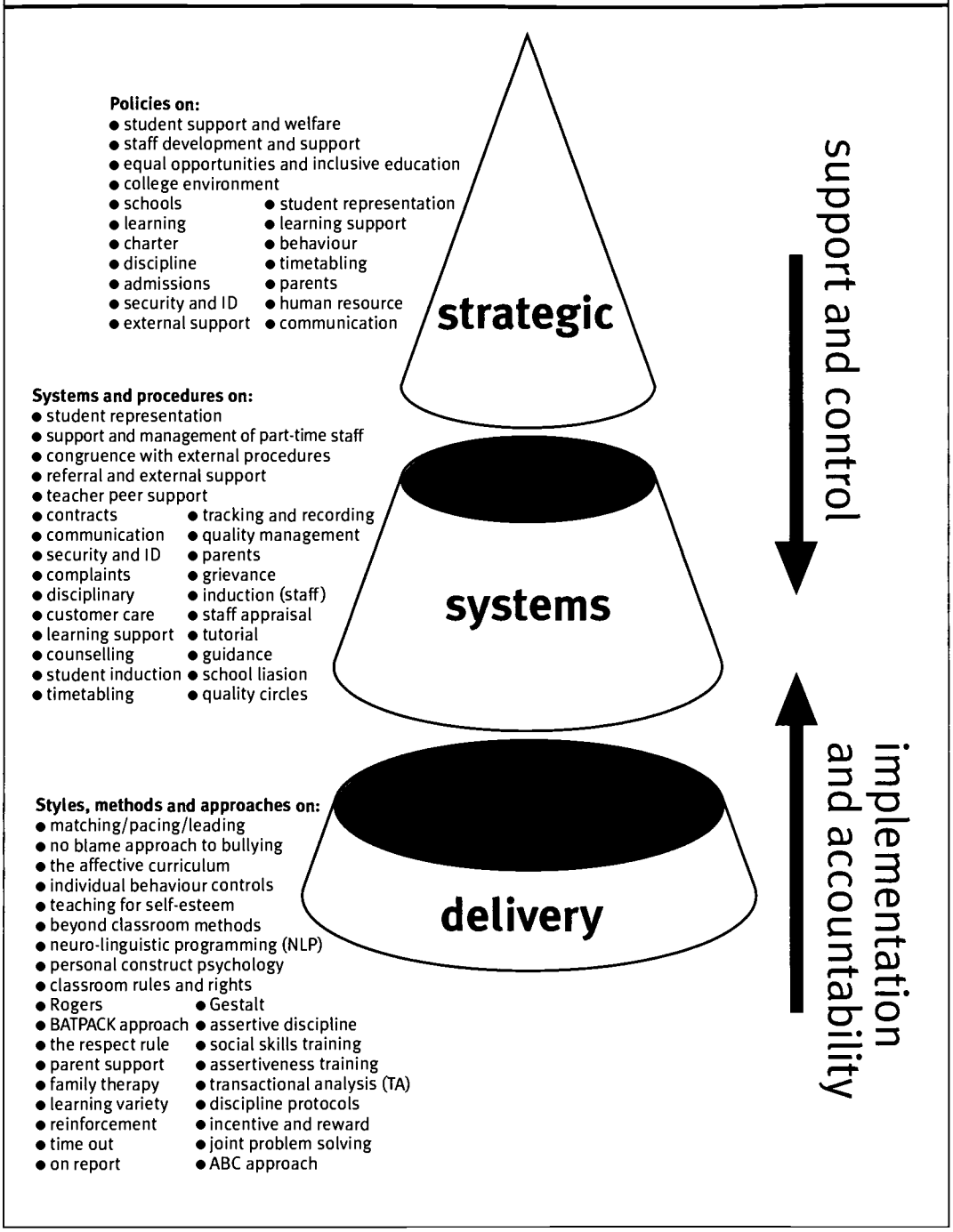
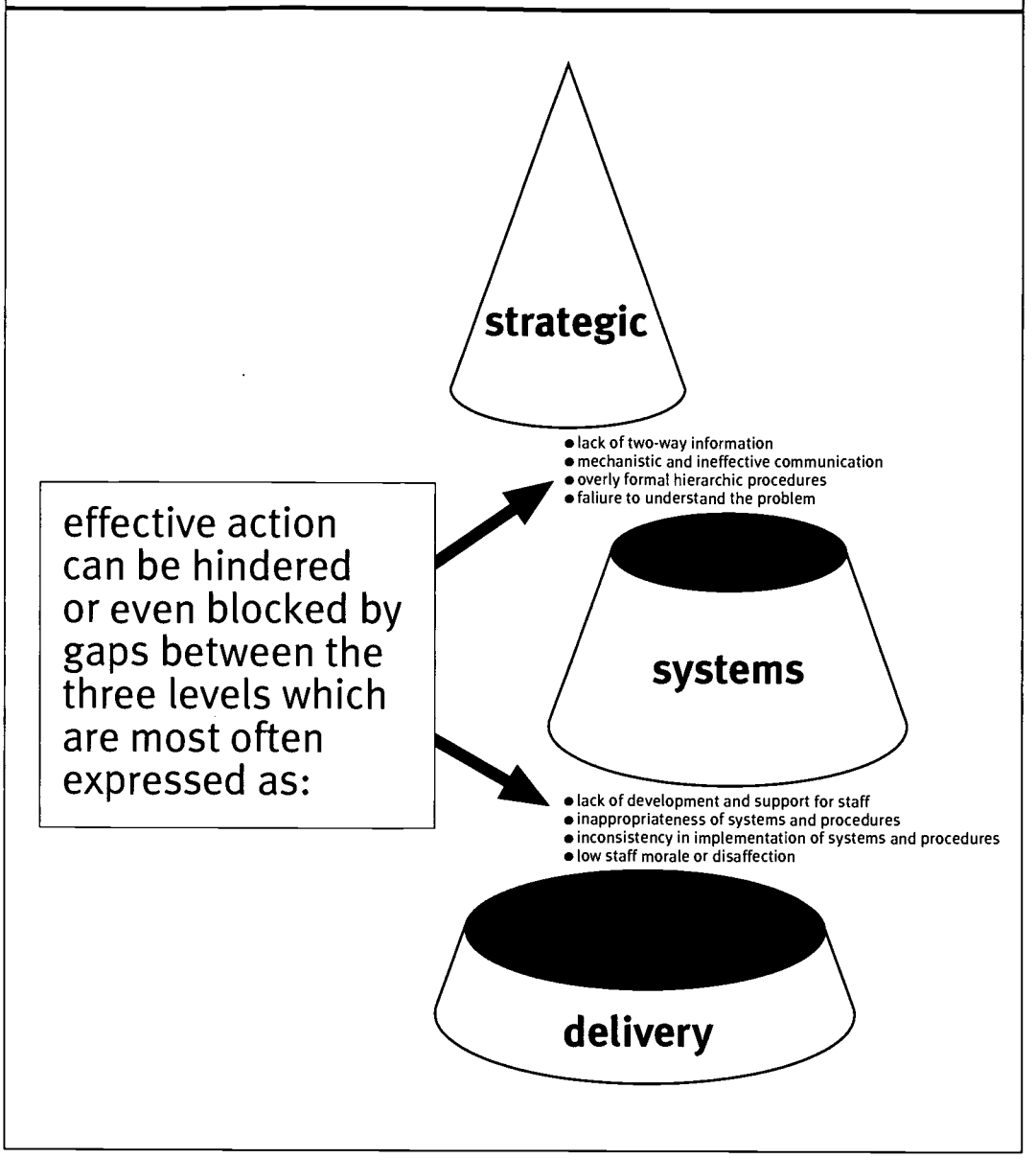


Figure 4 Fragmented college



Delivery methods: theory and techniques

Many of the methods listed in the delivery level of the cone model have arisen from key areas of research by specialists in the field. The underpinning theory of the main techniques are briefly outlined below. To become more familiar with these techniques, further reading is recommended (see the bibliography). These methods are organised in four categories:

- learning/teaching/classroom-based methods
- behavioural methods
- cognitive/behavioural methods
- counselling and therapeutic groupwork methods.

Learning/teaching/classroom-based methods

As Walklin (1990) indicates, in a sector which relies upon voluntary attendance, it is inappropriate for FE tutors to be seen as strict, controlling and domineering. They need to be seen as helpful, patient, unbiased and fair. However, there does need to be mutual recognition of responsibilities between institution, teacher and student. The college can work to produce a facilitative adult learning culture; the teaching staff can plan, prepare and deliver learning events to meet the negotiated goals and individual needs of students, and the learners can participate in the learning process using self-control and with due regard for others. In developing a whole-organisation approach to preventing disruptive behaviour, a college will benefit from reviewing its teaching and learning practice and staff development (see Mitchell, 1995/1997a). For example, carry out an audit of learning and teaching strategies to ensure that there is sufficient variety in the learning experience (Mitchell, 1997b).

There are a number of well-researched and applied techniques which can be used throughout the FE institution in a variety of settings from boardroom to classroom. Adopting these strategies across a college can help to produce an adult learning culture in which all participants behave in a responsible manner.

Students want discipline, and so they require tutors to exercise it. In a recent survey by Dewsbury College, teachers produced the following list as attributes of 'the ideal teacher':

- explains points clearly and at the appropriate level
- conveys enthusiasm and interest for the subject
- pays attention to revision and exam techniques
- makes lessons interesting
- has high expectations for students' work
- teaches for understanding rather than rote learning
- is confident
- is constructive and helpful.

It is interesting to note that the teachers made no reference to a disciplinary role, whereas students placed this at the top of their list. In their view the ideal teacher has the following attributes:

- keeps order by being firm but not intimidating
- explains things clearly
- treats all students fairly and equally

- is friendly and humorous
- gets to know students' names/treats them as humans
- tries adventurous strategies/variety of techniques.

Rule-based method

One of the most useful strategies that teachers can use is to negotiate with the students ground rules of behaviour. Staff and students make their expectations explicit by stating openly what behaviours they regard as desirable and they expect and what behaviours are unacceptable. Those commonly shared between staff and students will be particularly powerful. The ground rules can be displayed in the classroom/s in a chart form as in Table 2, to remind both teachers and students of what is required.

Table 2 Ground rules of behaviour

Unacceptable to Staff	**Unacceptable to Students**	**Unacceptable to Both**
Expectations of Staff	**Expectations of Staff**	**Expectations of Both**

Bill Rogers (1990) sees discipline as a complex concept and process which addresses:

- the socialisation process
- personal development and maturation
- moral development
- emotional security
- internal state control.

He advocates a positive approach to discipline based on four elements (Figure 5 on page 11). The goals of his approach are to:

- develop self-discipline and self-control
- enhance self-esteem
- encourage accountability for behaviour
- develop respect for others' rights
- develop interdependence
- promote social values
- enable rational and fair conflict resolution.

Authoritarian or abdicating teaching styles of teaching are unsuitable – a confident approach is needed.

- the **authoritarian** professional **demands** social behaviour
- the **abdicating** professional **hopes for** social behaviour
- the **confident** professional **expects** social behaviour (and usually gets it!).

Rogers suggests the following code of practice for tutors:

- establish mutually agreed **rights, responsibilities** and **rules**
- minimise **hostility** and **embarrassment**
- maximise **choice**
- develop and maintain **respect**
- **follow up** and **follow through**
- avoid **disappointment**
- maintain a sense of **balance**
- encourage **support** from and for your colleagues and friends
- lower personal stress levels.

His approach is strongly supported in the work of Bill Gribble (1993) who summarises that a positive approach to discipline *isn't*:

- an excuse for inappropriate behaviour
- regarding inappropriate behaviour as an innate factor
- a way of labelling students
- counselling, punishment or suspension.

Instead, he advocates that a positive approach *is*:

- a shift from an 'authoritarian' to a 'democratic' approach
- based upon positive learning experiences
- an attempt to emphasise the values of:
  - equality
  - respect
  - self-discipline
- a method of organising and planning for responses to inappropriate behaviour
- a recognition that the college and classroom environments do influence behaviour
- an unambiguous attempt to teach students to behave responsibly, co-operatively and with concern towards each other.

Focus on learning

Gribble (1993) emphasises the importance of effective classroom control through planning how to handle disruption, but also by doing the utmost to prevent it by developing the following teaching strategies:

- lesson planning – having a clear theme, aims, targets, variety, good seating arrangements, appropriate materials
- keeping attention – using eye contact and body language, responding to feedback and inattention
- pace – engaging students through a prompt start, keeping them on task and allowing time to conclude
- motivation – through questioning, encouraging opinions and valuing them, involving all students
- question and feedback (in larger groups) – including all those who wish to contribute by asking short, factual questions and indicating turn-taking
- confidence–asserting control through voice quality and body language
- reducing unwanted behaviour – by not rewarding attention-seeking, avoiding emotional outbursts, rewarding students for getting on with their work
- clear instructions – for whole groups and individuals using manners ('please'; 'thank you') and a polite but not apologetic delivery
- reprimands – only when necessary, and kept clear and brief
- consequences – a pre-negotiated or directed set of logical consequences which are planned responses to disruptive behaviour.

Staff development activity

Ask members of the teaching staff to categorise the above items according to those which they use and those which they find difficult to use. Working in teams/groups ask staff to identify a situation where using at least one of these strategies could have prevented and/or defused the incident which occurred.

The case study in Table 3 (on page 10–11), which describes the action planning strategy adopted by Bury College to combat disruptive behaviour, depicts this approach.

Well-planned, well-organised and assertive teaching is essential to preventing and managing disruptive behaviour. A good physical classroom environment can help. According to the project colleges, features include:

- adequate lighting
- good ventilation
- adequate sound control
- harmonious colours
- comfortable and flexible seating
- a spacious room area
- adequate whiteboard space
- bulletin board space
- learning centres
- teacher accessibility
- audio-visual aids.

Attention must be paid to the teaching process, including:

- stating outcomes and goals
- knowing the students
- being aware of student achievement levels
- communicating clearly, both verbally and non-verbally
- organising and sequencing material
- maintaining student involvement
- differentiating work
- maintaining a sense of humour
- observing the class and providing feedback and motivation
- being flexible
- establishing rapport
- listening for language patterns
- eliciting and installing individual learning patterns
- knowing the learning subject matter and content.

The learning process is of paramount importance: students need to learn and if their learning is impeded, their behaviour can quickly deteriorate. The learning process involves:

- building the learner's self-esteem
- increasing student involvement, via planning, feedback and rapport
- stimulating interest, motivation and desire to learn
- providing appropriate materials
- determining clear-cut goals
- teaching the subject matter in a relevant way
- developing security and trust
- encouraging self-determination and choice
- eliciting excitement and enjoyment in learning
- generalising and applying learning
- using teaching techniques that allow for differentiation
- eliciting and installing learning patterns.

McGill and Beaty (1992) detail how action learning can be made accessible for management development and learning in further and higher education. The focus is on enabling individual learners to progress from taking responsibility for their own learning to receiving support and critical feedback. The emphasis is on learning from the actions taken with the aim of strengthening the individual learner. They provide excellent guidance on how to set up and manage action learning groups to maximise effective personal learning and development. They suggest that assertiveness training (see page 21) will facilitate the development of effective action learning sets. There are many benefits of learning in this way. The promotion of good social behaviour is just one of them.

Gibbs and Jenkins (1992) propose that teachers have a choice between offering a system which highly controls and structures the student experience and a system which develops and relies on the independence of the student as a learner (see Table 4 on page 12). From the student's point of view, the larger classes that are becoming a feature of FE today can make them feel alienated, that they lack personal attention, and as a result cause insecurity. Action learning, within the independence strategy, can provide an individual focus within a group-based approach which can help to lessen these problems.

Action learning can activate and enhance the learning process, as depicted in Kolb's Learning Cycle (see Figure 6 on page 13). This underpins the action learning method.

Table 3 Case Study 1: Adopting an action planning strategy to combat challenging behaviour in the classroom

Student quality managers (SQMs) at Bury College arranged a series of visits to the classrooms of subject tutors who had agreed to work on the project to observe five students exhibiting difficult behaviour. The SQMs observed the classes and then discussed their perceptions with the subject tutors, agreeing possible strategies that could be used to combat challenging behaviour (based on the techniques outlined in Table 1 in Section 3, p6). Subject tutors then planned and delivered lessons, ensuring that the techniques were used. The SQMs observed these lessons and discussed with the subject tutors the effectiveness of the techniques.

How personal action planning was used with one of the students is outlined below. In this case, interviews with the student were held in between the lessons observed.

The student concerned was enrolled on the GNVQ Intermediate Business course. His behaviour in class was not appropriate. When asked to undertake independent work or to work in a small group he refused to comply with instructions, staring into space for prolonged periods doing no work at all or disrupting other students by talking to them and directing their attention away from the task.

The personal action planning strategy used to support the student was based on joint problem solving (JPS). This technique is different from counselling in a number of respects:

- tutoring based on the JPS approach works from the premise that there is a 'problem' but that each party – the tutor and the student – shares that problem and has a personal stake in its resolution
- when using the JPS approach it is possible to suggest options and solutions and to outline the perceived likely outcomes, if adopted
- the tutor is allowed to reject ideas and give reasons for that rejection; most importantly, both parties have to agree an eventual outcome, even if that entails some compromise and re-negotiation.

The stages of the process are to:

- identify and agree the symptom
- identify and agree the causes
- identify and agree the options for moving forwar
- discuss the pros and cons of each option
- decide:
  - agree and record the course of action to adopt, from the options available
  - agree the consequences of not following through
  - agree and record the next steps (who is to do what, by when)
  - agree a review date.

As a result of adopting the JPS approach, the student identified the causes of his behaviour. He found it difficult to organise himself to study. As a result, his coursework files were not in order, his notes were difficult to follow and he had fallen behind in his coursework. When asked to work in class he felt overwhelmed and unequipped to carry out the tasks. His response was to 'turn off' or to disrupt other students. An action plan was devised with the student with the following goals agreed (see opposite).

Action plan

Short-term goals

- Put course work files in order and index them.
- Buy a filofax diary and record key dates and deadlines along with other useful information such as telephone numbers and addresses.
- Tidy study area at home.

Medium-term goals

- Maintain the diary.
- Get into the habit of making lists of things to do and of giving priority to important and urgent tasks.
- Develop filing systems for study area at home.

Long-term goals

- Gain an understanding of time management and apply that understanding.
- Set study targets for self and use study sessions productively to meet those targets.

Short-term goals were achieved and had a positive, motivating effect on the student's behaviour. The subject tutor and a close friend of the student commented on the improvement in his behaviour and performance. Disruptive behaviour has continued to be reduced and the medium-term goals have been achieved.

Figure 5 Bill Rogers approach

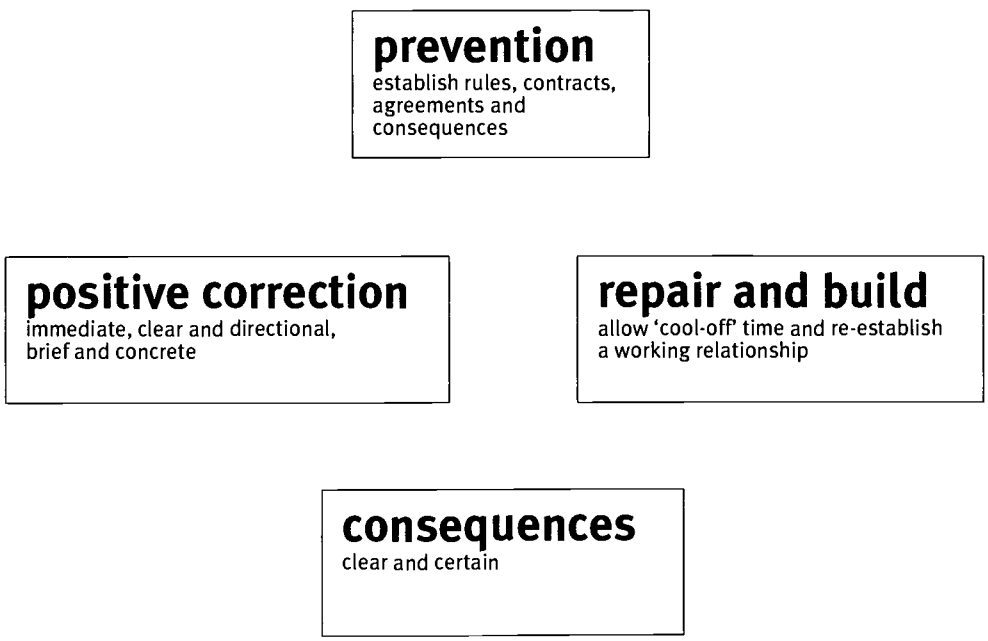
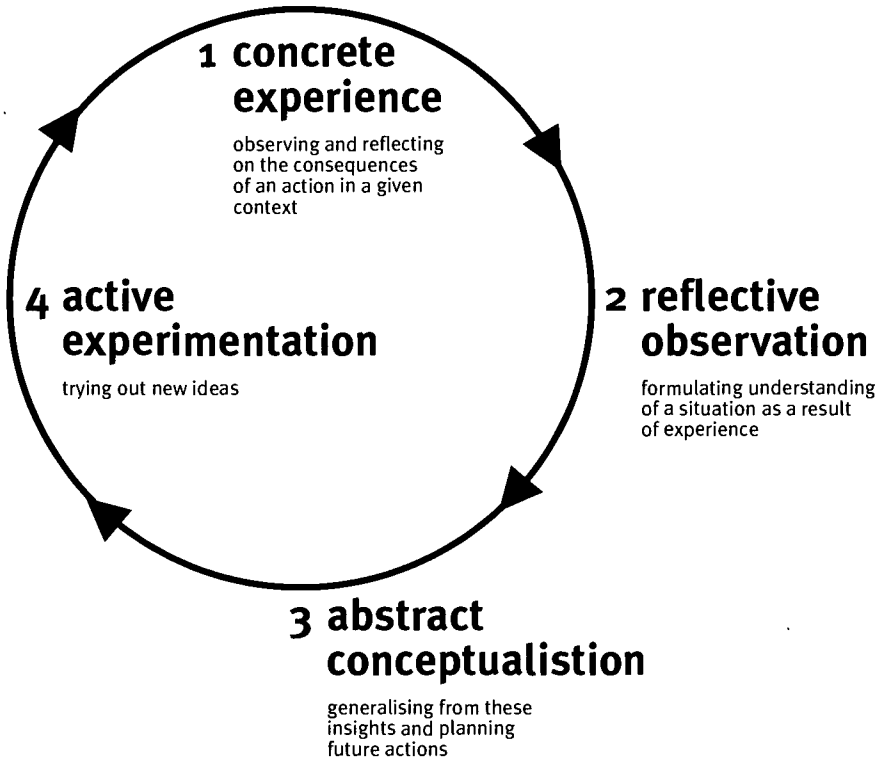


Table 4 Control and independence strategies

Problem areas resulting from large classes	Characteristic methods adopted	
	Control strategies	**Independence strategies**
1. Courses lack clear aims and objectives	Use of objectives Highly structured courses	Use of learning contract Problem-based learning
2. Students lack knowledge about their progress	Objective testing Programmed instruction and CAL	Development of student judgement Self-assessment
3. Students lack advice on how to improve	Assignment attached forms Automated tutorial feedback	Peer feedback and peer-assessment
4. Library resources cannot support wide reading	Use of set books Use of learning packages	Development of student research skills More varied assignments
5. Tutors are unable to support independent study	Structured projects Lab guides	Group work Learning teams
6. Students lack the opportunity for discussion	Structured lectures Structured seminars and workshops	Student-led seminars Team assignments
7. Tutors are unable to cope with the variety of students	Pre-test plus remedial material Self-paced study	Variety of support mechanisms Negotiated goals
8. Tutors are unable to motivate students	Frequent testing High failure rates	Learning contracts, problem-solving, group work

Figure 6 Kolb's Learning Cycle



Self-esteem

Building learner self-esteem is central to the learning process. Learners sometimes find it difficult to express positive attributes about themselves – they can be helped through simple structured exercises such as the one shown in Table 5 on page 15. They could do this in pairs or groups, to encourage them to complete it.

Co-operative learning

Co-operative learning promotes social development and increases teacher time for individual work. Many students arrive at FE with a 'failure' label and negative self-esteem which will impair their capacity to learn. Co-operative learning opportunities in FE can help them to build a positive self-concept.

Topping (1992) finds that students with learning difficulties and disabilities and pupils from ethnic minorities can benefit from co-operative learning in terms of improved social integration as well as attainment.

Much attention has been paid in management training programmes to the development of team work and group work, given that cohesive work groups may result in higher production, lower absenteeism and social satisfaction (Mullins, 1989). Many employers look for effective teamwork skills in job applicants. As colleges are preparing students for employment and lifelong learning, they are justified in using co-operative learning strategies to improve behaviour and to prepare learners for work.

Colleges can use the research by McGill and Beaty (1992) on action learning as a basis to consider how co-operative activities can benefit the staff, students and the communities which they serve.

Peer support

Peer tutoring can also promote the development of learning. Most peer support schemes use students who are perceived as more experienced and capable to give help to students who are perceived as less able.

Peer support can be used to team up:

- students new to the college with a long-standing or Year 2 student – on the same course or from a panel of volunteers, on a self-selected or tutor-selected basis – to introduce them to the facilities, systems and ethos of the college
- ESOL students with native English speakers
- Year 2 students with Year 1 students for academic support on a one-to-one or group basis
- students with emotional and behavioural difficulties with any one of a panel of students trained in counselling skills, who will refer them on to trained counsellors where necessary
- able-bodied students with students with physical disabilities to provide physical support and companionship; this can be done on a small group basis and works well when the students with physical disabilities are able to help the able-bodied with academic work, or specific physical skills
- full-time students with one or two part-time students, for friendship, induction to the college and help with organisational problems
- young, unmotivated students with older students of the same sub-culture who have decided to knuckle down to work.

Table 5 Assessing your strengths

1 One thing I like about myself is

2 One thing others like about me is

3 One thing I do very well is

4 A recent problem I've handled very well is

5 I'm glad that I

6 A compliment that has been paid to me recently is

7 An example of me caring for others is

8 People can count on me to

9 I think I have the guts to

10 If I had to say one good thing about myself I'd say

Peer support can also be useful to team up students with emotional and behavioural difficulties with students with learning difficulties and physical disabilities, to offer them support. A 'spin off' is that helpers often develop maturity and personal and academic skills. It is important that students are not given roles beyond their emotional maturity or ones which put them in positions where they can misuse their power.

Behavioural methods

Antecedents, behaviour, consequences

As Dennis Child comments in his introduction to David Fontana's editorial on *Behaviourism and Learning Theory in Education* (1984), behavioural approaches to teaching are seldom covered in teacher training courses because they are considered by many to be undignified. Yet Child finds that Fontana cites some useful practical techniques for teachers. Within this text (Fontana, 1984), Wheldall and Merrett describe the ABC (antecedents, behaviour, consequences) model which shows how behaviour change can be achieved by manipulating either the antecedent conditions for behaviour or the consequences following behaviour, in line with the 'law of effect'. Wheldall and Merrett argue that if teaching is about changing behaviour through academic learning or from acquiring better social skills, then the teacher should be concerned with bringing these changes about. The ABC model helps teachers to observe and analyse behaviour objectively. An example of the ABC method is provided by the National Star Centre (Table 6).

BATPACK

Some behavioural interventions have no long-term effect, especially with older children. While Wheldall and Merrett acknowledge this, they suggest that it may be due to lack of understanding about appropriate reinforcers (Fontana, 1984). So they designed the Behavioural Approach to Teaching Package (BATPACK) to encourage teachers to reinforce desired behaviour by commenting on it positively and to eliminate undesirable behaviour by ignoring it. The BATPACK emphasises the contingent use of praise and the reinforcement of desirable social behaviour as well as academic behaviour. It recommends the following teacher comments, which make up the REX model:

- Rule-related: 'Thanks for observing our rule about turning up on time for classes'
- Example to others: 'That's a really helpful diagram – would you be good enough to explain it to the group?'
- Explicit statements of what is being praised: 'Thanks for clearing up the mess that had been left in the room'.

Teachers using the BATPACK state that they now give more positive feedback to students, although they do not significantly decrease their negative feedback. They find that the level of 'on task' behaviour from students increases.

The 'behavioural charter' (Table 7 on page 18) sets out the key principles.

Fontana (1984) recognises that one of the most useful aspects of training in behavioural teaching techniques is that teachers recognise that behavioural problems are frequently initiated by themselves, and that one of the most effective ways to change behaviour in others is to change their own behaviour. He also acknowledges the importance of the social learning environment which is created by teachers and which, if constructed carefully, can bring about more efficient and effective learning.

Table 6 Using the ABC method

Name

Age

Date of Behaviour Management Problem (BMP):

Antecedents (causes, early stages)

The behaviour is

and is triggered by

Behaviour (what the student actually does – intensity, frequency, duration)

The exact behaviour is

Consequences

Harm is caused to

by

The triggers can be avoided/reduced by

The behaviour can be controlled/modified by

The effect or results of the behaviour can be reduced by

Notes

Staff name

(National Star Centre)

Table 7 Behavioural charter

10 tactics for teachers

1 Arrange the classroom appropriately for task and students

2 Make sure that the students know what they are supposed to be doing

3 Negotiate with the students a few simple positive rules – beneficial to all

4 Look out for good work and behaviour

5 Try to praise quickly and consistently

6 Remember to praise the behaviour/work rather than the student only

7 Use a variety of social reinforcers

8 Ignore inappropriate behaviour where possible

9 Make sure that all the students know what behaviour is being praised

10 Build 'treats' into your teaching as rewards for good work and behaviour

Assertive discipline

During the 1990s, many schools have adopted the 'Assertive discipline' approach of Lee Canter (1989). Based on a marriage of assertiveness training and behaviourism, it advocates that teachers make their expectations clear and then follow through with established consequences. While Canter claims success for his technique, as well as many disciples, his methods may not be appropriate for creating an adult learning environment in which each individual's acceptance of responsibility for learning is the primary goal. It is more likely that such an environment will be produced by negotiating personal learning contracts and mutually-agreed group ground rules. Nevertheless, many FE tutors have to work with groups of unmotivated and uncommitted students, and in these circumstances it may be appropriate to use Canter's approach.

The following list of rules for teachers models the way in which the technique can be used:

DO

- have a clear set of rules (no more than five) with an escalating scale of rewards and punishments
- give a lot of praise and positive reinforcement and recognised rewards (prizes) for good behaviour as well as good work
- involve students in deciding what behaviour is unacceptable and what sanctions should be given for breaking group rules
- involve people related to the students such as tutors, employers, parents
- start each day/session/week with a clean start.

DO NOT

- be hostile to students
- nag: How many times have I got to tell you...? Why do you always...?
- start with negative criticism – no student shall be told off before two students have been praised for doing things right
- give negative strokes before at least one positive stroke (say 'hello', compliment, praise for something else).

Most teachers adopting this approach find they spend less time on disciplining students which makes for a more pleasant atmosphere in the classroom.

How well the system works is likely to depend upon the:

- clarity of the rules – for example, 'treat objects with respect' is not clear since it depends upon a definition of respect which may not be commonly shared; 'students may not deface college buildings and furnishings' is clear
- extent to which students accept the rules, which is likely to be influenced by how much they have been involved in making them
- ability of the teachers to focus on the positives.

While schools using the system report that it works for most students, with older students there is often a hardcore who will rebel just for the sake of rebelling. Assertive discipline has been described as a method for 'crowd control', for improving relations with the majority of students. It is not designed for dealing with extreme cases of difficult behaviour.

Social skills training

The sector has recently acknowledged the need to become more inclusive in its practice. At the same time, it has also recognised that many college staff are ill-equipped to meet students individual needs (see Tomlinson, 1996).

Some students with learning difficulties and disabilities have poor social skills or behavioural problems because they may have been subjected to environments where deviant behaviours are the norm. Alternatively, they may have low self-esteem because of being personally devalued. Given appropriate learning support, some students respond quickly to positive learning environments. Others with more entrenched problematic behaviours may require more specialised help. FE staff need the skills and confidence to handle these challenges. This can be developed through training which will probably emphasise the basic social skills training favoured by many psychologists in clinical and education settings. There are various social skills training materials available. The **Social Skills Handbook** (Hutchings *et al*, 1991) could be used to train FE staff to promote appropriate behaviour. **Learning Support** – a staff development resource pack (FEU/Training Agency/SKILL, 1989) – contains some excellent training materials which can help staff to manage challenging behaviours. However, most of the principles advocated are essentially good basic teaching and learning strategies, including positive attitudes to learners, recognising the individual needs of learners, negotiating personal learning contracts, and providing learner-centred activities.

Many FE tutors, including trained teachers, may not have been formally trained in classroom management techniques or the management of learning. Some staff development in the behavioural techniques of, for example, Fontana, Wheldall and Merrett, and Bloom, and the neo-behaviourist conditions for learning set out by Gagne, can give teachers

an insight into how to manage difficult behaviour. They will then be better prepared to consider how to create the conditions necessary to bring about effective learning and considerate behaviour.

Cognitive /Behavioural methods

Since the 1960s, the importance of thoughts, actions and feelings in explaining human behaviour has been increasingly recognised. Cognitive behavioural approaches recognise that a core set of attitudes and beliefs give rise to thoughts, images and behaviour. Working at attitudes, values and beliefs is now part of several methods designed to change behaviour.

No blame approach to bullying

Little attention has yet been given to researching bullying in FE. However, colleges can learn much from the experiences of schools where bullying is now well recognised and documented. The DfEE Circular 8/94 on *Pupil behaviour and discipline* states that:

> *Bullying may be distinguished from other unacceptable forms of aggression in that it involves dominance of one pupil by another, or a group of others, is pre-meditated and usually forms a pattern of behaviour rather than an isolated incident. Many pupils experience bullying at some point. ... bullying or other forms of harassment can make pupils' lives unhappy, can hinder their academic progress and can sometimes push otherwise studious children into truancy. In extreme cases, it can lead pupils into taking their own lives.*
>
> *School staff must act – and importantly be seen to act – firmly against bullying...*

The circular urges that bullying be addressed in school behaviour policies and associated rules of conduct, which should include explaining how pupils can bring their concerns to the attention of staff.

In a review of the substantial research in recent years, Lowenstein (1994) concludes that:

- there are three types of bullying – physical, verbal and psychological
- the problem varies in nature from area to area
- bullying is a predominantly male activity
- females tend to adopt psychological and verbal forms of bullying while boys tend to use physical bullying
- younger children are more prone to bullying than older children
- both bullies and victims of bullying have personality deficits; for example, the tendency to be victimised correlates to negative self-appraisal and negative appraisal by others; the victims of bullies frequently become bullies themselves
- bullies tend to display other forms of anti-social behaviour
- certain personal characteristics, including clumsiness and learning difficulties, are related to victimisation.

Further findings on bullying in schools is provided by the Sheffield LEA Bullying Project. These are summarised in Appendix 3.

Personal skills training is not the only approach taken to tackle bullying. Campaigns include getting young people to carry out surveys, make videos, put on plays for younger students and organise anti-bullying events. One of the most promising approaches emphasises the need to help the bullies as well as the victims because bullies are often victims themselves.

Maines and Robinson's paper (1994) – *The no blame approach to bullying* – advocates that instead of being castigated the bullies should be asked for their own ideas about how the bullying could be stopped. This approach could work particularly well in FE colleges. Co-author George Robinson says that the approach has been successful in dealing with problems of bullying of special educational needs (SEN) students by students on other courses.

Bullying is not just a problem for students. In a recent survey by the National Association of Schoolmasters/Union of Women Teachers (NASUWT) of 3,500 members, seven out of 10 teachers claimed they had either been bullied themselves or had witnessed the bullying of others mainly by school heads (Education, 1995). In its view, the best ways to deal with bullying is to agree a policy with management which defines what is acceptable behaviour at work. The types of bullying reported include the intimidatory use of discipline or competence procedures, staff being shouted at in front of colleagues or pupils and other threatening techniques including the setting of impossible deadlines, verbal and occasionally physical threats, removing agreed responsibilities without consultation and repeated written and spoken criticism. The National Association of Teachers in Further and Higher Education (NATFHE) has recently produced a paper, *Bullying at work* which is part of its *Harassment at work* pack (1996). This suggests that bullying is likely to flourish where aggressive management is the norm and that harder-edged management styles have developed within the FE sector post incorporation. A 'Whistleblowers Protection Bill' to safeguard the rights of employees who draw attention to the wrongdoings of their employers is proceeding through the Parliamentary stages. It is interesting to note that a 1994 research report from the National Foundation for Educational Research (NFER), commissioned by NATFHE, shows that lecturers' workloads have increased substantially in the last few years; 90% of lecturers are experiencing stress and most believe that managerial actions and attitudes are aggravating the situation.

Some colleges have developed codes of practice to deal with bullying, including it along with other forms of personal harassment and sexual and racial discrimination in policies on harassment.

The ideal system involves three strands:

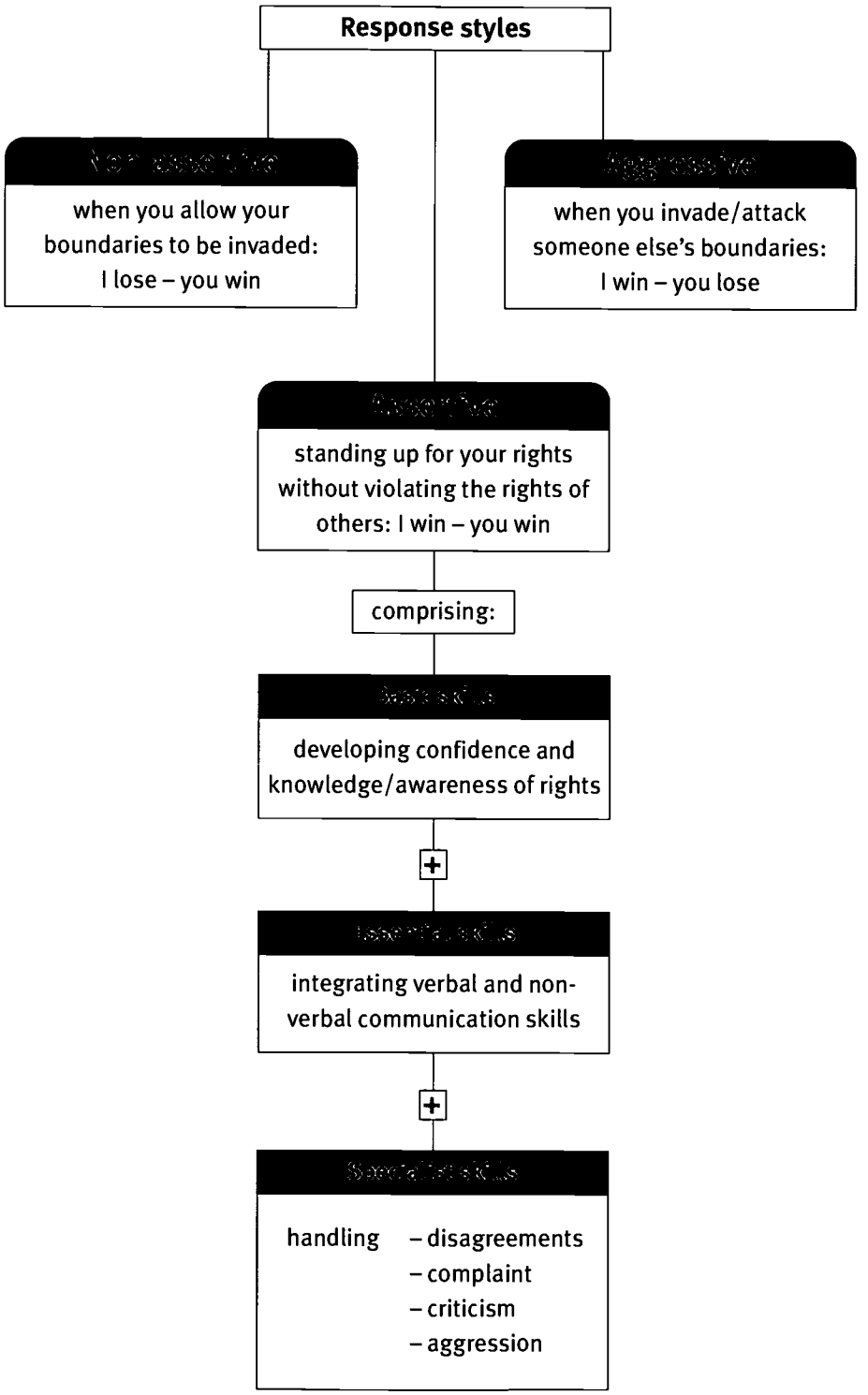
- have a policy which defines clearly what behaviour is unacceptable and what to do when it occurs
- make sure all staff and students understand the implications of the definitions of the behaviour, and what to do if they are bullied
- provide personal and social skills support for victims and bullies.

Assertiveness training

One way to address challenging behaviour is to give all college users assertiveness training, including governors and support workers, and students. Figure 7 (on page 22) outlines what is involved. Initiated in the United States to help raise the social competence of minority groups, these assertiveness techniques have proved useful in occupational training.

Figure 7 Styles of response

People adopt different response styles depending on the circumstance. It is unlikely that anyone is wholly one type or another



These techniques involve differentiating between passive, assertive and aggressive behaviours and acknowledging and analysing individual behaviours, usually in group-based activities. The main characteristics of these behaviours have been defined by Luton Sixth Form College as:

- **Assertive** – stating clearly what we would like to happen but without a demand that it should
- **Aggressive** – making sure that we do get what we want, no matter what the other person feels
- **Unassertive** – doing nothing and hoping, or trying to get what we want in a roundabout way.

The training involves:

- exploring current patterns of behaviour
- recognising the value of assertive behaviour
- practising the skills of assertiveness
- unlearning any existing aggressive or unassertive methods of behaviour
- working through ideas and strategies for appropriate use of the new-found skills in various situations.

Suitable training materials include: the **Lifeskills Now** – open learning materials; **Assertiveness –** (a set of practical materials) (Lifeskills, 1991); **Assertiveness at work**, which has become a classic workplace training manual (Back and Back, 1982); and the **Negotiating assertively** (Richardson, 1991) and **Working with assertiveness** (Fritchie, 1991) video training packs.

Most colleges are already offering assertiveness training within their adult education and health and social care programmes so probably have the trainers and materials already in place.

Assertiveness training is likely to build confidence and self-esteem and equip teachers with a democratic approach to teaching which is more likely to win co-operation from students (see Figure 8, p24).

Neuro-linguistic programming

Neuro-linguistic programming (NLP), a relatively recent approach to understanding and influencing behaviour, looks below the surface behaviour to explore the underlying purposes and beliefs (Figure 9, p25).

Figure 8 Assertiveness training approach to teaching

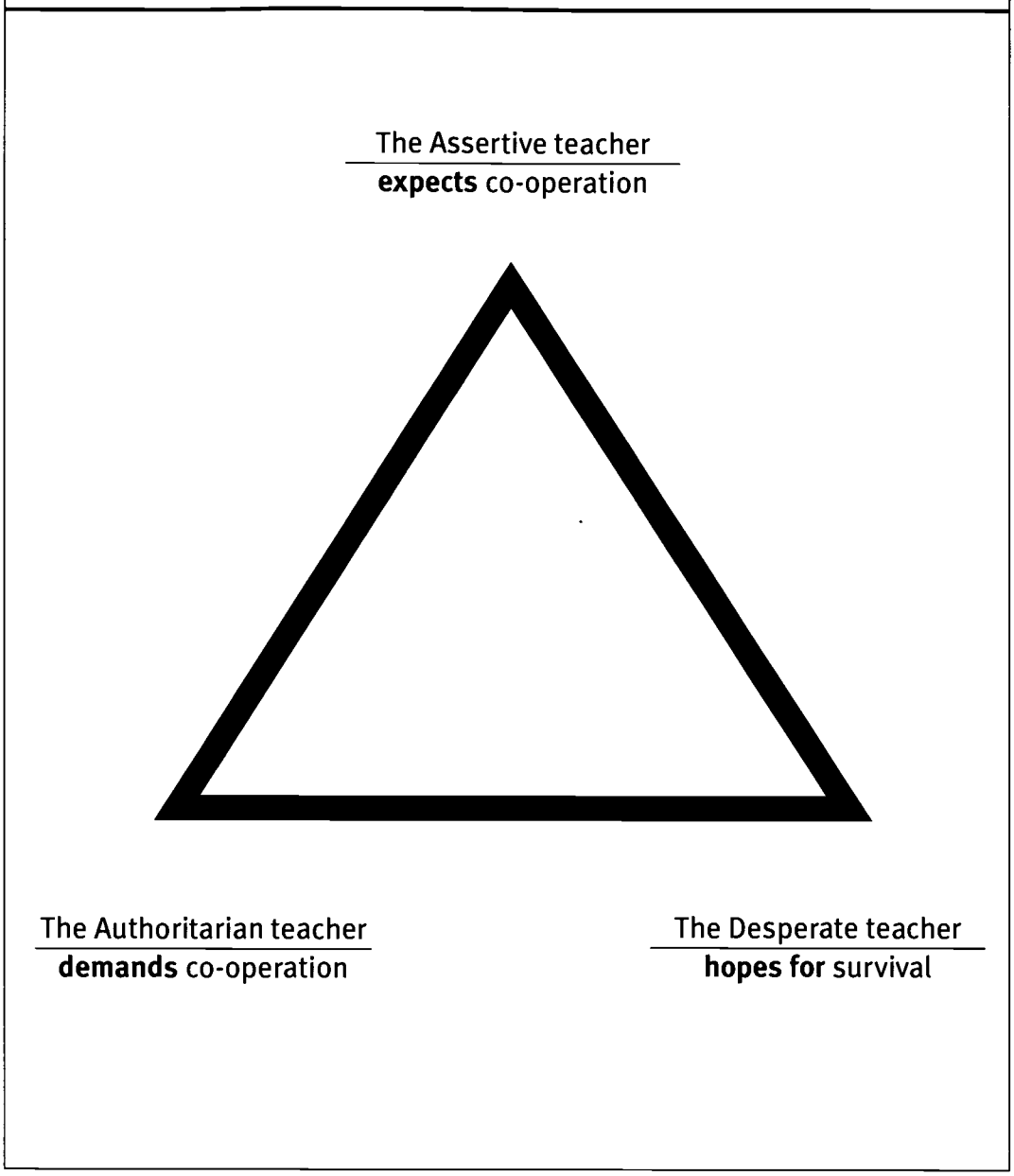
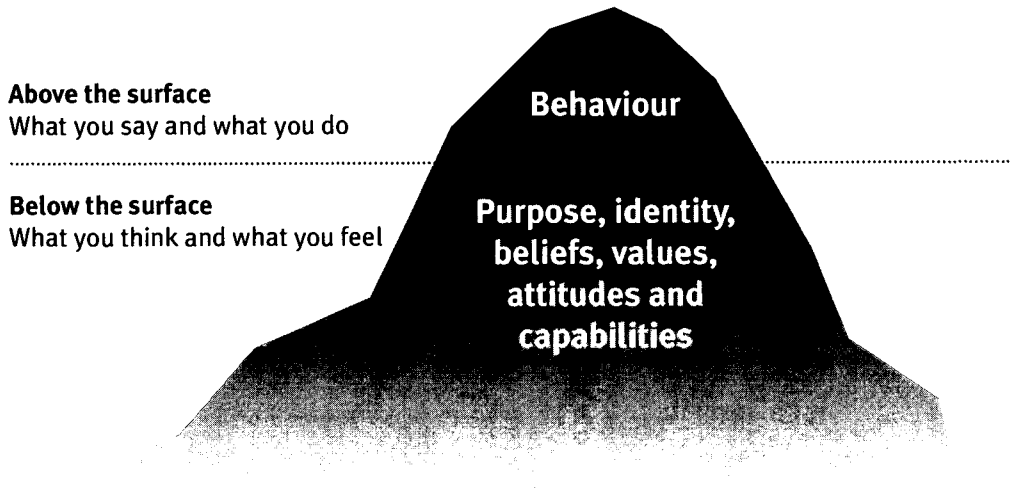
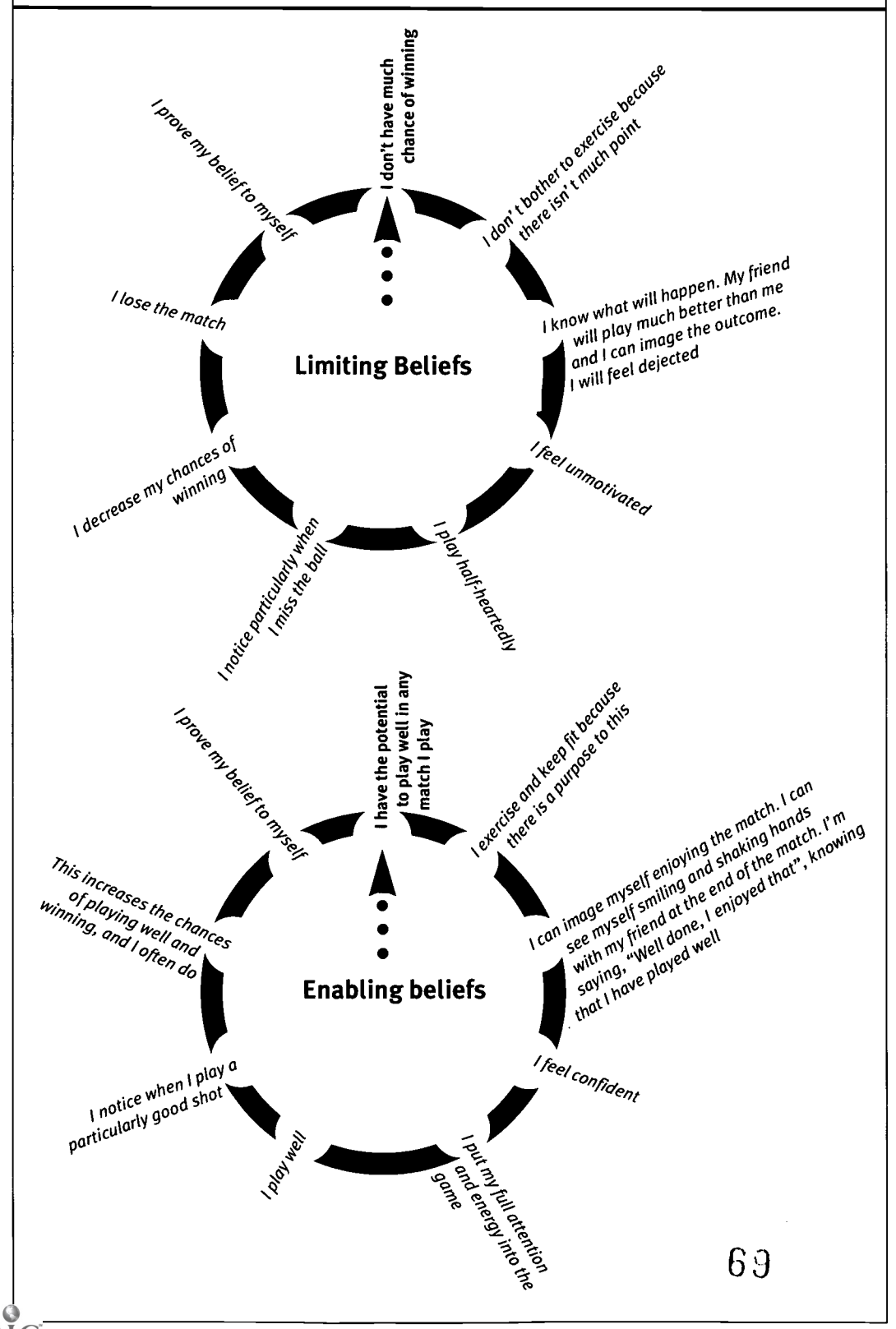


Figure 9 NLP approach



By examining the ways in which people perform with excellence, NLP identifies the conscious, sub-conscious and unconscious patterns which both create and prevent excellence in behavioural terms. The approach is based on modifying attitudes and beliefs and has led to powerful and subtle techniques for influencing behaviour (see Figure 10 which is adapted from work on NLP).

Figure 10 Limiting and enabling beliefs



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However, NLP is not behaviourist in essence. It concentrates on the whole person at a number of levels: environment; behaviour; capability; beliefs, and identity. It focuses on attainable outcomes, on the accuracy of sensory perceptions and information, on behavioural flexibility and on the nature of relationships based upon mutual respect. (O'Connor & Seymour, 1990) (Lewis & Pucelik, 1990)

Transactional analysis

Transactional analysis (TA) can be readily adapted to provide excellent training on how to manage challenging behaviour, complementing the assertiveness training. Eric Berne, the American psychologist and behavioural scientist, developed the theory of Transactional Analysis whereby he proposes that our 'self-talk' and our communications with others are learned. They are based on our life experiences and influences, especially the examples given by our parents or guardians. Berne contends that it is these early childhood experiences that shape much of our behaviour in adult life.

'Transactions' are the mixture of messages and communications that are exchanged between people, and these transactions can be examined in a structured way through TA and then modified. The TA method is especially concerned with specific transactions that leave people feeling bad or exploited. It is a creative way of looking at social behaviour. Berne (1958) observes that people transact overtly and covertly and he calls these dual transactions 'games'. Berne identifies three broad behaviour–response styles:

Parent	P	Nurturing or dominating/controlling
Adult	A	Assertive
Child	C	Spontaneous

He proposes that people conduct their 'transactions' or communications from one of these positions. Complementary transactions involve people behaving in similar ways (for example, adult to adult). Crossed transactions occur when non-complementary styles are adopted (for example, adult to child). Berne shows how people become 'locked' into certain styles of behaviour and responses, bringing about transactions which can be helpful or confrontational. Arguably the adult-to-adult transactions are most likely to succeed within FE.

Transactional analysis provides a useful way to analyse the behaviour of the whole institution and the individuals within it. Again, most colleges will have training expertise within counselling programmes. Materials such as **Egograms** (Dusay, 1980) and **Games people play** (Berne, 1968) can be adapted to produce suitable training programmes. Video presentations on TA can also be adapted to provide training for staff and students.

Staff development activities

The following activities are examples of how you can use this method in practice:

- Show students a video clip of an episode from a 'soap' drama. Ask them to observe the interactions of particular characters and to consider which TA roles they adopt. Ask them to consider how these transactional styles affect conflict, care, respect and so on.
- Consider your own preferred TA style as a teacher or ask a peer observer to identify it for you. Would a different style improve your behaviour management?

Personal construct psychology

Personal construct psychology (PCP) is based on the ideas of psychologist George Kelly. He suggested that we should ask people why they do things if we want to understand them. The techniques involve exploring and communicating individual views.

Interventions promote alternative views of even the most entrenched situations. The PCP approach often proves useful in situations where traditional behavioural methods have failed. It is a means of reconstructing situations in ways which increase understanding between students, staff and the organisation. The techniques require some theoretical and practical understanding. (Dalton & Dunnet, 1992)

Counselling and therapeutic groupwork methods

Behaviour which tutors find disruptive to the adult learning environment can sometimes be due to personal difficulties with which a college counselling service may be able to help. *Learner support services in FE* (FEU, 1993) found that 79% of colleges offer counselling and personal guidance; this figure must now be nearer to 100% following the introduction by the FEFC of the staged funding methodology. However, it is not clear the extent to which these services are used to help those with personal difficulties which may manifest themselves as behavioural problems. Colleges should clarify how their counselling services can help with such difficulties. They may wish to consider developing therapeutic interventions which can be particularly helpful in these circumstances.

Young people who are disturbed can be distinguished from those who are disturbing:

- By disturbed we usually refer to those whose emotional state is characterised by distress, lethargy, fear, apprehension, immaturity, isolation, unhappiness or inappropriate behaviour. Disturbed young people tend to affect themselves and those close to them rather than others generally. In the educational system those who are disturbed tend to be quiet and not to contribute, to have relationship difficulties, to drop out, to seek outside help or to break down.
- Disturbing young people have an effect upon others. They might be loud, aggressive or destructive. Disturbing behaviour may come from those who are disturbed or from those who are poorly socialised, have little self-control, have had inappropriate role models or who have become disaffected from the values that count in education. In the education system, behaviour which disturbs others tends to be trivial and wearing rather than violent. Often disturbed behaviour is not noticed by teachers or tutors while disaffected acting-out behaviour is.

Those in FE counselling services need to ask: 'Which students should we be concerned about and what type of identification and intervention procedures should we develop?'

There is little evidence as to the extent of emotional and behavioural difficulties in post-16 education. What is known is that when a counselling service is provided in colleges there is a strong demand for it from students with emotional difficulties as well as from staff concerned about students. College counsellors will be able to advise staff on the extent to which they can help students with emotional and behavioural difficulties within the tutorial situation through individual and/or groupwork. It may by more appropriate for intervention in the fullest sense to be carried out by a trained specialist.

Beyond classroom methods

Although what was formerly known as 'the enrichment curriculum' has suffered severely because of funding cuts in recent years, many colleges still realise the importance of offering social and leisure activities to improve behaviour and reduce student stress levels. They offer a variety of games and activities, sports, teamwork, outward-bound opportunities, residential and extra-curricular clubs.

Several colleges have recognised the benefits of engaging youth workers not only to develop and run extra-curricular activities, but also to support tutors in personal and social education issues within the tutorial programme.

The next section translates the cone model into a self-assessment schedule to allow colleges to map and evaluate their operations at each level. This will reveal the key areas for action. This section then offers a method for identifying and planning the action required to achieve the desired outcomes in each of the key areas.

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Using the model for self-assessment and action planning

Using the model for self-assessment and action planning

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Completing the self-assessment schedule that follows (Table 8) should give you a comprehensive picture of your college's current stage of development. It is a valuable tool for identifying policy issues for disruptive behaviour and other contexts. The schedule takes each of the three levels described in the cone model and poses key questions relevant to preventing and managing disruptive behaviour. It requires you to examine the systemic nature of your organisation and it reveals overt, covert, conscious and unconscious procedures and patterns of behaviour. The schedule will also reveal any lack of:

- penetration of the college ethos
- performance indicators
- policy statements
- consistency in the implementation of the disciplinary system.

Ideally, the self-assessment should be completed by a project team, focus group or working party with members from across the college so that staff and students from all areas are represented.

A useful initial activity for this group is to use the '5 W' framework (given on page 1 of Chapter 3) to define the issues pertinent to their college. As well as setting the context, it can help the group to gather initial information for the self-assessment process.

Since colleges vary widely, some of the items in the self-assessment may not be applicable to your organisation. If your college does not have certain provisions in place, this does not necessarily imply a deficiency. The group will need to identify whether these provisions would be helpful.

The key methods involved at delivery level are defined in a table accompanying the form, to help you when completing this section of the self-assessment. For a more detailed explanation, refer to the section in the previous chapter.

Once you have completed the self-assessment schedule you can prioritise areas for action.

Table 8 College self-assessment schedule

Strategic level: Mission				
Key questions	**Current state of play**	**Action needed and by whom**	**Target dates**	**Notes**
Is there a clear statement of institutional purpose, for example, a mission statement or any equivalent document?				
Does the mission statement (or other document) include reference to the intended values and ethos of the college, for example, expected standards of behaviour of: • staff • students				
Is the statement: • generally known? • generally understood? • generally accepted?				
Is there a mechanism for reporting behaviour issues in relation to the mission, for example, a six-monthly report on behaviour to the governors?				
Are there any other documents or strategic level processes which have an impact on processes, procedures, systems and operational practice?				
Strategic level: Policies				
Key questions	**Current state of play**	**Action needed and by whom**	**Target dates**	**Notes**
Does your college have a college charter?				
Does this make reference to desired behavioural standards?				
Is the charter clear and easily understood by staff and by students?				
Was it drafted in consultation with: • staff? • students? • other stakeholders?				
Does your college have a clear and comprehensive written **policy** on: • equal opportunities? • inclusive education? • staff development and support? • student welfare and support? • student representation?				

• behaviour? • discipline(preventative, corrective and supportive)? • learning support? • learning? • customer care? • admissions/induction? • timetabling? • role of parents? • schools liaison? • college environment/security and ID? • human resource management? • external agency liaison? • communications? • assessment? • fees/pricing? • IT in learning? • others relevant (please list)				
Systems level: Procedures				
Key questions	**Current state of play**	**Action needed and by whom**	**Target dates**	**Notes**
Does your college have clearly articulated **procedures** for: • complaints – staff, students, third party? • grievance – staff, students? • disciplinary – staff, students? • capability of staff? • induction of staff – full-time/ part-time? • support and management of part-time staff? • security: – personal identification? – staff? – students? – exclusion of unauthorised others? – property? • congruence with requirements of external: – police/fire? – Health and Safety Executive? – significant clients? – parental liaison and involvement? • referral and external support: – educational psychologists? – medical? – health authority? – youth service? – community organisations? – religious orders? – police? – probation? – others? • communications: – internally? – externally?				

Systems level: Systems				
Key questions	**Current state of play**	**Action needed and by whom**	**Target dates**	**Notes**
Does your college have a **Quality Management System** (QMS)?				
Does the QMS conform to a national or international standard (such as ISO 9000 or Investors in People status (IiP) or does it have a name?				
Do parts of this address specifically behavioural issues such as: • bullying? • multi-cultural conflicts? • harassment?				
If not, are these included in any other systems? Which systems and who is responsible?				
Does your QMS include the use of **quality circles**? If so, how are these constituted and how do they interface with behavioural policies and procedures?				
Are there systems in place to support a customer care policy?				
Does your college have a **staff appraisal or performance review system** in place?				
Does this system address behavioural issues such as: • classroom management skills? • complaints? • issues of personal conduct? • staff development needs?				
Does your college use **student contracts** or similar agreements? If so, is this a whole-college approach or only for some parts of the college? Have you taken advice on the legality/ probity of your contract? Is it a student only or a student/college contract?				
Is there an effective **tutorial system** in place for all students?				
Are there effective arrangements for **guidance counselling** and **support** for • students? • staff?				
Are there arrangements for effective **student representation** at course/ programme level?				
Are there overt systems in place to encourage **sensitive appropriate timetabling** and use of **resource-based learning**?				

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Delivery level: **Methods and approaches**					
Methods and approaches	**Have used with some success**	**Would you like to try to develop further**	**Some staff expertise exists**	**Staff development required**	**Notes**
Learning/teaching/classroom-based methods • rule-based • action planning • self-esteem • peer support					
Behavioural methods • antecedents, behaviour, consequences (ABC) • behavioural approaches to teaching package (BATPACK) • assertive discipline • social skills training					
Cognitive/behavioural methods • no blame approach to bullying • assertiveness training • neuro-linguistic programming (NLP) • transactional analysis (TA) • personal construct psychology (PCP)					
Counselling and therapeutic groupwork methods					
Beyond classroom methods • games and activities • sports • teams • outward bound • residentials • extra-curricular clubs					

Explanatory notes for self-assessment schedule
Methods and approaches at delivery level

Definitions

Classroom-based methods:

- **rule-based**
  by working together to establish a set of ground rules of behaviour, then displaying them for all to see, staff and students can make their expectations explicit as to what behaviour is desirable and expected and what is unacceptable; these can then provide a framework in which to develop self-discipline, encourage accountability for behaviour, develop respect for others' rights and promote social values
- **action planning**
  with careful planning, disruption can be prevented through effective classroom control via well-planned, well-organised and assertive teaching; such action planning includes providing a good physical classroom environment, paying attention to the teaching process and to the learning process
- **self-esteem**
  the self-concept is improved through enabling learners to recognise and express positive attributes about themselves
- **peer support**
  peer support involves structuring activities to include co-operative working, where those who are more experienced and able work with others who are less so, bringing benefits to both parties

Behavioural methods:

- **antecedents, behaviour, consequences (ABC)**
  this approach is based on the notion that behaviour change can be achieved by manipulating the antecedent conditions for the behaviour or the consequences following behaviour; it follows the principles of cause and effect
- **behavioural approach to teaching package (BATPACK)**
  this approach involves reinforcing desired behaviour with praise, positive comments and so on, and eliminating undesirable behaviour by ignoring it and can be applied to social as well as to academic behaviours
- **assertive discipline**
  this approach combines assertiveness training and behaviourism – teachers make their expectations of behaviour clear and follow through with established consequences; it is most applicable to unmotivated or uncommitted groups
- **social skills training**
  this approach is particularly applicable to students with poor social skills and involves systematically developing appropriate social skills

Cognitive/behavioural methods:

- **no blame approach to bullying**
  this emphasises the need to help the bullies as well as the victims of bullying; rather than just punishing bullies, it involves them in identifying how the bullying could be stopped
- **assertiveness training**
  this approach provides training which differentiates between passive, assertive and aggressive behaviours and helps to develop assertiveness skills, usually within group work
- **neuro-linguistic programming**
  neuro-linguistic programming looks below the surface behaviour, that is what people say and do, to explore their underlying purposes, beliefs and attitudes, and as such concentrates on the whole person, not just on their behaviour; it involves identifying what changes are required to turn the behaviour from bad to good, and then helping individuals to achieve this by modifying their beliefs from being limiting to enabling
- **transactional analysis**
  transactional analysis is a creative way of looking at social behaviour and is concerned with transactions that leave people feeling bad or exploited; it provides a useful way to analyse the behaviour of the whole institution and the individuals within it by examining interactions and communications in a structured way
- **personal construct psychology**
  personal construct psychology involves asking people why they do things in order to understand them; by exploring the individual's outlook it promotes an alternative view of the situation by reconstructing it in a way which increases understanding between students, staff and the organisation allowing the difficult behaviour to be addressed

Counselling and therapeutic groupwork methods:

Some behavioural difficulties occur because of an individual's personal problems.

People who are disturbed can sometimes exhibit disturbing behaviour which affects others in the college, and not just those immediately close to the person who is disturbed. College counselling services can help in these instances, for example, through therapeutic interventions. Colleges need to consider what type of identification and intervention procedures they should develop. Their choices are likely to be dependent on the counselling methods and therapeutic interventions used by their counsellors so will vary from institution to institution.

Beyond classroom methods:

Social and leisure activities, such as games and activities, sports, teamwork, outward-bound opportunities, residential and extra-curricular clubs, can all be used to improve behaviour and reduce student stress levels.

Action planning

Having completed the self-assessment schedule you will have identified areas where action is required. You will need to prioritise these in terms of importance and urgency to identify the initial key issues for action.

To identify the action required to address each key issue:

- specify the desired outcome
- identify the component or sub-stages required to achieve the desired outcome
- specify the method(s) for carrying out the component or sub-stages
- identify the outcome or evidence which will result when the component or sub stage has been completed
- identify the staff who will be involved and allocate responsibility
- identify and allocate the resources necessary
- identify a timescale for completion
- specify the process for monitoring progress, evaluating outcomes and identifying the next steps.

The final step – of monitoring progress, evaluating outcomes and identifying next steps – ensures that the process becomes a cyclical one and promotes continuous improvement. Use this strategy to address all the issues identified, in order of priority, over a period of time.

When developing the action plan you need to carry out analysis at each of the levels in the model: strategic, systems and delivery. Colleges taking part in the project found it helpful to receive external consultancy support. You could also work collaboratively with other colleges to provide an external perspective. Table 9 gives an extract from the action plan drawn up by Luton Sixth Form College to provide an example of how most of the points in the strategy can be put into practice. Youth liaison workers at the college had a considerable role to play in implementing the action required to achieve the first two desired outcomes in particular. Appendix 1 takes a closer look at the tasks undertaken by the youth workers at this college.

Table 9 Action plan of Luton Sixth Form College

Desired outcome	Sub-stage	Method	Responsibility	Date due
1. Improved understanding of the attitudes and views and all students, especially the barriers that some feel are imposed by a society and culture that are different from their own	Survey student views.	Questionnaire Visits to tutorial period Analysis of students 'Use of time' questionnaire results	YLW YLW YLW	Dec 96 Dec 96/Jan, Feb 97 March 97
	Student Council to consider reported views of students, to take action and to make recommendations to college managers	Fortnightly meetings of the full council and separate meetings of college officers	YLW	Feb 97
	Discuss with Youth Liaison Worker and identify key students, to understand some causes of disaffection	Meeting with vice principal and director of student services (DOSS)	YLW	Feb 97
	Identify with high schools the causes and effects of the cultural make-up of your partner schools	Discussions with staff at the three all ethnic and visible minority partner schools Discussions with staff at a sample of the other nine high schools	Vice Principal (VP) and link senior tutor	March 97
	Formalise the procedure for recording all suggestions and complaints made by students	Review all suggestions and complaints received by the Student Council	YLW	Feb 97
		Review all formal complaints received by staff from students	VP	Dec 96 Revise Feb 97

Desired outcome	Sub-stage	Method	Responsibility	Date due
2. A more positive attitude to learning and other opportunities available at the college	Experiment with the role of youth liaison workers to develop positive approaches with students and to improve two-way communications between staff and students	Two part-time appointments reviewed by director of students ervices and vice-principal	VP, and DOSS	Nov 96 – Jul 97
	Develop more activities in the college day and outside as requested by students. Encourage participation	Action with monitoring by YLW in consultation with staff and students	YLW	Ongoing
	Develop leadership skills among students to encourage them to accept responsibility for activities	As above	YLW	Ongoing
	Raise self-esteem	As above	YLW	Ongoing
	Prepare possible awareness sessions for interested staff to enhance knowledge of ethnic and visible minority cultures.	YLWs supported by staff development and perhaps outside trainers	VP	Jul 97
	Review the working of Student Council, raise its profile and effectiveness,.	Continue work with Student Council to enable it to act on behalf of all students. Present revised constitution to governors	YLW, DOSS and VP	

Desired Outcome	Sub-stage	Method	Responsibility	Date due
2. – continued	**2.9** Use ALIS data to encourage students to achieve their academic potential	Data and training to be available for group tutors and subject tutors	VP and directors	Apr 97
	2.10 Review the admissions policy and retention policy	Identify common problems among those excluded and suspended. Identify common problems among those who leave	Senior tutors and VP	Mar 97

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Desired Outcome	Sub-stage	Method	Responsibility	Date due
3. Improved image of the college in the local community, especially with the immediate neighbourhood with prospective students and those who influence them	Identify and work to resolve general or specific problems perceived by:			
	• local residents – conduct a small group interview with key residents	Review issues raised at recent meetings with residents	VP and security officer	Feb 97 March 97
	• council officials	Invite councillors and council officials into college	VP	Nov 96 Jan 97
	• high schools	Identify concerns of partner schools via routine links – heads meetings, Luton curriculum network and senior tutor contacts	VP and senior tutors	March 97
	• police	Develop strategic links with police authority and chief superintendent. Improve operational support from local officers	VP security officer	Jan 97 Nov 96 and ongoing
	Publicise student and college achievements within the college, to high schools and to the community at large	Provide information to recently appointed marketing officer. Maximise 'good news' coverage in staff and student bulletins, the press visits and displays, and via public announcements	All	Ongoing
	Continue to develop community links	Hold termly meeting with community representatives	DOSS	Dec 96, March 97
		Expand links with outside agencies – youth and outreach workers and workers in high schools	YLW with DOSS and VP	March 97

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Desired outcome	Sub-stage	Method	Responsibility	Date due
4. Improvement of college security so that all college members can concentrate on their main reason for being in college	Continue with development of a college security policy	Working group meetings to recommend	VP and working group	March – Jun 97
	Re-evaluate termly report of incidents received from the security officer over the last two years	Consideration by security officer with other relevant staff	security officer in consultation with director of resources and building manager	Mar 97
	Build on existing links with the police, and borough council; work more closely with individuals concerned to address local problems with practical solutions such as road humps, yellow lines and roundabouts	Meeting with chief superintendent. Meeting with police authority representatives. Continuing liaison with borough councillors and officials regarding external provision	VP with support of security officer and DOSS	Sept 96 and ongoing
	Re-plan entry to the college site so that there is one entrance only, appropriately covered with CCTV and barrier control, with additional onsite parking and turning space	Investigate costs and possible financing. Investigate quality of different resources available	VP with director of resources and DOSS	Sept 96 and ongoing
	4.5 Consider installing turnstile entrance at reception, operated by ID swipe cards which are already carried	Investigate methods used at other colleges, costs and financing	VP, DR, DOSS	On-going
	4.6 Raise the awareness of security issues among all college members, so that security is seen as a general responsibility and not the exclusive responsibility of certain key staff	Keep staff and students and the corporation fully informed and up to date via bulletins, and papers, but also by action	VP and all directors	On-going

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Agenda for action

6

Agenda for action

Most colleges will find it easy to identify from their completed self-assessment schedule blockages and obstacles to effective action at each of the three levels of the cone model – strategic, systems and delivery. What is important is finding ways forward. The eight colleges taking part in this project have turned the problems and blockages identified through the self-assessment process into a set of positive recommendations at each level. Each has donated different items for the comprehensive agenda for action which follows. The key items are extracted from the materials submitted by the colleges and included in this section. After each list of agenda items, key issues are highlighted and discussed and specific materials which could be of particular use as training materials are reproduced in the appendices.

These key items for the agenda for action are organised into the following categories at the three levels of the cone model:

- strategic issues:
  - policies
  - values and ethos
  - environment
  - community
- systems issues:
  - quality systems and procedures
  - staff development
- delivery issues
  - learning and teaching
  - students.

All of these issues interlock, reinforcing the importance of the whole-college approach. Many are common to most colleges, others are more idiosyncratic. When taken together and prioritised for each individual college context they form an effective agenda for action. Each agenda item list is followed by some practical approaches for addressing some of the issues raised.

Strategic level

The recurrent themes which emerged as central to strategic planning and development by the eight colleges involved can all be summarised in words beginning with 'C'. Together they reflect the values-base of the college

- control
- consistency
- consideration
- co-operation
- consultation
- communication
- commitment.

These themes have been incorporated into a preliminary checklist (Table 9) which colleges can use to focus on the principles and values which will help them to make progress in addressing the management of disruptive behaviour.

Table 9 Strategic action: preliminary checklist (7 Cs)

	Current state of play	Action needed
Control To what extent are effective behaviour control systems in place? How are students tracked in terms of attendance, disruption? How are disciplinary, capability and grievance procedures monitored?		
Consistency To what extent are policies, procedures and strategies implemented consistently and with transparent fairness throughout all parts of the college?		
Consideration To what extent do staff at all levels act as models of reasonable and social behaviour?		
Co-operation What evidence is there, in concrete and behavioural terms, of the fostering of a culture of mutual respect between staff, between students and between staff and students?		
Consultation To what extent are students, staff at all levels and other stakeholders involved in developing policy procedure and strategies?		
Communication **Who** communicated **what** to **whom** by **which** media and to **what effect**? To what extent is up/down communication genuinely two-way? What is the extent of reliance upon unmediated written communication such as memos and notices?		
Commitment What evidence is there of a commitment to a culture of mutual respect at all levels of college management and across all sections of units?		

Strategic agenda items
Policy

1 Give consideration to addressing behavioural issues and publishing expectations and commitment at the highest level including mission, vision and values statements and strategic objectives.

2 The above should be articulated into a thematic approach, for example, 'a culture of mutual respect' is helpful in motivating the institution.

3 If such a commitment is made, governors and senior managers must demonstrate their commitment as models of mutually respectful behaviour.

4 Resourcing, particularly in terms of accommodation and physical environment, is crucial to an effective strategy. The design and quality of shared common leisure and study space is particularly important and has implications for resource priorities.

5 Strategic management and governance should include establishing priorities for action and a rolling three-year plan for committing resources, for example, to targeting particular sites.

6 Behaviour policy may be free-standing or integrated with other policies, for example, providing a map indicating how the policy relates to the college structure.

7 Behaviour policy should be derived from consultation and supported by compulsory staff development.

8 Policy is best derived from an evolutionary and iterative approach, a process of consultation with all college users which builds on effective practices and takes account of legal requirements.

9 A behaviour policy has to receive committed support from all college members. To achieve common ownership it needs to adopt an evolutionary and non-bureaucratic philosophy.

10 Have stated expectations for all college members, but allow to further negotiation of requirements from group to group.

11 Co-ordinate policy implementation centrally, along with the meeting of training needs and monitoring of practice and incidents.

12 Define membership of the college to include all those with a contractual interaction to work or study within the institution.

13 The policy must encompass the fact that college members take part in college activities both on and off the premises.

Croydon College's policy statement on disruptive behaviour, aggression and violence illustrates one way to approach these agenda items – see Appendix 4. (Figure 10 illustrates the process)

Producing a policy statement
Defining disruptive behaviour

All colleges should state their definition of disruptive behaviour so that everyone is clear about the basis on which their policies are built. For example, one college defines disruptive behaviour as:

> *that which produces damaging or hurtful effects, physically or emotionally, in other people.*

Another college distinguishes between problem behaviour and gross misconduct. Problem behaviour includes such incidents as poor attendance, failure to approach work in an appropriate way, disruptive and inappropriate behaviour in class. Gross misconduct includes harassment or physical violence, fraud, drug-related offences, carrying weapons, theft, vandalism.

Key statements

The policy statement should apply to all members of a college, since everyone has the potential to exhibit disruptive behaviour.

It is useful to link the statement to other relevant college policy documents, such as an equal opportunities policy, charter, health and safety policy. Policy statements also tend to offer an assurance that any member of the college is entitled to expect that the college will respond appropriately to any incident of inappropriate behaviour through procedures set in place for such circumstances. Examples of specific policies provided by the project colleges are included in the appendices (for example, see Appendix 5: National Star Centre's policy on supporting students at risk, and Appendix 6: Bradford and Ilkley Community College's policy on responding to disruptive behaviour by students.)

Thematic approach

The thematic approach will emerge from the self-assessment process and the key areas of action which are identified as targeted outcomes in the college's action plan.

Commitment

A positive approach by governors and senior managers is needed if the policy is to succeed. Examples set by others throughout the college will indicate the prevailing culture and ethos of the college.

A feeling of genuine involvement will help to promote ownership of the policy and commitment to it. Regular briefings will keep everyone up to date on the policy development. This could also be achieved by using a main noticeboard or producing a specific newssheet.

Resourcing

A comprehensive approach can have considerable resource implications, such as the redesign of a canteen, the refurbishment of a reception area, the provision of facilities for groupwork in a learning resource centre. Colleges will need to consider how they will fund such initiatives, looking at a range of opportunities for securing this.

Strategic management and governance

The task of defining areas of responsibility can be given to the steering group. This group should ensure that those given specific responsibilities have the necessary resources to do so.

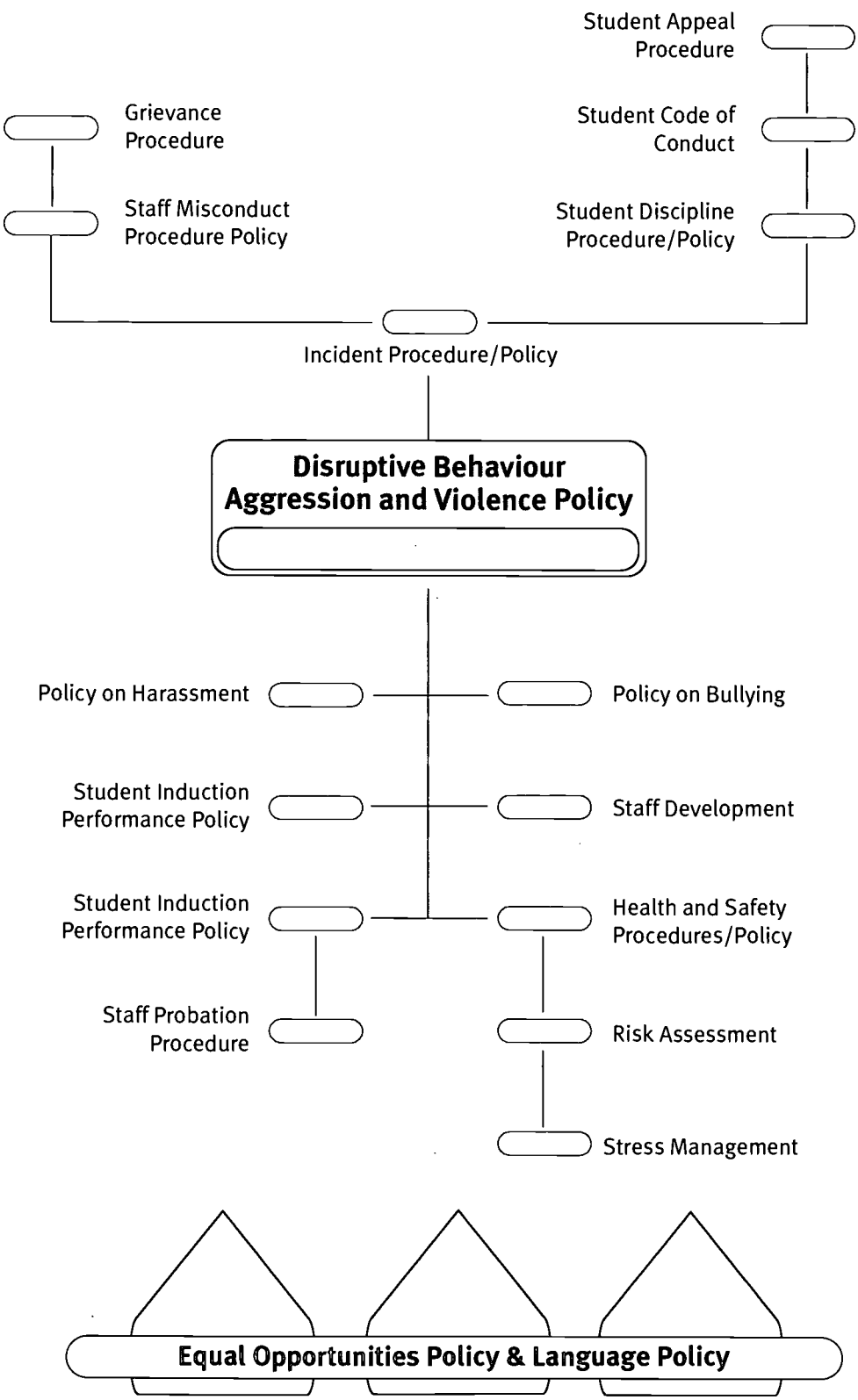
Areas of responsibility could include:

- monitoring, evaluation and recording
- staff development
- staff induction
- student induction
- response to incidents (overseen by a designated key person and backed by a recording system of actions taken).

Freestanding or integrated

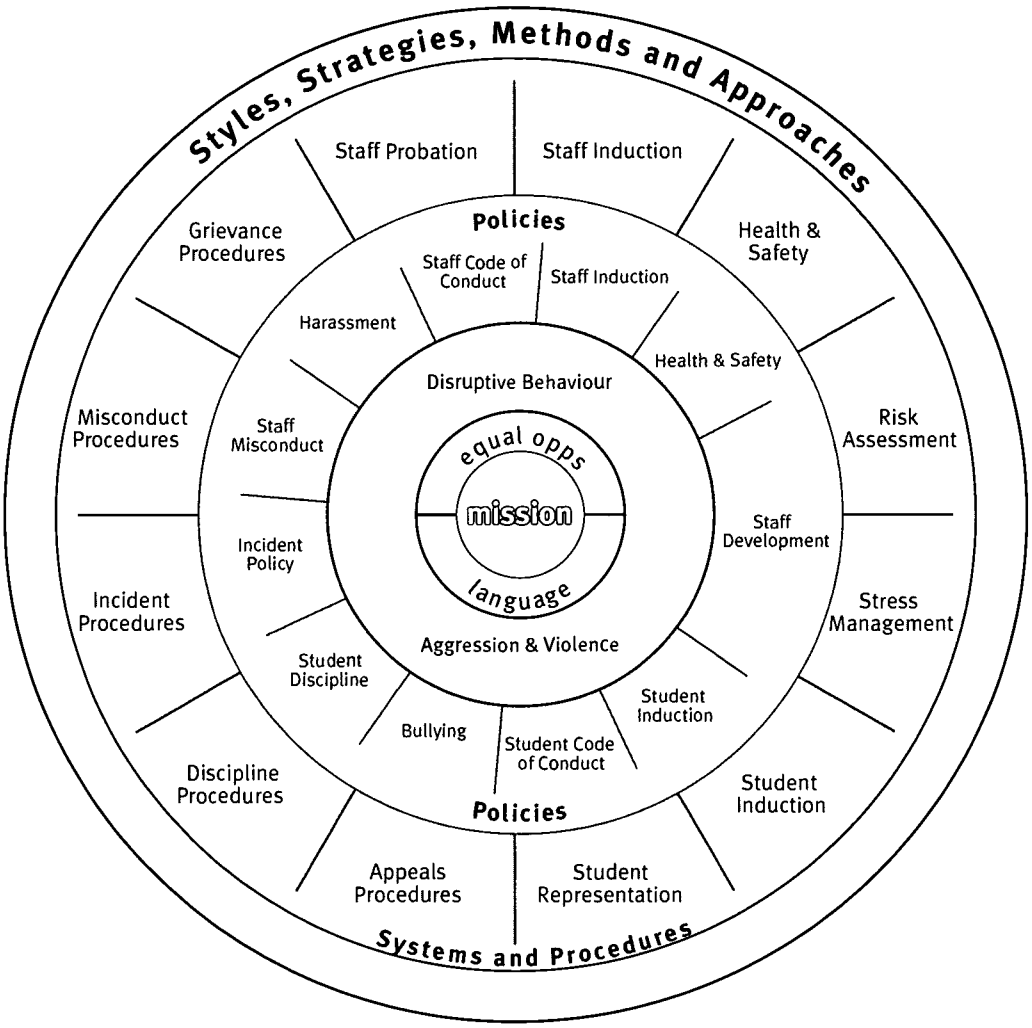
A college's policy on disruptive behaviour is likely to link with other policies. It is important to identify where this is the case to avoid duplication of strategies or procedures. Figure 10 is one example of how the policy can be mapped within the college structure.

Figure 10 Mapping the policy within the college structure



Integrated procedures, strategies and staff development are needed for the policy to work. Figure 11 maps the policy as a plan view of the cone model to show how the different aspects inter-relate.

Figure 11 Mapping the policy as a plan view of the cone model



Croydon College

Consultation

If the policy is to be effective, all members need to see it as being of value and help in achieving their individual roles and meeting their particular needs. To ensure that the needs and expectations of all concerned are addressed, it is vital to consult representatives of all interested parties when developing the policy.

Consultation will help to ensure ownership of the policy and that it is valued by members of the college. This in turn will help to ensure that it achieves its objectives.

The initial consultation could take several forms:

- a pre-consultation exercise in which members of the college are invited to indicate their preferences as to the most effective ways in which they can be consulted
- consultation exercises aimed at existing representative bodies of various groups within the college such as boards of study, focus groups, established committees and services meetings and with the student council
- college-wide research to elicit views, allowing for responses to be anonymous
- through existing workshops on stress, policy, and so on, or via focus groups
- through team meetings.

During the consultation process, groups could be organised to focus on particular tasks such as identifying what staff see as their training or development needs.

Key representatives from the main college committees and forum groups could be asked to respond to the draft form to ensure collective feedback. It is also useful to establish a response mechanism so that everyone has an opportunity to contribute individually. Presentations to particular groups will also help ensure that any important amendments required are highlighted at the earliest possible stage.

Figure 12 identifies the groups that could potentially be involved in consultation and maps their respective sphere of influence on the policy.

Training

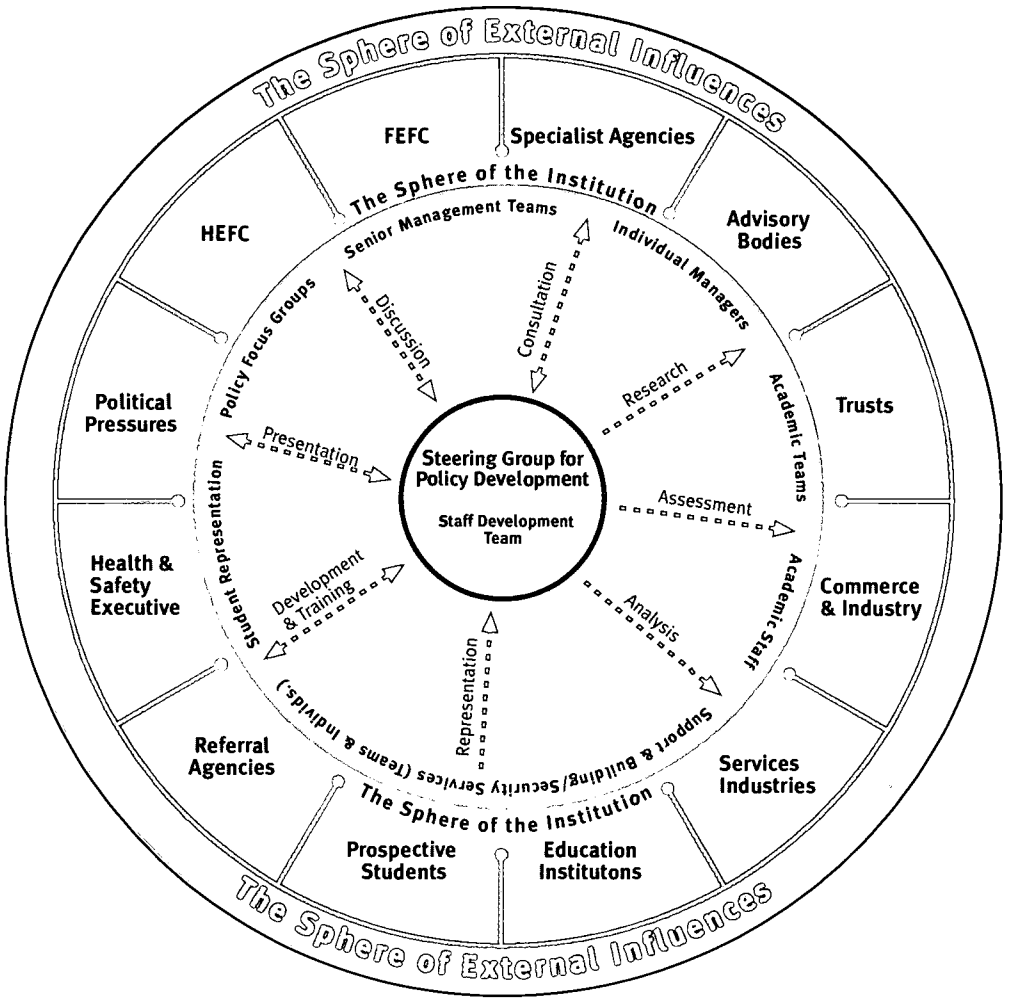
Colleges should realise their legal and moral responsibility to provide a safe and secure environment for their staff and student members and also for their visitors. To help secure such an environment, staff need the appropriate skills to manage incidents of disruptive behaviour. A commitment to providing appropriate training is essential to develop an ethos and culture which militates against inappropriate behaviour. Staff development will also ensure that everyone is aware of the policy from an early stage.

The reasons for demonstrating disruptive behaviour are diverse and unpredictable. Any member of a college could be confronted by such behaviour, irrespective of how skilled or carefully trained they may be to manage such events. The threat of inappropriate behaviour can never be eradicated. Training, procedures and attitudes need to reflect this.

Providing staff training while developing the policy will provide an invaluable forum for consultation, allowing the policy developers to create procedures most supportive of the needs of its college members.

As well as consulting members on their training needs, a college could also seek specialist advice.

Figure 12 Groups to consult and their spheres of influence



Croydon College

Generic training should include groups constituted from as wide a range of the college membership as possible. It can range from raising awareness of the policy objectives, introducing strategies and procedures, to providing general personal development.

Training can also be provided to students to raise their awareness of skills appropriate to their role as responsible members of the college. This can be achieved through induction and tutorial programmes.

Because the specific tasks and roles within a college are diverse – ranging from front-line roles, security, learning resources to working with unknown individuals – different groups will require training designed to meet their specific needs.

Issues highlighted during the consultation process could be used to develop case study materials to use in staff development.

To foster the whole-college approach it is useful to train members in mixed groups so that they interact with colleagues from other departments and roles.

Staff development activities should be designed to:

- reduce conflicts and tensions between different groups of students or groups of staff, or groups of staff and students
- focus on teaching/learning activities and classroom management and culture
- focus on cultural, religious, racial or minority group issues, to support the equal opportunities policies
- develop the public culture within the college
- support the objectives of other college policies.

Staff development can be used to support teams to develop initiatives, identify actions and design procedures which support and encourage a more positive culture of co-operation and mutual support.

Approaches to induction training are discussed below in the section on developing the values and ethos of a college. Examples of staff development materials on addressing disruptive behaviour are included in the section on agenda items at the delivery level.

Evolutionary approach

Some colleges have found it useful to establish different phases for responding to incidents. For example:

- a pre-phase which includes all the environmental and personal circumstances which precede an incident
- an incident phase which relates to all the circumstances of an incident and any actions taken to bring it to an end
- a post-phase which relates to follow-up procedures and actions in response to an incident having taken place.

Non-bureaucratic

The project colleges emphasised the importance of developing practical systems which minimise paperwork. They sought to develop simple and efficient recording and monitoring systems.

Stated expectations

All members of the college should be aware of the expectations the institution has of them. These will vary widely, depending upon the particular group of members being discussed. Supporting, and flagged up in, a college's policy statement should be its codes of conduct which set out the standards of behaviour it expects from its students and staff. These may need to be produced or existing ones modified to set out the agreed expectations. An example of one college's code of conduct for its learning centres is given in Appendix 7, along with its guidelines as to how it expects staff to deal with conflict in its learning resource areas.

Everyone needs to be clear about his or her particular responsibility in furthering the objectives of the policy. A whole-college approach must be taken both when analysing the current situation through self-assessment to provide the starting point for the policy, and when designing pro-active strategies, procedures and training. A clear and simple policy statement on student behaviour produced by Bury College is given in Appendix 8.

Implementation

Setting up a steering group to progress the policy within identified timescales will allow a centralised approach to implementation. It is important to establish early on a process of monitoring, recording and evaluation to ensure a focus on the effectiveness of the policy.

Review

For a statement to be of any value, it is vital that the college is committed to monitoring and reviewing its effectiveness and quality on a regular basis. To help ensure a coherent approach, the steering group could be made responsible for overseeing the review process.

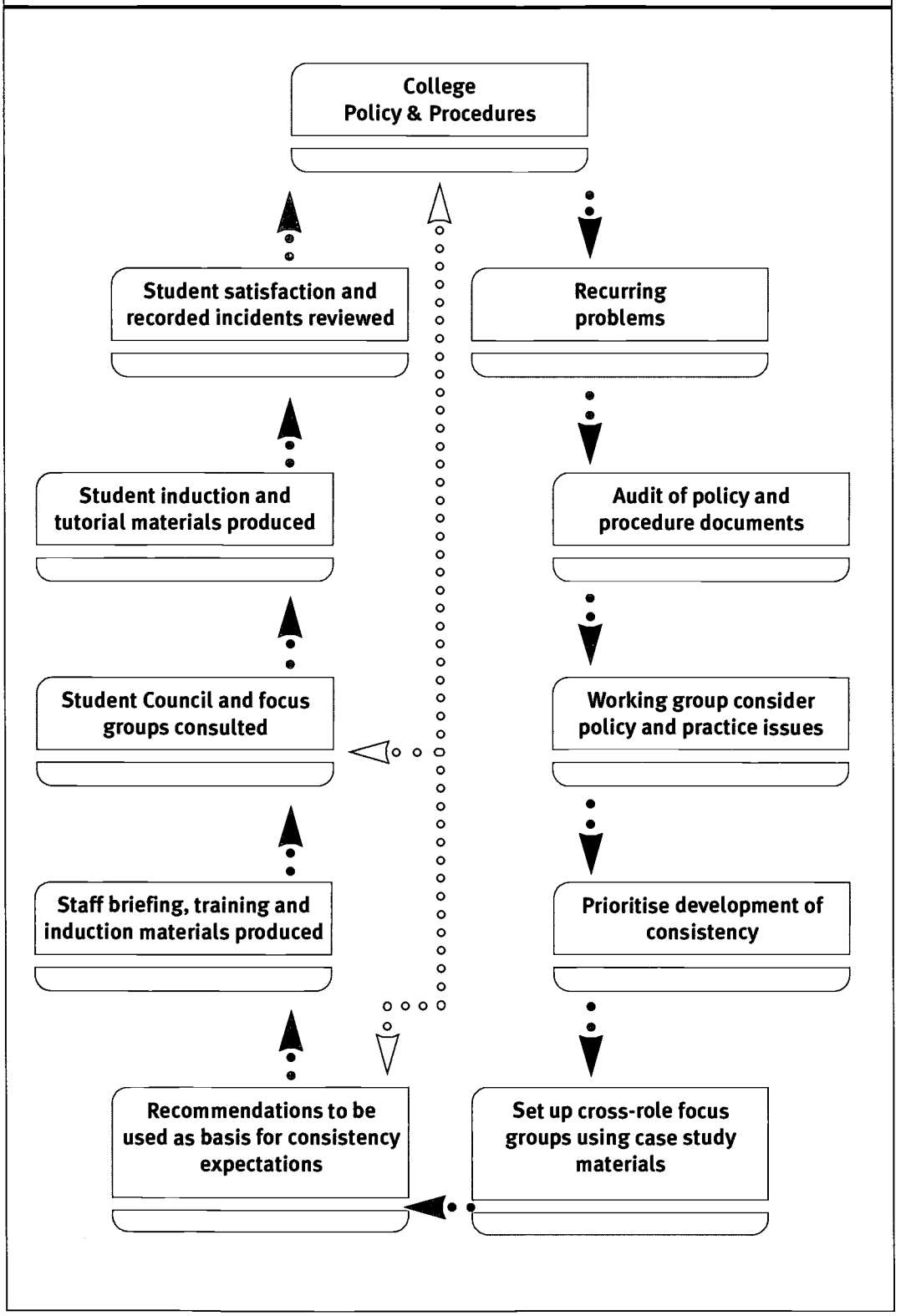
Membership

It is important for a college to decide who it considers to be members to ensure that only bona-fide members and legitimate visitors have access. Membership of a college is diverse. It includes its governing body, its senior management, its teaching and its service staff, all of its registered students and visitors. It also covers anyone who has some form of written agreement with the college, including contractual agreements of various types and however short-term. These can range from contracts of employment to contracts of 'learning agreements'. These agreements are not just those that involve a fee or payment. Anyone agreeing to supervise or oversee students, for example for work placements, in so far as they are involved with college staff or students under that agreement, should also be deemed to be acting as members of the college. Any employer, or person, agreeing to such an arrangement must be committed to complying with the expectations and recommendations of the policy. Likewise members of the public invited to visit the college for a specific purpose, including using any of its services, and parents or relatives on a legitimate visit, since they too should be regarded as members of the college, for the duration of their visit.

While sanctions against these 'visitors' might be difficult to impose, a college could refuse re-admission to anyone breaching the policy's expectations, or end any agreement with any person or organisation involved with members of the college off-site. This may then reassure all other members of the college that the serious intention of the policy is to create a safer environment.

Figure 13 shows the sequence in which one college approached the issues involved in developing a policy. It also includes procedures, which are covered in the Systems Level Agenda items.

Figure 13 Stages of developing a policy



Values and ethos policy agenda items

1 Develop an ethos and values which enhance the safety and well-being of the majority while also demonstrating respect for legitimate individual and group differences.

2 Take full account of the ethnic diversity and the different cultures represented among the students, and the fact that the college may present some students with a completely different ethnic mix than that experienced at school. Provide staff training and staff induction in these matters.

3 Acknowledge the cultural diversity and richness within the student body. Create informal staff links with each group of students to try and forestall any tensions that may occur between the different groups. This can be fulfilled by youth workers in colleges (refer to *Youth work in colleges: building on partnerships*, Hand and Wright, 1997)

4 Use student induction (cross-college and departmental/course) to convey the ethos of expected behaviour within the college and the surrounding neighbourhood. This should focus primarily on positive aspects of good behaviour, but can also draw attention to unlawful and unacceptable behaviours, such as discrimination and harassment. Ensure that all students are aware of their rights and responsibilities, referred to in various documents such as the college rules and regulations, charter, harassment code, equal opportunities policy. At course level, the induction should address expectations of behaviour, not only in the classroom, but also in other areas including libraries and learning resource centres.

5 Provide induction for all new staff which includes information and advice on their rights and responsibilities in preventing and dealing with disruptive behaviour and the college policies which are there to support them in this task. Use this to build the positive behaviour culture and ethos of the college.

6 Establish a personal harassment policy so that it is part of the college ethos that such behaviour is considered unacceptable.

7 Create a confidentiality policy as part of the college ethos.

8 Take a whole-college approach, incorporating staff as diverse as college coach drivers, administrative, security, kitchen and ancillary staff.

9 Make the college values clear within the mission statement and embody them in college policies, procedures and practices.

10 Promote the values and ethos in marketing literature and via promotional events both internal and external.

11 Create a culture in which staff are prepared to accept their responsibility to promote the college ethos and policy on behaviour.

Achieving consistency

There can be no hard and fast rules for dealing with situations. What is important is that they are approached with sensitivity and care, respecting both the needs and rights of students and the values of staff. Developing consistent working practices is vital. A comprehensive policy, providing guidelines on the procedures to follow in particular types of situations, can help ensure a college achieves a consistent approach.

Tailored to circumstances of college

The policies a college develops will need to relate to the particular circumstances of its institution and the type of students for which it provides. For example, the National Star Centre College of FE, which provides for people with physical disabilities, sensory impairment or learning difficulties, has a special policy on sexuality and human relationships to help reduce the vulnerability of its students. This policy emphasises providing staff with training to equip them to deal with situations involving the personal and sexual relationships of its students.

Taking account of student mix

All members of the college have a responsibility to be aware of the difficulties that arise from any oppressive response to differences between people.

Teaching staff have a particular responsibility to be aware of the power structures and tensions that occur where there is an imbalance of gender, race or other minority groups within a class, or where individual differences are sufficiently marked to make tensions likely. They should be prepared to respond if these tensions increase.

Many colleges will include in their policy that remarks or inferences by staff that serve to identify the personal, racial, physical or other characteristics of an individual, or a group, are considered unacceptable, even if they were intended to be friendly and/or humorous. They will also require staff to monitor their teaching and/or their language to eliminate sexism, racism or other prejudices affecting minority groups or people with disabilities or learning difficulties.

Providing for diversity

Some colleges include statements of rights in their policies relating to behaviour which relate to the values and ethos advocated by the institution. For example:

- All people have the right to be treated as individuals with respect and dignity.
- All people have the right to their own moral, cultural and religious beliefs, but should not be able to impose their views on anyone else.

Staff must also be aware of social and cultural norms and expectations. In some cases it is appropriate that through consultation they help individuals to understand and practice what is socially as well as legally acceptable.

When a conflict exists between an individual staff member's personal or moral standards and a proposed training or support programme, that member of staff should not be expected to become actively involved in providing the programme.

Induction

Induction for all new staff should include an explanation of the college ethos on inappropriate behaviour and the preventative strategies, policies and procedures for dealing with such behaviour.

Materials on the policy need to be developed for staff briefing and induction sessions. Student induction materials should also be produced. A questionnaire asking students to rate such things as induction sessions, tutor group sessions, welcoming approach of tutors, the commonroom and other facilities and whether they know how to contact key staff such as careers tutors, counsellor, senior tutor and so on, can be a useful way to gain feedback on the college's induction process. The results can be analysed and the

induction procedures modified accordingly. An example of such a questionnaire is given in Appendix 9, with the results of the responses from a group of new students at Luton Sixth Form College.

Student induction

When on college premises, students should realise that they must:

- observe rules, regulations and policies
- show respect, courtesy and consideration towards others
- show care and consideration for the fabric of the college
- behave in a manner appropriate to the circumstances of each situation.

They should be aware that in the classroom they must not behave in a way that interferes with the planned course of teaching and learning. Outside college, and especially in the immediate vicinity and when representing the college on teams, work placements, visits etc, they should be encouraged to behave as ambassadors for the college.

Staff induction

Dealing with disruptive behaviour Guidance for staff on dealing with disruptive behaviour should cover incidents which occur in formal and informal settings in college life. This can include the behaviour of students in:

- refectories, cafeterias and coffee bars
- commonrooms and recreational facilities
- libraries
- corridors and outside college buildings
- classrooms, workshops, studios and laboratories.

Because the definition of whether behaviour is acceptable varies according to the setting and circumstances, staff are generally required to use their judgement as to whether the behaviour is appropriate and acceptable to the others present in that particular situation. Because students behave disruptively for a variety of reasons, staff members when making their judgement about the situation should try to assess the motivation behind it. At the same time it is important that staff expectations of student behaviour are consistent as are the standards applied. However, it is not possible for a college to provide a checklist which covers every possible scenario. What is important is that staff know their own responsibility and authority for dealing with matters 'on the spot' using their judgement. Sometimes behavioural patterns rooted in particular cultural traditions are disruptive to the normal course of college life. In these instances, where it is not misbehaviour that is causing the disruption, staff members should be sensitive to these particular circumstances in the action they take. Some colleges will provide in-service training for all staff to enable them to examine their personal attitudes and values and where relevant to develop interpersonal counselling skills.

Certain standards of acceptable or non-disruptive behaviour in particular locations will follow directly from the college's rules, other regulations, policies or from commonsense. for example, rules prohibiting smoking on college premises.

Colleges will generally have different levels of sanction which tutors can invoke. For example, one college, Bradford and Ilkley, sets the following three levels for dealing with disruptive behaviour in class:

- an informal rebuke at the time at which the disruptive behaviour occurs
- exclusion from the class for that session

- a report to the head of department for the disciplinary procedures to be invoked under college regulations.

It is important that teaching departments establish the necessary arrangements for the sanctions to be invoked and ensure that all staff are briefed about the procedures to be followed.

In other college locations, such as the library, refectories, commonrooms, corridors and grounds, all college staff will generally be responsible for addressing instances of disruptive behaviour.

Most colleges will have security staff on hand who can be called in situations where staff consider that their personal security is threatened or where they feel unable to cope on their own. In circumstances other than these, a college's procedures may involve asking staff members to:

- request that the student show an identity badge to confirm that he or she is a member of college
- where appropriate, give a general rebuke and request that the student(s) behave in an appropriate manner
- where the scale or the persistence of the indiscipline requires it, move directly to:
  - summon college security staff to deal with the matter, or
  - report the matter to a college manager for student disciplinary procedures to be applied.

Confidentiality policy

Creating a confidentiality policy is an important part of the process of developing the appropriate ethos and values for the college. Issues of confidentiality may arise when reporting behavioural incidents to the relevant staff. To confide is to trust. The student has a right to believe that the information given is in confidence, will only be used for the purposes for which it was given, and will not be released to others without his or her consent. In its policy, the National Star Centre College of FE defines confidentiality as:

> *maintaining security of information obtained from an individual in the privileged circumstances of a professional relationship. Breach of confidence is therefore unethical, unprofessional and in some cases, unlawful.*

A college's code of conduct should help ensure staff do not face problems of breaching confidentiality. A member of staff can disclose the information if permission to do so has been sought and obtained from the student. If not, and the member of staff is considering disclosing then they should ask themselves:

- Was I categorically asked not to disclose?
- Will withholding information affect the well-being of the client?
- Is the disclosure relevant?

In some cases maintaining confidentiality can mitigate against the client, because, as the National Star Centre College puts it:

> *confidentiality does not equate to secrecy; keeping a secret could be construed as collusion.*

There may be times when the student involved requests that information is not passed on. On these occasions, the member of staff must not promise to honour this request. If the information is requested by another professional authorised to receive that information, and they owe the student a duty of care, then they must pass the information on.

The degree of confidentiality negotiated is a dynamic process which will depend upon the stage of the counselling and the student's own needs.

Should the counsellor divulge any information without permission, then the student has the right to formally complain to the British Association for Counselling as it is against its Code of Ethics. This highlights for the student how seriously a breach of confidentiality is treated. It also empowers the student to make a rational decision on how reliable a counsellor should be and encourages him/her to trust and complain later if at all necessary.

Any computer-based records of counselling sessions are subject to statutory regulations under the Data Protection Act 1984.

If the college maintains a computerised administration system which holds data on each student, access to this database must be restricted through secure passwords, with different users having different access rights depending upon their status. An individual student has, under the Data Protection Act, the right to see any information held about him or her on the system, but for security reasons would access this under the supervision of a password holder for that section of the database only.

The National Star Centre College's Confidentiality Policy is reproduced in Appendix 10. It is a comprehensive document which covers various situations where confidential information should be treated with respect.

Personal harassment policy

Combating discrimination in any form involves undertaking to eliminate personal harassment on any grounds, especially those relating to race, gender, disability, age, religion or sexual orientation.

A personal harassment policy should identify the nature of harassment, define support roles, the conciliation process and approved and formal procedures and responsibilities of staff. A code of conduct should stress that conciliation is the outcome to work towards. However, it should also make it clear that harassment could lead to disciplinary action.

Such a code of practice should be designed to complement existing grievance and disciplinary procedures for staff and for students.

Definition

Bradford and Ilkley Community College defines harassment as follows:

> ***Personal harassment*** *may take the form of any unsolicited or unwelcomed hostile or offensive act, expression or derogatory statement, or incitement to commit such behaviour, when such behaviour:*

- *has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating a stressful, intimidating or hostile environment which undermines the integrity and dignity of the individual*
- focuses on those characteristics of individuals or groups of people which may already affect their capacity to make full use of the social and educational opportunities available to them (e.g. disabilities and learning difficulties, disadvantages derived from tradition, prejudice, stereotyping or underprivilege).

Harassment may be a series of ongoing incidents or a one-off incident.

Teasing, ridiculing and bullying are harassing behaviours and cause unnecessary distress to staff and students.

It then defines the forms of harassment that specific types could involve, be it harassment of people with disabilities, racial, sexual or homophobic. These are reproduced in Appendix 11. Specific procedures for dealing with personal harassment are covered in the systems level agenda section on page 25.

Creating a conducive culture

Involving staff in all stages of policy development will empower them to have ownership of the culture and ethos. They can also be equipped with the skills and resources necessary to market the college.

Environment agenda items

1 Provide a single site entrance so that entry and exit to the college can be monitored, ensuring that only bona fide persons gain access, and college members and property are safeguarded. Establish a visitors' policy to help ensure that while visitors in general are made to feel welcome, only authorised people have access. College security has a part to play in this (see below).

2 Provide a good refectory for refreshments and social interaction for both staff and students, so that student commonrooms don't degenerate into 'no-go' areas.

3 Ensure that the design and decoration of common areas, including corridors, cafeterias, learning resource centres, toilets, car parks, leisure and recreation areas, create an environment which supports learning and promotes good behaviour. Similarly classrooms, laboratories and workshops must be designed to inculcate learning. The college can be much improved by paying attention to noise, lighting, heating, colour, durability and fitness for purpose in planning environments which will reduce stress and disruptive behaviour.

4 Improve security for all by having well-trained security staff, surveillance via CCTV, the use of magnetic swipe cards. This will also help to monitor and promote good behaviour.

5 Remove litter and graffiti promptly. Provide adequate and ample litter receptacles. Anti-graffiti surfaces and paints can help to deter graffiti 'artists' from defacing buildings and furnishings. Employ well-trained cleaning and maintenance staff.

Environment

The college environment can have a great influence on how its members behave. Colleges need to give attention to providing an environment in which disruptive behaviour is least likely to be triggered.

Visitors' policy

A visitors' policy will help colleges to ensure against unauthorised people gaining access to the campus. For example, specifying that:

- all non-college personnel working on the college campus should report initially to reception, where they should sign in and be issued with a visitor's badge
- the appropriate college personnel should be notified of their arrival on site
- at the end of their visit, contractors must sign out and return their visitors' badge to reception
- the personnel member involved is responsible for ensuring that the visitor's badges is returned to reception.

Student commonrooms

Problems in student commonrooms can be reduced through negotiating a code of practice with the student union. Post a simplified version of this code on the common-room walls. Youth workers are well placed to ensure that the agreed code is being respected.

Design and decor

The following factors relating to design and construction have been linked with the 'sick buildings syndrome' as maximising the potential for stress:

- **Decoration** – over-complex decor with an abundance of different and clashing colours can produce chaos and confusion; drab and shabby environments can contribute to depression and feelings of low self-esteem. Colour psychology research indicated that blue is a good base colour conducive to learning
- **Noise** – a high level of noise can impede communication and cause frustration
- **Illumination** – poor lighting, which is either too bright or too dark, can put strain on the eyes and cause stress
- **Temperature** – excess heat or cold can contribute to stress; 68°F (20°C) is recognised as a good temperature conducive for working and learning

Community agenda items

1 Earn respect from your immediate residential neighbours by setting up regular liaison meetings. Joint action (such as introducing traffic slowing devices, parking restrictions) by college staff, residents, councillors and council officers can promote good behaviour and a safe and controlled environment.

2 Employ youth liaison workers – they can have a positive effect on student behaviour inside and outside the college. Their links with individual families and their knowledge of the local community are extremely valuable.

3 Develop your college's own sense of community and acknowledge its responsibilities as part of the wider community. Members of the college participate in activities both on and off the college premises; college policy must encompass this.

4 Work with the police, environmental health officers and others who can exercise legal control over the community and promote positive behaviour within it.

5 Develop a sense of common responsibility and purpose in dealing with all students, so that students in particular departments and the associated staff are not scapegoated.

6 It is still possible for a college operating across different sites in different neighbourhoods with culturally distinct communities to promote a corporate image and corporate responsibilities. Some colleges have outposts and outreach workers together with franchise representation. This both challenges and emphasises the whole-college approach. Cross-college working groups can help to develop consistency in promoting positive behaviour and managing challenging behaviour across the whole college.

7 A number of colleges recommend a rigorous review and audit of communications. To be effective, such a review would need to have total senior management commitment and to result in observable and measurable improvement.

8 There are obvious marketing and competitive advantages in projecting a positive image, in behavioural terms, to your stakeholders. Make better use of a wider range of communication media to match community needs and expectations.

9 Ensure that both staff and students are seen as equal partners in developing behavioural policy and procedures and in establishing agreed behavioural norms.

10 In large, diverse and multi-site colleges, a clear choice needs to be made on whether to take a corporate 'one brand' approach or an approach based upon separate cultures for separate communities or sites. This decision is central to achieving consistency when developing a successful behaviour policy.

11 Be clear about policies, systems and procedures for relationships with and involvement of parents. Students should be aware of circumstances in which parents will be routinely or exceptionally involved. Pay particular attention to 'in loco parentis' issues concerning 16–18 years olds, perhaps particularly in relation to college-sponsored activities such as residentials and field trips (see Section 7 on p23 – 'in loco parents').

Developing college's sense of community

There are various ways to promote links with the local community. For example, Bradford and Ilkley College are involved in the city-wide 'Safer Cities' initiative; Luton Sixth Form College liaises closely with local residents.

Creating corporate image

To help maintain a corporate image when serving very distinct communities, a college can offer an 'outpost' facility with outreach workers acting to alter negative perceptions of the college or of further and continuing education in general. They can also work to create a bridge between the community and the college.

Auditing communications

A review of communications can include looking at the college's telephone answering services, committee systems, and mechanisms for providing efficient and effective feedback to students on their work.

Marketing

Marketing policies can include liaising closely with local press and radio to ensure coverage of positive aspects of college life.

Systems level

Agenda items

Quality systems and procedures

1 Carry out a simple survey of staff to find out the:

- extent of challenging behaviour
- types of behaviour which they find disruptive
- staff's considered opinions about the reasons for these behaviours.

This can help inform staff development planning.

2 Carry out regular surveys of student satisfaction. This can help the students to become practised in constructive criticism, voicing opinions and taking responsibility for their education and their lives.

3 Organise for students to complete questionnaires about staff's behaviour management techniques. These can highlight key issues but they can also provoke a hostile response from staff. Colleges need to be aware of the sensitive nature of this type of activity and consider the situation carefully before exposing individuals to unnecessary or unintentional anxieties.

4 Use the college disruptive behaviour project to help promote self-assessment and a culture of classroom observation as genuine good practice.

5 Have established workable systems for recording and responding to incidents, including forms which can be used to record specific types of events.

6 Have performance indicators on disruptive behaviour. These will help to identify trends and problem areas, and to inform the planning of appropriate and consistent responses. A 'concern-note system' (see the section below on 'Recording and responding to incidents'), which involves documenting, quantifying and monitoring incidents, can be useful.

7 Use performance indicators on disruptive behaviour to monitor the effect of improving behaviour on retention and achievement rates.

8 Develop systems to track teaching styles and methods encountered by individual students to ensure that students have sufficient variety to counteract the boredom and frustration which can produce disruptive behaviour.

9 Provide a clearly understood and workable system for dealing with informal and formal student complaints. Having available staff in positions of authority who are willing to listen to students can be critical in diffusing situations and in avoiding fierce confrontation.

10 Have a clear system on the procedures that should be followed when dealing with a reported incident of personal harassment.

11 A college committee system which involves students can help to identify good practice and resolve behavioural issues. Similarly, involving students in selection procedures for staff appointments can help to identify staff who are most likely to command respect.

12 Establish clear procedures for ensuring all staff are made aware of the policies adopted and stating what support mechanisms are available to them when dealing with incidents.

Questionnaires and surveys

Ask staff to identify the most common forms of disruptive behaviour that occur, out of the following:

- in your own area of work
- elsewhere in your building
- elsewhere in the college
- that you are personally involved in
- that colleagues are involved in
- that you know of that other staff have to deal with.

They can then write down the details of incidents with which they have been involved. They should say:

- where it occurred
- when it occurred
- who was involved
- what actually happened
- how they dealt with it
- how other people dealt with it
- whether there was involvement from other college staff
- what procedures/policies were used
- whether the outcome was satisfactory:
  - to them
  - to the other people involved, and if not, how the situation could have been handled differently
- what they need to know to deal with the situation.

By selecting a particular type of problem they can then answer the following questions to ascertain the context in which it occurs:

Context

- Where does the problem occur?
- Why does the problem occur?
- When does the problem occur?
  - days?
  - times?
- Who is responsible for managing the situation?
  - in the classroom
  - in the corridor
  - lifts
  - refectories
  - outside college buildings
  - in the libraries
  - in resource areas
  - in offices.

The results of this staff survey can be used to identify areas where staff development is required. They can also be used to identify areas of particular problems for the college.

A questionnaire exploring how well students have settled into the college can provide valuable information which the college can use to reduce the chances of disruptive behaviour. It can be used to detect unrest and stress and to monitor the relative success of the induction process. The questionnaire provided by Luton Sixth Form College is one example (see Appendix 9).

A questionnaire of the type provided by Coleg Glan Hafren (Appendix 2) can help the college to ascertain the extent of behaviour problems.

Recording and responding to incidents

Recording the circumstances that prevailed before the incident (the pre-phase) is vital to the monitoring process.

At the incident phase, having procedures which set out agreed actions clearly, and are known by staff, will ensure that a predictable and consistent response is taken. These procedures need to be prescriptive.

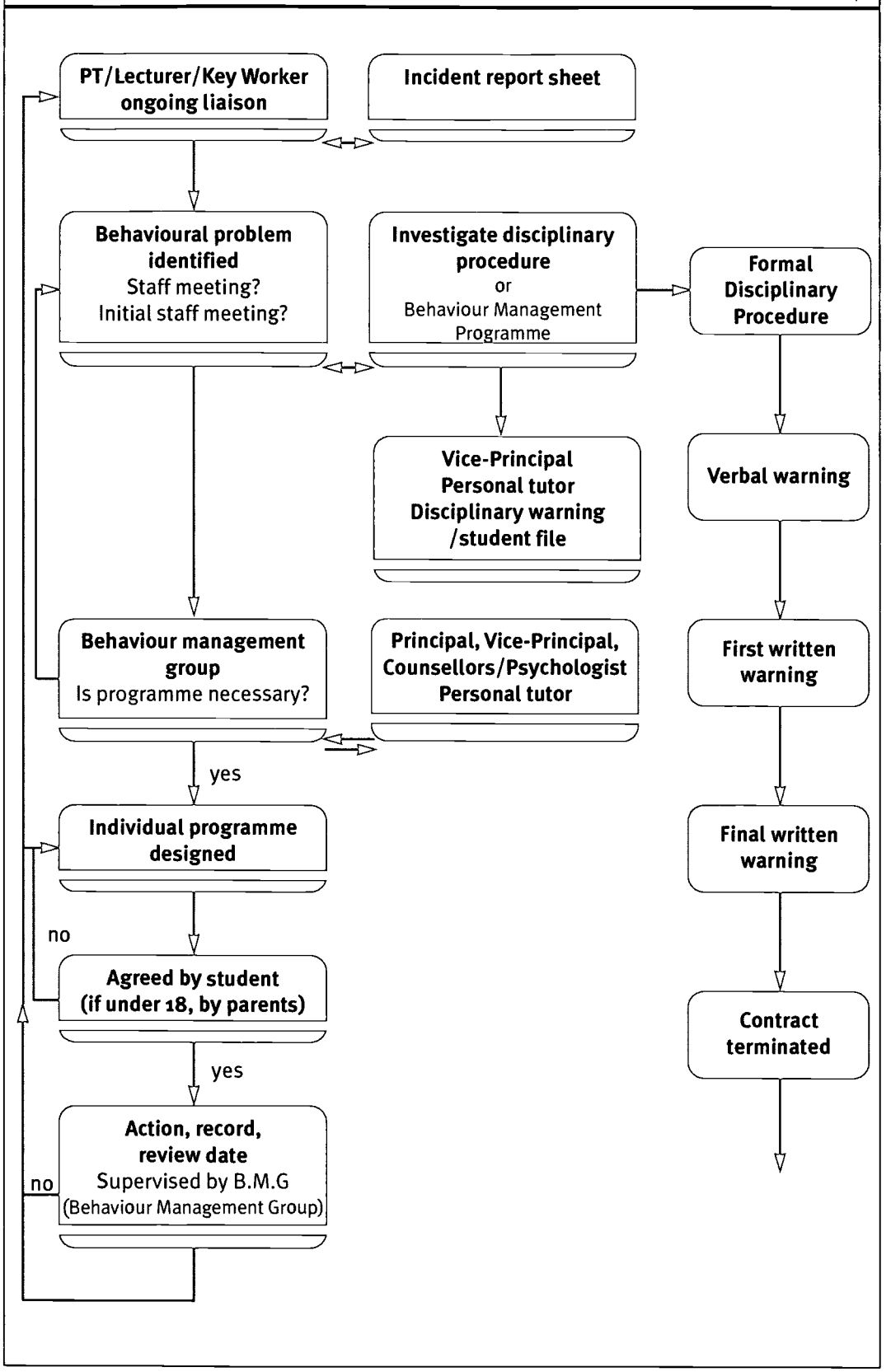
Ideally, colleges should designate a key person to be responsible for managing the post-phase to ensure a menu of responses is considered and that selective actions are taken and recorded. The menu should include supportive action for perpetrators, victims and those involved as witnesses or intervenors. The action might include interviews, use of college procedures such as disciplinary actions, counselling, referral, staff development.

Most colleges will have more informal procedures as the initial stage, to try and resolve the problem without having to resort to formal disciplinary procedures – except in cases of gross misconduct which will go straight to the formal stage of proceedings. For example, some colleges issue 'concern notes', to record formally any problem that arises with a student's behaviour. Copies are then sent to the student's personal tutor and the senior tutor concerned. It is then up to the personal tutor to investigate the concern and monitor the progress of any action taken. This could include issuing study contracts. They may repeat this process before resorting to formal proceedings. If it goes this far then it is now that most colleges will involve senior management. Some draw up disciplinary contracts, involving parents and other relevant members of staff in a meeting to negotiate the content of the contract. If the student fails to comply with this contract, the next stage could be to organise a disciplinary hearing. If it is agreed that the student has reneged on the contract then the next step would be exclusion from the college. At this stage, colleges will have a formal appeals procedure in place should the student be unhappy about the decision.

A disciplinary support procedure that one college has drawn up, which is based upon concern notes, the role of the personal tutor in acting upon the concern notes, formal disciplinary contracts, permanent exclusions and appeals procedures, is reproduced in Appendix 12. Appendix 13 includes a useful incident report form for completion by staff, a 'student statement' which gives the student an opportunity to comment on an incident, a 'Student at Risk' report form, a student complaints form.

The following flowchart indicates when staff, students and parents should become involved in behaviour management (Figure 14, from National Star Centre).

Figure 14 Involvement of staff, students and parents in behaviour management



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Complaints procedure

A college's complaints procedure should be made clear and accessible to students. The way in which complaints are dealt with indicates the seriousness with which the rights of an individual are taken into account. The procedure should be designed to ensure rapid and impartial resolution of complaints, which in turn should assure satisfaction and facilitate the development of quality services. The college's charter should include details of the complaints procedure. This could give possible reasons for complaint, such as:

- inadequate supervision
- loss, undue delay or non-marking of a student's work
- cancellation of classes without cause
- assault, abuse, unreasonable or serious threatening behaviour
- discriminatory behaviour based upon gender, race or sexuality
- actions likely to cause injury
- unauthorised disclosure of confidential information to a third party.

Initially, students should be encouraged to try to resolve the situation informally through tutors. However, where this is considered inappropriate, or does not resolve the situation, then the following procedures could be taken:

- student completes a complaints form and passes this on to a line manager (Appendix 13 includes an example of a complaints form)
- the line manager investigates by interviewing the student to explore the complaint further, and calling any witnesses who support the complaint
- at this stage the line manager will inform the relevant member of staff that a complaint has been received and is being investigated
- having interviewed the student, the line manager will then interview the member of staff
- following this investigation the line manager will decide either:
  - that no further action is required
  - to act as a moderator and arrive at an outcome agreed by both parties – it may not be appropriate to bring the two parties together, in which case separate interviews should be carried out
  - to pursue the complaint through the staff disciplinary procedures
  - to refer it to a more senior member of staff.

There should be an appeals procedure which the student can enact if unsatisfied with the decision.

Procedures for dealing with personal harassment

Contact staff

All staff and students should have access to an independent advisor from within the college in the event of needing to report an incident of harassment. Part of a college's policy should be to identify contact people and ensure that staff and students have details of whom they should contact should the need arise. The role of these members of staff is to receive complaints about harassment within their section, department or building, offer advice on the procedures and refer the complainant to an appropriate college officer.

Each case requires individual consideration. Contact staff should be made aware of other sources of advice on the best way to proceed available to them. If the college has an equal opportunities group, then its members would be ideal sources of support for the contact staff.

Colleges may decide it is important to provide contact staff with training to equip them for this role.

Dealing with a reported incident

Complaints should be dealt with as a matter of urgency. The complainant should be kept informed of the progress and the outcome of his or her complaint.

The contact person will initially discuss the incident with the complainant taking note of the details. Colleges will only tend to involve management in initial proceedings if the complaint warrants immediate or executive action because of the:

- seriousness of the incident
- seniority of the person alleged to be the harasser
- timing of the incident or its reporting.

They will also act when incidents are reported directly to them.

Conciliation process

The key objective of any harassment code of conduct should be to put an end to the harassment at an early stage and to protect complainants and alleged harassers from victimisation or other retaliatory action. Bradford and Ilkley Community College suggests the following actions as ones which can be taken once a complaint has been made:

- the complainant can make a direct approach to the harasser which outlines the behaviour and tells them exactly what to stop
- a letter can be written by the complainant to the harasser outlining the behaviour which has provoked the complaint and asking for it to stop
- a meeting of the two parties can be arranged so that the complainant can let the harasser know what the problem is and seek to resolve the matter informally.

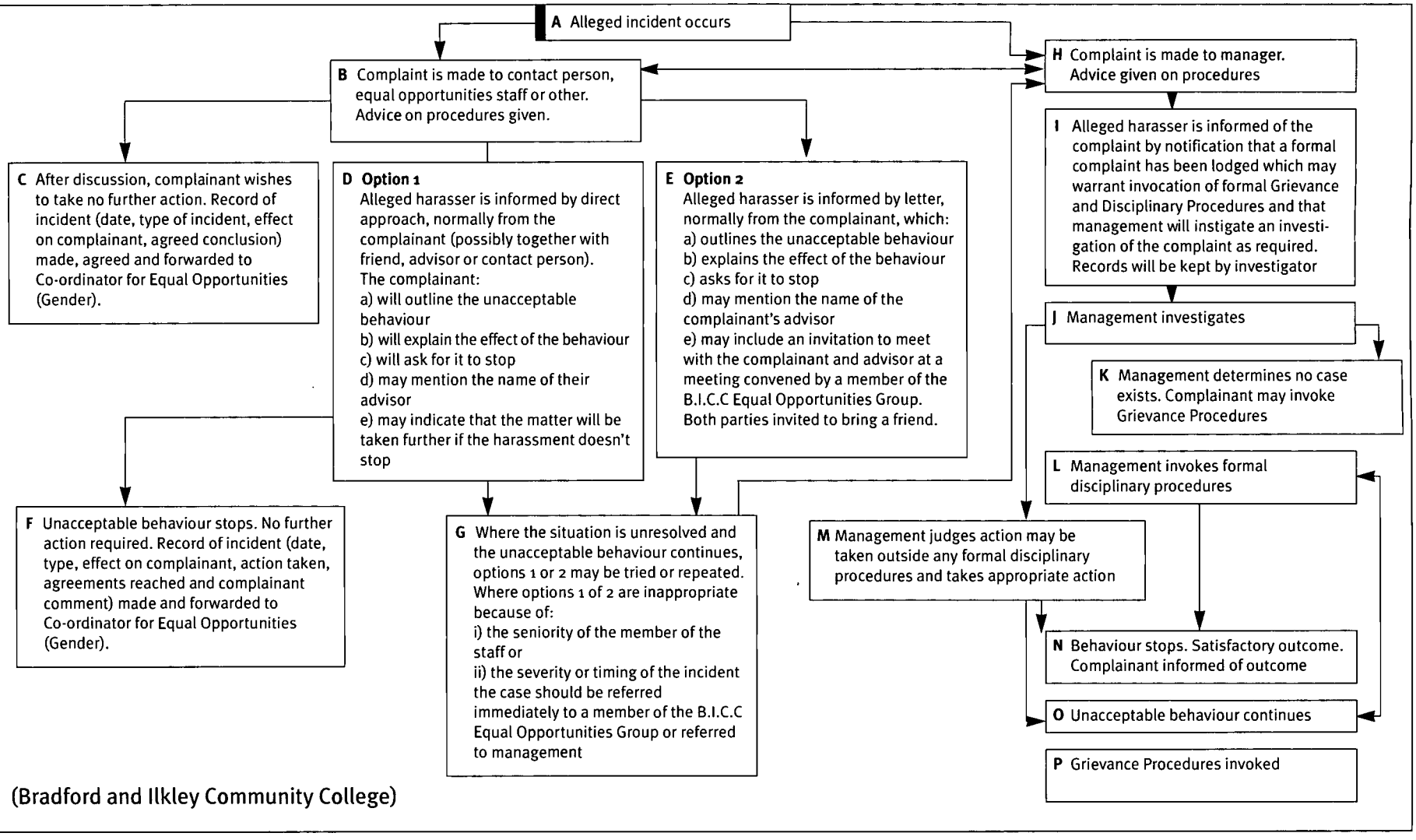
There should be a commitment to change. Both parties should be made aware of the college's counselling services.

If, as a result of this action, the problem is resolved then it is usual for a college to require that an outline of the incident and the outcome be recorded. In some colleges it would at this stage be communicated to a named member of the equal opportunities group.

If the problem cannot be resolved in this informal manner, then the complaint should become a formal one. At this stage it is usual for it to be dealt with in accordance with the college's disciplinary or grievance procedures.

The procedure adopted by Bradford and Ilkley College is shown in Figure 15.

Figure 13 How to deal with a complaint of personal harassment



(Bradford and Ilkley Community College)

Support mechanisms

It is often appropriate for the staff member dealing with the situation to involve the student's personal tutor, or other appropriate staff member, in identifying the education and support needs of the student. Together they can follow up progress in an individual review session.

Dissemination procedure

Whatever policy procedures are adopted, it is vital that there is a dissemination procedure. For example, making it the responsibility of line managers to ensure that all staff are acquainted with the policy guide and are given an opportunity to discuss its implications and application. It could also be their responsibility to ensure that staff are given adequate and appropriate support and the necessary legal information. The system functions efficiently only if all staff communicate effectively.

Staff development

1 Involve staff at *all* levels with developing the college's procedures on addressing disruptive behaviour. Ensure that all are aware of the procedures. All staff should be clear about what the college expects from them in their main site/area, other sites/areas, inside and outside the classroom.

2 Address, support, confirm and redress staff confidence in their ability to prevent and manage disruptive situations through consultation, appraisal and staff development.

3 Give teaching/tutorial staff support in managing conflict as part of their support and disciplinary roles.

4 Provide generic and specific training to meet the range of staff needs. Some elements of development and training need to be compulsory. Use consultation processes to determine other training needs.

5 Include role-play and case studies in the training programme since they are particularly effective in staff development and training in managing behaviour.

6 Ensure that consistency in managing behaviour across the college and in the classroom is a key feature of staff development. Equality and fairness is crucial; treatment should not vary according to which member of staff is involved.

7 Counter what can be a major barrier to staff development: an unwillingness of staff to acknowledge the difficulty of managing disruptive behaviour. Take a positive approach which recognises the systemic or ecological nature of behaviour problems to help to empower staff. Staff can also be supported through mentoring and teamwork.

8 Use non-confrontational approaches to addressing disruptive behaviour since they seem to be the most beneficial. It is important that bad behaviour is not made worse because it is tackled in an inappropriate way by staff.

9 Provide training on how to prevent and manage physical violence, which covers, among other things, what attitude to adopt to deal with a situation should it occur.

Staff development

It is useful as part of an initial staff development day on disruptive behaviour to begin by considering how to define disruptive behaviour and where it occurs, who is involved and why it occurs. Participants can then identify personal and college strategies used to manage disruptive behaviour. They can consider the policies and procedures that exist within the college to deal with such situations.

Some colleges, such as City and Islington College, have used focus groups as a means to develop a consistent approach to dealing with situations of disruptive behaviour. These involve a range of staff from across the college considering how they would respond to a number of case study scenarios, to consider the issues involved when dealing with students with behavioural problems.

City and Islington College has used the outcomes of these focus group sessions to form the basis for developing procedures for dealing with behavioural problems and staff development needs arising from this. In its pack of materials it includes scenarios which relate to events in learning resource centres or corridors and common areas. The shorter ones are designed to take around 10–15 minutes, the longer ones about 35–45 minutes. There are three strands to the activity, as explained in the task briefing on p.32. This involves beginning with an individual response before discussing approaches in a group and agreeing on a group response. This is then compared with college procedures to highlight any areas which the institution needs to address. The 'Staff feedback focus' form on p. 36 can be used by staff to record their responses to the case studies.

These are then followed by case studies used by Bradford and Ilkley Community College. These arose from asking staff to identify the most common forms of disruptive behaviour that occur and to write down the details of incidents with which they have been involved and to identify the context of the incident. Some of the issues identified by the senior management team at the development session as needing action are listed in Table 11.

The two sets of case studies are included in the pull-out section that follows so that you can use them as staff development materials.

Table 11 Issues and actions identified by senior management team at Bradford and Ilkley Community College

Issues

1 Behaviour in public areas
2 Not agreed codes of behaviour and ethos
3 Defining the issues
4 Context of the situation
5 Support
6 Library/public areas:
  - whose responsibility?
  - controlling different uses of the library/public spaces
7 Tolerating:
  - 'bad' behaviour
  - 'unacceptable' behaviour
8 Setting standards:
  - telling students what is appropriate
9 External factors:
  - problems created by 'open access'
  - broader student population
10 Internal factors which manifest as, for example:
  - behaviour in classes
  - noise in the library
11 Seen as a continuum of behaviour:
  - disaffected – inappropriate – disruptive
12 Disruptive/challenging behaviour:
  - is not just a 16–19 issue
  - relating to non BICC people
  - how it is generally perceived
  - responding to a rise in violence
  - has the make up of our students changed?
  - have/should our expectations change/d?

Table 11 continued

Actions

1 Staff induction: need to give a clear definition of unacceptable behaviour and clear procedures for dealing with it

2 Student induction: provide a clear statement of expectations of behaviour

3 Achieving consistency throughout the college concerning responses to:
- foul language
- disruptions to the learning process
- disruptions in the learning environment

4 Need clearly defined codes of behaviour and expectations

5 Induct students on the college's values and purpose

6 Promote the nature of the organisation as being:
- caring
- valuing of people

7 Encourage positive modelling:
- by staff
- via physical conditions

8 Encourage the learning environment – not don't but do's:
- addressing the image problem
- achieving a balance
- ensuring security
- promoting a caring image

9 Train key staff

10 Provide support to staff

11 Promote confidence in approach

12 Be consistent in following up minor disciplinary incidents

13 Students/staff own the facilities

14 Improve physical environment

15 Set standards

16 Inform students as to what is appropriate

17 Communicate via staff to students

18 Provide staff training

19 Establish staged disciplinary action which is consistent and agreed upon

Case studies

Case study scenarios – Set 1 (City and Islington College)

City and Islington College's group of scenarios consists of the following shorter case studies:

A1 The corridor

A2 The canteen queue

A3 The women's toilet

A4 Computer network abuse

The longer case studies are:

B1 Assault in the learning resource centre

B2 Students from the other site

B3 Students with learning difficulties and disabilities in the canteen

B4 Noise levels in the learning resource centre

B5 Swapping ID cards

Used for a staff development day, the participants are asked to choose at least one of the scenarios in Group A (15 minutes each) and at least two from Group B (maximum of 45 minutes each).

Using the case studies

Task 1

In each case we should like you to read through the case and on your own:

(i) identify what would happen in terms of how it should be handled, the actions to be taken if any, and a sequence of events which should follow to achieve a satisfactory outcome

(ii) identify who should be involved

(iii) outline likely outcomes

Task 2

When you have completed Task 1, discuss the case study with members of your focus group. Then produce your agreed group response to the areas outlined in Task 1 on the 'Staff Feedback Focus form' (p.36)

Task 3

Compare your group response to college procedure documents. If there are variations please note them and outline a brief set of recommendations for action.

Case studies – Set 1

A1 The corridor

As a number of staff and students reach a bend in a corridor they are approached by a student on roller skates, causing them to move out of the way.

On looking in the direction from which the student came a member of staff recognises a manager. The staff member calls to the manager and lets her know that there is a student on roller skates.

A2 The canteen queue

A queue of staff and students were waiting to pay at the till. A group of around six males aged between 16 and 19 arrive, shouting and pushing one another. They start picking pre-packed sandwiches from the shelves and throwing them around among themselves.

A3 The women's toilet

A student informs a teacher that she thinks that there is a boy in the female toilet on the ground floor. The teacher informs a female premises manager and they investigate. They find nobody in the washroom but hear the voices of two women coming from a locked cubicle. They hear a lighter being lit. They knock on the door and ask what is going on and could the girls come out. After a while one girl says she is looking after her friend who is not well. After a while two girls came out, followed by a boy. The boy says he has been helping with his friend who is sick.

A4 Computer network abuse

A student complains to a member of the learning resources staff that she has received an abusive message on her computer screen. The information technology technician is asked to try to identify the source. They discover the network password used to send the message but note that the user has logged off. They link the password to a student. The student is traced and asked to speak with the learning centre manager. The student argues that he has not used a computer that day and that someone must be using his password, as this is common among some students to hack into files.

B1 The assault in the learning resource centre

A woman student, A, has been trying to complete a final assignment using a computer in the learning resource centre. She is finding it difficult to concentrate because she has missed some of the classwork because of illness. English is her second language, and a number of other students have been talking loudly all morning.

An Afro-Caribbean woman student, B, sits at a nearby computer and begins working. Shortly she is joined by one of the male students whom Student A notices has been causing noise earlier. The two start talking, with the man having a loud voice.

Student A asks the two to be more quiet. Student B says that they are discussing her work and need to talk. Student A disputes this. The talking continues. Student A asks again that they be quiet. She is ignored.

Student A then goes to a member of the learning resources staff to complain about the noise. A member of staff comes over and asks Student B to be quiet and to be considerate of others.

Student B ignores the member of staff and continues an argument with Student A. The staff member realises that the argument is escalating and leaves to telephone for security staff. Security are not available on the phone so she leaves the centre to find a guard.

In her absence the argument goes out of control and the two women engage in a fight. Another member of the learning resources staff presses the alarm button and staff and students try to separate the two students.

As a result of the fight Student A has had clumps of hair pulled out of her head and Student B has a cut lip.

Early checks reveal that no students who witnessed the fight are prepared to provide statements as to what they saw unless they can do so anonymously. Not one member of the learning resource staff says they saw the start of the fight.

When seen individually, Student A claims she was assaulted by Student B, Student B claims she was racially abused and assaulted by Student A.

The senior manager suspends both students while there is an investigation.

B2 Students from another site

Each Wednesday and Thursday night the main building provides a range of enrichment activities particularly aimed at those 16 to 19-year-old students doing A-levels from another centre.

They have taken to arriving around 4pm and hanging around the canteen area and taking over particular areas. They are noisy and boisterous and have a tendency to use foul language.

Other, older students have complained and been ignored. Security staff have been asked to accompany staff to invite them to behave. The students have been rude to staff and ignored them. Staff have asked them to show ID cards because they are not known to staff locally. The students flatly refuse to show their ID cards.

B3 Students with learning difficulties and disabilities in the canteen

A number of students are milling around a table during a crowded lunchtime in the canteen area. All of a sudden an argument develops between two girls. The argument develops to the point that both girls are screaming at one another. One accuses the other of being a thief and screams it at her repeatedly. The other just screams back 'liar'. The first girl then lunges for the second girl and they charge around the canteen area, knocking people out of the way and trading blows.

Staff eventually intervene and identify the girls and their tutor is called. Both girls are from a course for students with severe learning difficulties and disabilities and the tutor indicates that they both have emotional and behavioural difficulties.

B4 Noise levels In the learning resource area

A student and her unidentified friend, both from another centre, have been repeatedly abusive and aggressive towards staff in the learning resource centre at the main site. On 13 May, Christina was in a small group at a table in the study area, talking very loudly. The group was asked four times within half an hour by various members of staff to keep their voices down. They did not appear to have any work and said they were meeting someone and wouldn't leave until then. Christina said that she didn't care about what we said as she wasn't a student here anyway. They continued to talk about one of the

staff members in the third person while she was standing there, and interrupted when she addressed another student. The whole group then became so abusive that a security guard was called to escort them out of the centre. As they left, Christina forcibly pushed the staff member aside.

One week later Christina was again in the learning centre with a student from the main building and others from her site. They were in an area which is normally supervised by teaching staff. They were asked to leave and ignored the request. Another member of staff arrived to help and invited them to leave. Christina started shouting: 'Shut up, shut up, shut up. I'm somebody and you're nobody.'

It was only at this point that they guessed Christina's identity from a folder she was carrying. Once again Christina was escorted out by a security guard.

B5 Swapping ID cards

An incident occurred outside one of the sites and staff went out to investigate. While this was going on a member of staff noticed a student, Jonathan, behaving suspiciously.

She did not know the student but watched him as he moved towards a screen in reception. She then noticed another person move to the other side of the screen holding a plastic wallet with an ID card in it. The wallet was then dropped at Jonathan's feet. Jonathan bent to pick it up but the staff member beat him to it.

She accused the two of passing ID cards to gain entry and asked Jonathan to show his ID. They both vehemently denied the accusation and became voluble and moved about spitting. Jonathan was reminded of the college code and again asked to produce an ID card. He refused.

The incident outside now distracted the staff member and as she turned to see what was happening the two students grabbed the ID card and ran off out of the building.

Staff feedback focus form

Personal Report _____ Group Number _____

Case Study Number _____ Case Study Name _____

How should it be handled?

_____

_____

_____

Who should be involved?

_____

_____

_____

What is the likely outcome?

_____

_____

_____

What actions if any?

_____

_____

_____

What sequence of events?

_____

_____

_____

Comparing the case study with existing procedures we should like to make the following recommendations:

_____

_____

_____

Case studies – Set 2 (Bradford and Ilkley Community College)

Invite each group of participants to consider three of the case studies. Ask them to look through them individually and assess how well each situation was handled. They should suggest ways that it could have been handled better. They could also consider other possible outcomes. Then in groups they can compare their responses and decide upon a group approach to each of their case studies.

Case Study 1

Place: Canteen (smoking area)

9–9.30 am/11–11.30 am/1–2 pm/3–4.30 pm

i.e. common tea-breaks/lunch-breaks of students from different courses, using similar breaktimes to meet together

Problem:

- unacceptable noise levels – voice/music
- unsuitable behaviour – emptying ashtrays/walking on tables
- verbally abusive – unsuitable language
- personal harassment – disregard for targeting canteen staff; disrespect.

Approach:

- 'mugshots' given to canteen staff to identify individuals.
- smoking members of staff (who use the canteen because it has a smoking area) requesting that the music be turned down, and that there is a general lowering of noise and thought for others in a communal space.

Initial approach made little difference, so the following action was taken:

1. Personal harassment policy re-iterated to students (whole course – 65 individuals)
2. 'Problem' in canteen outlined and pinpointed as unacceptable
3. General question/answer session ensued
4. Offer made to students to 'come forward' if they thought they had been identified by mugshots, realising their behaviour might well be unacceptable to some – six came forward immediately, and a further three the following day
5. Discussed with two members of staff in the privacy of the course tutor's office
6. Head of department informed of the decision to ban the students from the canteen for two weeks
7. Head of department confirmed situation with the directorate
8. Permission for ban given
9. Other course tutors informed.

Outcome(s):

- students had drastically modified their behaviour on their return
- canteen staff felt much 'happier', 'less stressed', 'able to get on with job'
- students concerned used other canteens in School of Art, Design & Textiles i.e. less 'gang-like' at breaktimes
- incident outlined in the course tutor's report and in some cases in students' Portfolios of Evidence on Tutorial Record Sheets.

Case Study 2

Place: Classroom/workshop

Problem:

One student, within the classroom, was abusive on one occasion, using bad language in his first language. He was generally a good student (if handled correctly) but had become increasingly frustrated when I wouldn't immediately respond to a problem he had. He muttered his insults loudly before leaving the room.

I could tell by the reaction of other students that his language had been particularly offensive and of a sexual nature - I refused offers to translate his words! I felt extremely upset, partly because this was a student with whom I had a good relationship. I was aware that other students were interested in the events and in my reaction.

Approach:

I taught the class again the following day. Because I felt the action was out of character, I decided to deal with the situation myself and not involve course tutors. By the next day I had calmed down enough to feel I could face him. As soon as I saw him I asked him to see me at the end of the session as I wanted to talk to him. He smiled, stating he knew why and that he was extremely sorry.

Outcome(s):

I talked to him away from the group, received more apologies and assurances that he wouldn't do it again and that 'he was angry'. I told him that on this occasion I would take it no further.

Case Study 3

Place: Classroom/workshop

Problem:

One particularly difficult student had enrolled on a foundation course, without any interest in the course. His reasons for attending were more to do with accompanying his friends and having 'something to do'. He was abusive within the classroom, particularly to a young learning support lecturer working with me.

His level of disruptive behaviour increased during the first few weeks of term. He did little work, disturbed other students, wandered around the classroom and was abusive to other students. One of the students reported to me that he was terrified of this particular student.

Approach:

I reported the incidents to the course tutor, who responded very quickly. The student asked to see me and stated that he regretted any problems and wanted to stay on the course. However, during a meeting of the course team, other members of staff agreed that his behaviour was unacceptable, particularly his bullying of other students.

Outcome(s):

The student was excluded, an action welcomed by staff and students. He still does sometimes appear outside the college buildings, but security are unable to act unless he approaches the buildings.

Case Study 4

Place: Library

Problem:

A group of three students repeatedly left a study room in the library untidy, with litter and so on left about. A cleaner approached them and spoke to them about it; she felt it was unfair that she had to clear it up after them. This happened in September and involved students who were resubmitting some work, therefore not actually enrolled on a course. The incident turned into a vendetta and the students tore up paper and threw it around, also sweet papers, cans, and so on.

The cleaner refused to clean the room and it was left for several hours for other students to see, after which it was closed to all students for several days until it had been cleaned. The cleaner agreed to do it since her supervisor had seen it.

Approach:

As far as I know nothing was said to the students involved as we could not prove it was them, and they denied any involvement. The incident was not repeated, but the group went on to be disruptive in other ways, all difficult to prove. No one saw them, but things were damaged near where they were sitting and books thrown out of adjacent windows.

The course tutor was told but as we had no definite proof, it was felt that they would not be on college premises for long and no action was taken.

Outcome(s):

This was not satisfactory but difficult to deal with due to lack of proof (only circumstantial).

Case Study 5

Place: In the classroom with a part-time lecturer during a class

Problem:

Two students and a lecturer were involved – other students were also there. One of the students hit the other over the head with a hard object which resulted in a deep cut.

Approach:

The lecturer in the classroom sent the student to the lecturer responsible for the group. I share the room with the lecturer responsible. He was not available so I had to cope – I calmed the student and sent for the first aider who came to look at the wound. She did not feel she could cope and called the college nurse who decided to send the student to hospital.

The part-time lecturer sent for the course tutor and security.

Outcome(s):

The student causing the injury was asked to leave college by the course tutor following consultation with the head of school and principal.

Case Study 6

Place: A quiet area of the college

Problem:

A student was playing a radio and when he was asked to turn it down or off, he smiled and then turned it up. The student was asked three times to turn it down with the same result. I asked my line manager to have a word with him and she was spoken to in a rude offensive manner.

Approach:

Security came, took the student's name and radio and enrolment card away. The student then asked what he had done wrong. He was informed by security that his conduct was not acceptable and he would be put on his list. Security reported this to the student services director for attention.

Outcome(s):

The student will not get his radio back until the end of term.

The student was required to apologise to the line manager (in front of the security officer) who told him that his behaviour is not acceptable in college or anywhere else.

Case Study 7

Place: Lift area in the evening

Problem:

My colleague and I were working until 8 pm – winter. There was a disturbance by the lift shaft. I left my colleague in the reception area on her own while I went to investigate.

I found a group of young men on the stairs by the lift shaft. They were kicking another man on the floor. I intervened and asked them to stop – this appeared to take them by surprise, they stopped kicking him and he was able to get up off the floor. I then realised I was almost surrounded by these students.

Approach:

I began to back away and when I felt it was safe I asked them for their ID cards. There was a lot of abuse and they refused to give me their cards – they then ran off but I was able to take one of their ID cards. I tried to have this man name the other students – he wouldn't. I began to fill in one of our incident forms and was warning the student the head of department would be informed and he would want to interview him. While I was doing this the gang reappeared, hurling abuse and swearing at me. My colleague was extremely upset and feared for my safety. I suddenly became aware of the noise level and felt I needed to inform security. I telephoned for their help and as soon as I did the gang ran off leaving the man whom I had detained. Security questioned him also.

Outcome(s):

The head of department became involved the next day and the course tutor was informed. A disciplinary hearing took place and from memory I think they were suspended for a short time.

Case Study 8

Place: Library

Problem:

I was working on the library counter one morning when a student with a handful of books (unissued books) was caught at the security gate.

Approach:

I asked him if the books he was carrying were issued. He replied 'yes'. So I asked to see them. After checking on the computer, I found that the books were not on loan to him, so I told him. He then changed his story and said that he had forgotten to get them issued. I asked to see his identity card which he produced.

Outcome(s):

I entered his name on the incident file and warned him that if his name appeared again in our files his course tutor and security will be notified.

Case Study 9

Place: Classroom

Problem:

I was lecturing a group of students on a GNVQ Foundation in Business Group. The incident involved six students, in particular 'the ringleader' of the group.

They started shouting across each other, talking over me as I was delivering the lecture, answering back and showing off in front of peers.

Approach:

On several occasions I asked them to be quiet, explaining that they were jeopardising the learning of their peers.

Eventually I asked the student to leave the room, but he didn't want to go. I threatened to get security involved (bearing in mind I was in a building with no security presence). The student left of his own accord telling me 'where to go' in the process. I followed the student out of the room to discuss; he would not wait and left the building.

I reported the event to the course tutor who interviewed the student. There had been other reports regarding this student's behaviour in another class, involving dismantling chairs and disruptive behaviour in the library.

Outcome(s):

The student had been given repeated warnings. He was suspended for two days due to a culmination of events.

Although I dealt with the situation satisfactorily at the time in that the lesson could continue, I was not particularly satisfied with the outcome since repeated reportings didn't get anywhere and the student was never particularly responsive in class. At recruitment stage, the student had been reported for a serious matter that had occurred while at school. Communication and awareness of this might have caused the incidents to be handled more quickly and taken more seriously earlier.

Case Study 10

Place: Workshop

Problem:

Two new students were being abusive to fellow students, abusive to the tutor and aggressive.

The tutor had to interrupt the course co-ordinator who was holding a meeting as the course tutor was away ill. The two students were extremely abusive to him.

Approach:

The course co-ordinator cleared the workshop and called security. The two students threatened two tutors and three security staff. The police were called but the students left before they had arrived. Later on that night cleaners found an 'empty' whisky bottle.

Outcome(s):

Not satisfactory: the students' identity cards were not taken, as they claimed they had forgotten them. The tutor did not know the students. This was potentially dangerous in my view, as the students could return to college at any time.

Upon the course tutor's return to college it was determined that one of the students had claimed to be a manic depressive immediately after he'd enrolled.

Case Study 11

Place: Classroom in a building with no easy phone access, no porter, no security presence

Problem 1:

I am a part-time teacher providing language support. The incident occurred during a class with a Year 2 National Diploma group.

The student concerned came into class very late (in the middle of a two-hour session), sat down at the back of the room and appeared to fall asleep. He looked quite ill. His friends roused him at my request and he sat up. A few minutes elapsed and I continued with my explanation of the topic. He suddenly leapt up from his seat and began answering questions (that had not been asked!). The rest of the students started laughing at him and I asked him (tactfully!) if he was feeling OK to which he responded with a challenge: 'What's the matter with you ... do you think I'm on something or what ...?'

Approach 1:

I calmed the student down and continued to the end of the class.

I was concerned by this incident and by his general lack of concentration, strange behaviour, lateness or non-attendance over a period of time. I mentioned it to the course tutor who said he had similar reports from other staff and thought he might be taking drugs, but could not prove this. He then called in the student and (I was later to discover) told him I thought he was taking drugs, with a consequence that further trouble ensued.

Problem 2:

The next lesson I had with this student he came into class complaining about an assignment grade I had given him. I offered to have the assignment second marked and could see that the student was becoming very agitated and aggressive, swearing and banging desks about.

Approach 2:

I knew that I could not get out of the room. I thought about the other students' safety and got all but a small handful out of the room to work on a further assignment project. I knew I could gain support (and witnesses if necessary) from those remaining which included a support assistant for a deaf student.

I was abused verbally and was in no doubt that if I did not try to keep on talking to this student, trying to reason with him, that the situation would become dangerously out of control.

Outcome(s):

My ploy worked because I managed to talk him down. It took more than 30 minutes and was eventually brought to an end when he left the building of his own volition. I could not have reached security had I needed them and had to deal with the situation myself. The support assistant congratulated me on the way I had handled it and said he would have intervened if I had needed his help.

Afterwards I was shaken and had then to make a full report to the course tutor. The student was later found on camera to be using if not dealing in drugs but although it came close he was not expelled.

The outcome was satisfactory for me because the student came to me and apologised but after two or three weeks of good behaviour he stopped attending. Where the student was concerned, the outcome cannot have been satisfactory. He had not won, he didn't pass the course. He was also sent back home to his parents and we don't know the rest of the story. However, we do suspect he came to us as a response to his troublesome behaviour elsewhere.

Case Study 12

Place: Classroom

Problem 1:

A female student working in a group came into class late. The group had been complaining about her not pulling her weight although she maintained to have done more than her fair share.

She started a quarrel with her three friends which was difficult to stop since both she and one of the girls in the group were very aggressive. Language was foul and loud – very disturbing and threatening. When asked to sit down and behave, foul language was levied at me. By this time the latecomer was thrusting at the other girl with an umbrella. Someone was going to get hurt and I could not reach them physically due to the room arrangements.

Approach 1:

When asked to leave, all four refused. So I said I was going for security and would report them to the head of department and their course tutor.

I had to go out of the door and make for the stairs before they were persuaded to follow me out. They were then fighting again.

Soon after they quietened down and began pleading for me not to report them. I remained adamant.

Three left but the one who had triggered the fight returned, crying and pleading saying she was being picked on by the others, nobody liked her because she was clever, richer than them and so on. I tried using calm reason to find out what the problem was and she left feeling (I think) a bit better.

I reported the incident as I said I would and left it then to the course tutor and programme manager to deal with.

Problem 2:

The student had a further fight in the programme manager's class and by then, due to various incidents, had begun to be recognised as a problem. She also harassed staff in the canteen.

Approach 2:

She had a problem (serious) with the group so this year as her course tutor I regrouped her and her friend to another group with a male Asian member of staff as group tutor.

Problem 3:

All has gone quite OK until recently in my class she has suddenly erupted and verbally abused and threatened other students in a very savage manner.

Approach 3:

She has been disciplined informally and is being monitored.

Outcome(s):

There is still the need to find out what her real problem is to help her through it and allow her to progress further.

Case Study 13

Place: Initial lesson with a group in a classroom

Problem:

The group was noisy and abusive to each other generally. Two members were purposely trying to get a response from me by making personal and physical insults in front of the class. Although the insults were very basic, to a more sensitive person on their first lesson and first year of college teaching it could have been far too much.

Approach:

It seemed best not to take it personally and to treat it as students seeing how far they could go in the first lesson. I therefore responded calmly trying to make them realise that it was getting them nowhere – I said I had heard them all before and it was a bit boring. After this I asked one student to leave if that was what he was there to do, at which point he stopped. It seemed that some of the students were embarrassed but also intimidated. I also think that because I am a female teacher who is not a great deal older than them, it might have been a bit unusual for them and difficult to cope with.

Outcome(s):

After this a memo was written to their course tutor and it appeared that one of the students had behaved in the same way throughout the course and so he was removed from the course.

The lesson after this I was threatened by the expelled student's friend, on the lines that because 'I' got him removed I was being 'watched'. Subsequently, through the actions of other tutors, he was also removed.

During tutorials with students, it turned out that the majority of the group were threatened or actively being bullied by one of the removed students but were obviously too scared to say anything when he was there.

Case Study 14

Place: Classroom

Problem:

On several occasions students would not stop talking or messing around which has made it difficult to have a group discussion. It is difficult to make specific complaints as it is not always the same students or the same criteria. It is also sometimes clear that there are underlying issues that are difficult to deal with because of the general level of disruption in the room.

Approach:

Arranged tutorials and timetabled social skills.

Where one young man in particular is being very aggressive and unco-operative, a memo was sent to his course tutor, who had a quiet word with the student.

Outcome(s):

Improvement.

Case Study 15

Place: Corridors of halls

Problem:

Three students were disrupting a class by running/screaming/shouting up and down the corridor outside a classroom where a lecture was taking place.

The students were from other courses in the department but were friends of a couple of students in the classroom.

Approach:

The lecturer had to interrupt teaching, go into the corridor and ask politely but firmly why they were there, what they were doing, and could they please go to their lectures. The lecturer returned to class, and half an hour later the same happened again. The lecturer challenged the three students who said that their classes had finished and that they were waiting for friends. The lecturer told them to wait elsewhere or be quiet.

A short while later the noise occurred again. The lecturer sent for security staff to 'evict' three culprits from the building. The students were warned that their actions were to be reported, ID cards removed and so on.

Outcome(s):

The head of department disciplined the students involved (one on a degree programme, two GNVQ Advanced students) after reports from a lecturer. College security staff report forms were completed and 'passed up the line'.

Case Study 16

Place:

College

Problem:

One student was harassing and extorting money from another student on the same course. The situation came to light after another incident in which the victim did report it to the course tutor.

Approach:

The situation raises issues of confidentiality, and who should deal with what is going on.

This situation has yet to be resolved. The student does not know the course tutor knows. If the student is expelled or transferred due to the other incident, this victim's problems will be solved.

Outcome:

We are presently awaiting the principal's decision on whether to expel the student.

Case Study 17

Place:

In a curriculum art room

Problem:

One student physically attacked another. The tutor separated them. The tutor took the attacker out of the classroom and then sent her to the course tutor. At the same time the tutor contacted the college nurse and security. The victim required hospital treatment for a head wound (six stitches). The tutor mopped up, had to deal with the rest of the students in the classroom, some of whom were in shock. The tutur needed college support/counselling after the event – a few students were extremely frightened by the actual event and the consequences should the attacker return to college.

Approach:

The head of department, course tutor and unit tutor were involved in the report writing and informing the attacker's parent who subsequently came into college to see the head of department. The student was temporarily suspended. The course tutor contacted the victim, and the police were involved as the victim decided to press charges. The police phoned the course tutor.

Outcome:

A disciplinary hearing took place involving the head of school, course tutor, attacker and student services support tutor. It was recommended that the attacking student be removed from this particular course. The student received personal counselling support and careers guidance enabling her to seek alternative qualifications.

Case Study 18

Place: Student services

Problem:

The student was abusive to staff, including the reception staff and advisor, about the non-availability (immediate) of interview time to discuss financial affairs.

Approach:

I requested an apology, explaining why staff had declined the student, but further discussion was heated, security was informed and the student left the building.

The course tutor was involved. The reception staff were very upset. An apology was eventually forthcoming.

The student's apology and attitude were very grudging. Appropriate follow-up action was not taken up by the student. An in-depth discussion was had with the student.

Outcome:

A clear procedure was drawn up for frontline colleagues (now in place)

Case Study 19

Place: Student services office

Problem:

The student declined to listen to the explanation he had requested on non award of funds. He accused me and other staff of lack of sympathy for his predicament. He shouted and used inappropriate language.

Approach:

I asked another member of staff to join us to take notes.

Outcome:

The student quietened down when the details were reflected back. He thanked us later for repeating the exercise.

A written explanation may have helped the mutual exchanges, but I was unclear how far to insist on what I find acceptable language.

Case Study 20

Place: Computer room

Problem:

The incident took place during a computer class for students from special schools. Following a departmental policy decision, the group was made up of students from three special schools mixing together.

During the class, a male student threw a chair at a computer. It hit the computer, but at the same time just missed the head of a student sitting at the next computer.

As well as myself there were three other members of staff from the special schools present. Immediately after the chair was thrown the majority of the class were in shock, and very distressed.

Approach:

The student was taken to a quiet area in the room and sat down with a member of staff from his school for a period of 10 minutes. The rest of the group were taken to a commonroom within the building on the pretence of having a break. The caretaker was found and he removed the broken computer very quickly.

The student who had thrown the chair was calmed down and the school informed of his action. He was removed from the building by a member of the school staff. The other students returned to the room and the lesson continued.

Outcome(s):

The situation was dealt with satisfactorily because staff from the student's school were available and knew how to react in a non-physical non-confrontational manner in such a situation. The speed of response and removal from the room of the other students helped calm down the situation. A report was written and lodged with the appropriate parties. It appears that these outbursts followed the change in the student's medicine prescription. After the incident the student exhibited no awareness of what he had done. After a two-week absence the student returned to class and was of no trouble for the rest of the year.

Because this was the first time I had been exposed to this type of incident, had I been by myself I would probably have reacted differently.

Case Study 21

Place:

College car park with myself and two groups of Asian students (plus security staff).

Problem:

I had finished training in the gym and saw two groups of Asian students (mainly male) arguing and swinging chains and showing knives. I went outside to try to calm things down. As I got closer, I was aware that the discussion involved a sister of one of the group and a member from the other group.

Approach:

I tried to calm the situation stating who I was and that it was unwise to engage in a gang fight. I then moved into the group to separate two of the students. As I moved in I was verbally abused but managed to stop the fight.

Nearby, from within the college, the security staff watched what was happening but did not move to assist me.

Outcome:

The situation was not handled successfully since all the students dispersed and no action was taken against them.

With hindsight I should have telephoned security to inform them of what was happening.

Managing physical violence

Many colleges are interested in equipping their staff with the skills to avoid and manage physical violence. Familiarise staff with the 'assault cycle' (Figure 16) which outlines the stages that occur. Then ask them to consider in groups ways to react in such situations, what precautions to take and how to talk to those involved. Use the activities in Table 12 on 'How not to get hit', to direct the group. Table 13 suggests recommendations for each category. These can be discussed and compared with those that the groups have come up with.

Figure 16 Assault cycle

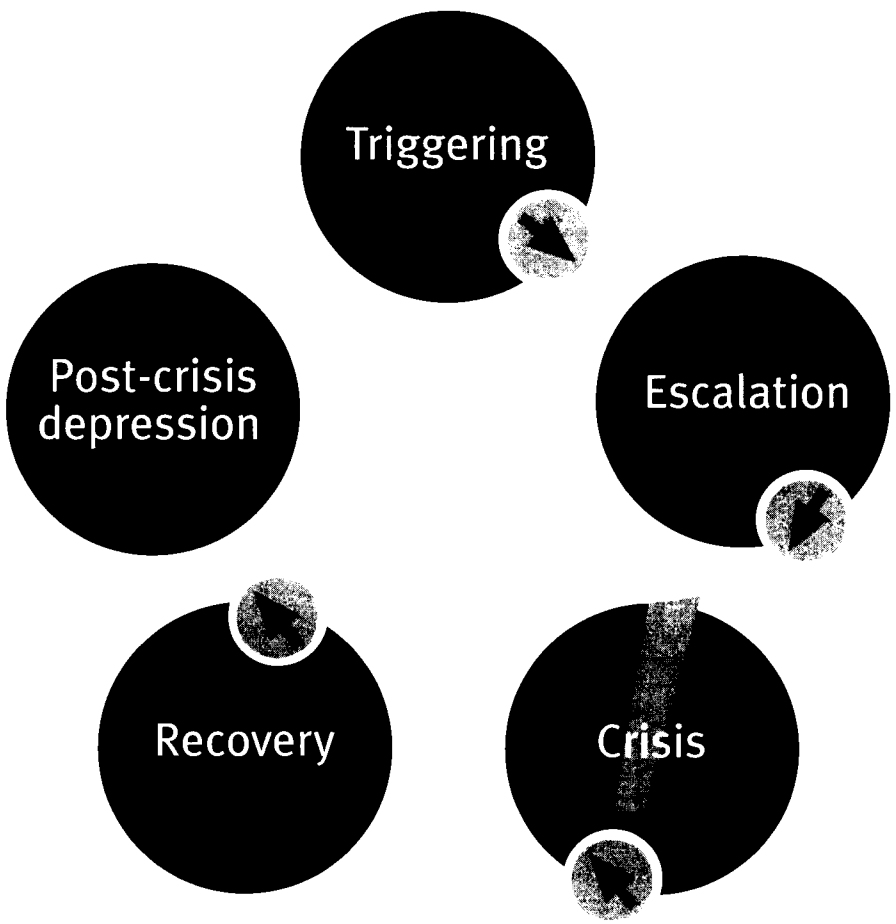


Table 12 How not to get hit

1 Attitudes

Discuss and suggest what attitudes might be unhelpful and counterproductive.

2 Taking precautions

Discuss and suggest what precautions you might take:

- at a personal level
- in terms of buildings/offices
- on home visits.

3 Talking to college users

Discuss and suggest what strategies might be helpful in talking to college users.

Consider:

- voice qualities
- speech content
- accompanying non-verbal communication.

Table 13 Recommendations on managing physical violence

1 Attitudes

- The following attitudes may be counter-productive:
  – 'They mustn't be allowed to get away with anything'
  – 'Give them an inch and they will take a yard'.
- If we have low expectations of our college users, we are likely to get poor behaviour.
- It is also unwise to think that we must be able to deal with every situation.
- If you are aware of a personality clash between yourself and a student, it is best to discuss this with your programme manager.
- Occasionally we have to accept that a colleague is able to provide more effective help than we ourselves can.

2 Taking precautions

Personal

- Don't see potentially violent college users when you are alone in a building, and make sure the person knows you are not alone.
- Make sure that you and your colleagues have an agreed plan of action for when you hear a commotion in another part of the building.
- Don't see difficult college users at times of the day when you are prone to react badly.
- Don't wear provocative or potentially dangerous clothing when you are with potentially dangerous college users, for example, restrictive clothes, long hair, dangly earrings.
- If necessary have your phone number (and therefore your address) ex-directory.

Table 13 continued

Buildings/offices

- Don't have a Yale lock on the inside of your office and classroom doors or leave the key in the lock – otherwise you can easily be imprisoned by college users.
- If possible, ensure that there are strengthened glass panels in doors to enable colleagues to check on your safety.
- Ensure that both you and the college user are able to leave an office easily if things become heated.
- Ensure that the environment is as non-oppressive and conducive to calming down as possible eg not too hot, stuffy, noisy.
- Watch out for items of equipment that could be potential weapons.

Home visits

- Notify colleagues of your whereabouts and time when you are expected back.
- Be prepared to re-assess the goals of your visit if you find the situation different to what you anticipated.

3 Talking to college users

In one-to-one interactions with an aggressive or agitated person, there are certain verbal and non-verbal strategies worth trying:

- depersonalise the issue, for example, when your refusal to provide something is governed by departmental policy
- personalise yourself so that you are not seen as just another lecturer or support assistant, but as an individual with a name
- ask for the required behaviour authoritatively, clearly, loudly, explicitly and repeatedly, for example: 'Take your hands off me'
- avoid using provocative phrases such as: 'Don't be so silly'
- keep a little further away than you otherwise would from someone with a history of violence
- beware of general rules such as 'always remain calm' – there are instances where a calm demeanour can be interpreted as indifference, agitating the person even further
- remember that eye contact may exaggerate whatever emotion is prevalent at the time; try to eliminate the constant staring associated with aggression and return eye contact to a more usual pattern
- try to stand at or sit at a non-confrontational angle to the person – avoid a 'head on' stance and aim at 45°

The following skills are ones that tend to come with experience, when dealing with a situation of potential physical violence. An ability to:

- keep thinking in a fraught situation
- spot more than one course of action, eg stay or go
- take responsibility for your own safety eg insist that a colleague accompanies you on a visit
- spot situations which could become tricky and prevent them from coming to a head
- analyse aggressive incidents and learn from them.

Delivery level

Agenda items

Learning and teaching

1 Matching provision to needs is crucial to preventing disruptive behaviour. This can be achieved through offering student-centred flexible learning opportunities, support services and sensible timetabling.

2 The curriculum must offer sufficient variety in teaching methods to accommodate different learning styles. Students value variation in teaching styles and activities as well as individual support when needed.

3 Invest college staff time in visits to partner schools during Year 11, in open evenings, at induction sessions and neutral pre-enrolment guidance sessions. This can help to prevent mismatches between students and courses which sometimes give rise to disruptive behaviour.

4 Ensure successful management of libraries and learning resource centres, which are central to the work of all students, through providing a range of quality resources (human and physical) and training students in self-organised learning. These are areas where a range of behavioural issues can arise if not properly managed.

5 Encourage and train lecturers to use a range of strategies and behaviour management techniques to combat disruptive behaviour within the classroom. This will:

- deepen their understanding of challenging behaviour
- increase their classroom management skills
- make explicit their role in promoting appropriate behaviour
- ensure consistency in the treatment of students.

Include aspects of student behavioural expectations in any pastoral curriculum programme. For example, provide assertiveness training and exercises to build self-esteem, develop skills in handling difficult situations and so on.

6 Provide staff with professional development in tutoring and mentoring skills and personal and social education so that they feel comfortable and confident in handling human relationship issues.

7 To help achieve positive behaviour, focus on educational opportunities which meet the specific needs of individual students.

The points made here are reflected and developed further in Chapter 2 in the section on methods and approaches at delivery level.

Student agenda items

1 Provide carefully planned and executed induction programmes to raise awareness of expectations and requirements, build confidence and generally give students a sense of belonging to the college and direction in their learning. Induction can be backed up by a structured programme of tutorial support. This can be a powerful tool in preventing disruptive behaviour.

2 Students must be valued. Respect between students and staff should be mutual. Encourage students to take responsibility for their own activities and learning. Initiatives such as peer mentoring, peer education, student councils, student representation on working groups and committees, sporting and performing arts societies, involving student unions will all foster student responsibility.

3 Be receptive to student views and act on information and suggestions from them. Thank them for being helpful, with a formal letter if appropriate.

4 Identify and use key students who can exercise real influence over sub-groups. Work with them to defuse and resolve difficult situations.

5 Treat all students as gifted and talented – never underestimate their value to the marketing process, as a source of ideas and information or for supporting and monitoring their peers. If you expect positive behaviour you are likely to receive it.

Overall approach

One distinctive message has continually been emphasised by all the participating colleges and this is the importance of consistency. This applies at the strategic level in applying policies, at the systems level in developing procedures and at the delivery level where it is important to ensure that all staff behave to a consistent and fair standard in their interactions with students and colleagues.

College staff need to have sound advice on their legal rights and responsibilities associated with managing disruptive behaviour. The legal advice and information contained in the following section is relevant to all college staff whether governors, lecturers or support workers.

learning

FEDA Further Education Development Agency

Legal aspects of disruptive behaviour

7

Legal aspects of disruptive behaviour

Introduction

This chapter provides useful working guidance on the legal aspects of situations which arise as a result of disruptive behaviour, situations which colleges have indicated as key concerns. It is not possible to provide a legal treatise which will allow you authoritatively to determine liability in the circumstances of any given case. The disciplinary rules of each particular college will have a bearing on the situation, as will the particular circumstances of the given incident. (The Association of Colleges has produced a set of suggested disciplinary rules for colleges to adopt. However, these were not prepared by specialists in the field of education law.)

The information is presented in a jargon-free format, as far as is possible, to be understandable to those without a legal background. As a result it does not attempt to embrace all the technicalities of such matters as the Disability Discrimination Act. For example, discrimination in the letting of premises for a non-college activity has no obvious bearing on disruptive student behaviour.

Part A provides a comprehensive picture of the 'legal aspects', to reassure colleges of their position – liability on the college remains fairly improbable (except, perhaps, under Health and Safety at Work requirements, with their less formal processes of enforcement). Part B covers responses to adverse behaviours. The sections are numbered to allow for cross-referencing.

The term 'disruptive' is used to describe the behaviour referred to since it can encompass more than just specifically anti-communal behaviour, such as academic underachievement, or misbehaviour off the premises, which by impacting either directly or through the medium of performance statistics on the college's recruitment can affect the financial health or even viability of the institution.

Institutions within the FE sector can be classified according to their legal basis. Those incorporated under the 1922 Act, either sixth form colleges or colleges for part-time or 18+ education, are conducted under the Articles of Government provided by the relevant 1992 Regulations, and by the disciplinary rules required to be made thereunder. For all present purposes, the only distinction between these two categories of institution is the role reserved to the Academic Board in respect of the latter. According to the FEFC, no former grant-maintained schools, whose Articles would have been on a different footing, have been incorporated as FE institutions. Institutions designated for funding but not incorporated under the Act itself are, since 1993, all incorporated bodies in any case, either as former voluntary-aided schools or as institutions run by companies. The Articles

of Government of all these, either made under the now repealed 1986 Act or the 1992 Act, are all substantially similar in form. Definitions of the designated institutions are given at the end of the chapter.

Terms which are explained in the glossary, at the end of this chapter, are denoted by a *.

Part A College's responsibilities

1 Generally

1.1 College's interest in limiting disruptive behaviour

A college's interest in containing such behaviour lies not only in the good running of the institution, to the benefit of all its students, but also in the potential liabilities to which such behaviour can expose the college. Such liabilities could be in either the criminal or civil* field, and in some cases will be those of the corporate governing body itself, as the agency primarily responsible for managing the institution. In other cases, liability may attach to individual members of the governing body, or the staff, especially the principal. (These questions are further considered below – see in particular, Section 1.2.1.)

Liability of any of these is particularly likely to arise in relation to the several vulnerable classes referred to in Section 2.6 below.

Since not to curb violence or other disturbance could itself constitute actionable conduct in some circumstances considered below, adequate staff training (embracing the part-timer, security staff, the casual lecturer and so on) cannot be regarded as a luxury. In an increasingly litigious world, nor should the pro-active role be simply viewed as a preferred option, on philosophical grounds.

The college needs clearly framed and recorded policies on all potentially contentious matters, for staff to be fully conversant with the scope of their responsibilities and to take the initiative in seeking clarification of any areas of which they are uncertain. It is equally important for individual governors to be fully aware of all decisions of the governing body and to ensure that their dissent from any decision of which they disapprove is properly recorded.

Apart from possible action being brought against the college in either the civil* or criminal courts, which would be by way of (commonly) Judicial Review* or, in the case of feepaying students (see Section 2.1.3) by an action for damages, the Secretary of State has the power to intervene under Section 57 of the 1992 Act* in respect of mismanagement or breach of duty, and can issue enforceable directions. This power includes the possibility, upon the recommendation of the FEFC, to replace any of the existing governors (corporation members). By contrast to the position in primary and secondary schools, the straightforward power to issue directions does not relate to any perceived unreasonable conduct by the college ('mismanagement'), only to categorical breach of duty – unreasonableness as such is only controllable by way of governor replacement by the Secretary of State at the insistence of the FEFC. In practice, the Secretary of State's jurisdiction has to some extent been superseded by that of the Council itself, which, under the Charter for Further Education, has been vested with the Secretary of State's function short of his power to issue enforceable directions. The Council will be the normal agency for policing grievances, on an advisory basis. (It has to

be pointed out that FEFC Circular 95/20 is incorrect in its statement [Section 12] that the Secretary of State has power to issue directions in respect of unreasonable action; the legal position is as stated above.)

All of these processes will normally be subsequent to the college having exhausted its own grievance procedures referred to at greater length below, or consequent on the alleged imperfection of those procedures.

1.2 *Criminal activity*

Quite aside from its tendency to damage the institution's public reputation, involvement of students in such activities as theft, drug-abuse or vehicle crime can give rise to problems for staff appearing to condone it, and in turn for the college itself.

Conduct which amounts to encouraging, advising or assisting towards a criminal end constitutes the secondary offence of aiding and abetting, for which the individual can be personally liable. Such liability does not normally transfer to the institution – it is the staff member who would be personally at risk. Although contracts of employment customarily indemnify the employee against the risks inherent in her/his occupation (an indemnity routinely supported by the appropriate insurance policies) that protection will rarely avail as regards criminal responsibility. Staff pastorally engaged with students at risk must ensure their scrupulous detachment from any suspicion of criminal taint. While liability could arise from the tacit endorsement of any criminal activity on the part of students, such as organised violence, the area of activity in which it is most predictable is likely to be the use of, or trafficking in, controlled substances or intoxicants. Offences in relation to drugs can be punishable by imprisonment; the police have powers of entry, search, seizure and arrest, as they have in relation to the possession of alcohol by persons younger than 18 (arrest only where resisted) – see paragraph below. The following are the principal instances of student conduct where active involvement of the college's management or staff would technically constitute criminal activity on their part:

- being in possession of a controlled drug – staff in possession of drugs following confiscation, which are immediately, or as soon as reasonably practicable, handed over to the police, would be unlikely to incur liability
- knowingly allowing a person on the premises either to traffic in prohibited drugs or to smoke cannabis or a similar drug – 'knowledge' for these purposes can probably include a well-founded suspicion that the activity is in hand.
- actively assisting a person to conceal the profits of drug trafficking – banking transactions could be an issue here
- being intoxicated or in possession of intoxicating liquor at a sporting event held at a venue where spectator accommodation is provided
- possessing intoxicating liquor if younger than 18, or if it is for consumption by anyone younger than 18
- conniving to supply intoxicating substances, other than alcohol, to persons younger than 18 (that is, solvent abuse).

Staff should exercise prudence regarding confiscating offending substances and report even conjectural suspicions of illicit activity.

Offences relating to the possession of offensive weapons are considered in Section B 1.4 below.

1.2.1 Individual accountability

For most criminal offences, other than personally aiding and abetting as mentioned above, there is the possibility of concurrent liabilities. It is not possible to state in general terms against which category of person – governor, principal, other permanent staff member, casual staff – legal sanctions will be applied in the event of some transgression on the college's part. As regards offences against the person (assault, false imprisonment) and unlawful damage to property, it is probably going to be the individual immediately responsible against whom action, either civil* or criminal, will be brought. As regards health and safety matters, the enforcing authorities traditionally adopt a 'catch-all' approach, proceeding against the party whom they perceive has the best chance of a successful prosecution. However, where financial compensation is the victim's primary concern, either arising from some civil wrong such as assault or on account of loss of a contractual nature, such as the college's failure to supply a promised educational service, he or she is far more likely to seek redress from the governing body. Individual governors do not normally incur liability for the body's corporate acts, although since there are possibilities of, for example, damages for breach of contract being recovered from them, they should always ensure that their dissent from decisions with which they disagree is properly minuted. There is no comparable statutory saving for governors acting in good faith when spending the institution's official funds as there is for the governors of LEA-maintained* schools.

Conversely, the powers of action will vary according to status. While the general rules on self-protection referred to in Section B are available to all persons (not just staff), authority to exclude a student from the college, for example, will lie in the institution's disciplinary rules. These should clearly state which categories of staff have which powers. In some cases, power will be implicit in the situation although not mentioned in the rules: every lecturer has implied authority to ban a disruptive student from his particular classroom for the immediate session, and any duly designated deputy has implied authority to exercise the principal's powers in the latter's absence or (in emergency) non-availability, subject to any express limitation in the rules.

2 Responsibilities towards various categories of person

2.1 Students

The statement in Section B of the Charter for Further Education (DFE, 1994, p9) that 16 to 18-year-olds are "entitled to a place" for full-time study is misleading. While the funding councils have a general, albeit conditional, duty to secure a sufficiency of places for these and others, this does not amount to a duty on college authorities to find a place for any given individual (subject to the final comment in this section). Each college must comply with its own published admission arrangements, but, subject thereto and to any conditions attaching to funding imposed on it by the funding councils, may, in those published arrangements, reserve the right to allocate places at its own discretion. However, a blanket limitation in those procedures on providing places for persons with learning difficulties would be unlawful. It would not be unlawful to decline a place to a would-be student on the grounds that the particular facilities required by him or her were not available at the relevant premises. It might be unreasonable in the circumstances of the case for those facilities not to be made available. However, the funding councils have the power to require the admission of named individuals to any relevant college for the purpose of 16 to 18-year-old full-time education.

2.1.1 *Under Health and Safety at Work legislation*

The Health and Safety at Work code is a source of potential criminal liability: it places a duty on institutions to provide students with a safe learning environment. It is a concurrent duty of the governing body, the principal and those staff in a position of management as regards the physical area concerned – thus a lecturer has responsibility (which does not remove that of the principal) to ensure that his or her own classroom does not present risks to health or safety of any of the students, including innocent bystanders, as regards disruptive action on the part of their fellows. The fact that key staff may be designated to take responsibility for certain activities does not necessarily absolve others from liability in the same matter.
The college accordingly has a duty to maintain and update an assessment of possible risks, to monitor and review preventive measures and to supply staff and others affected with comprehensible information on such matters (FEDA's Health and Safety Pack, 1997, provides a useful reference document on such issues). This general duty would carry the particular duty to identify any special likelihood of outbreaks of violence or damage occurring, or the especial vulnerability thereto of particular classes of students or property.

Unruly behaviour which gives rise to overcrowding, for example, and vandalism which causes security systems to malfunction are obvious instances of areas in which possible college liability could originate in student misbehaviour.

Staff have a duty to take reasonable care both of themselves and of those affected by their actions. Where this means striking a balance between involvement and non-involvement in incidents, and sometimes making that choice on the spur of the moment, the best guide will be applying common sense. Where members of staff take such action as would seem to an ordinary person reasonable in the circumstances, taking into account such pressures as they may be under at the time, they are unlikely to be held accountable. Staff must generally co-operate with their employer on these matters and observe the guidelines laid down for them. These will be their first point of reference. Should there be a conflict between such guidelines and their immediate assessment of the situation, they will normally be safe in following the guidelines unless these are manifestly unreasonable in the particular circumstances, a highly unlikely contingency.

The Health and Safety at Work (HSW) legislation embodies many technical rules, particularly relevant in such areas as the conduct of technological departments or the maintenance of laboratory equipment. For example, where vandalism has resulted in damage to prescribed safety features such as staircase handrails or protective window meshes, there may well be a hazard giving rise to potential liability. More precise guidance on these technical requirements is always available from the local HSW inspectors.

The college's statutory responsibilities in this regard include providing all staff with adequate training as to their duties. It may well imply both induction training and in-service updating, according to the changing circumstances. It is a duty which will be particularly relevant as regards part-time or unqualified employees, and to any security staff engaged by the college.

2.1.2 At common law*

The college's capacity as occupier of the premises is a possible source of civil* liability (in this instance, of the institution not the staff). Students, in common with other legitimate users of the premises, are entitled to expect a safe working environment, in terms not unlike those of the HSW legislation. The college's duty is to take steps to prevent reasonably foreseeable hazards to health or welfare (taking account of the particular vulnerability of different users – see Section 2.6.1).
A college will be liable if it directly exposes students to risks arising from the violent behaviour of others, or does not attempt to take suitable steps for curbing that danger. This liability will be subject to the threatened individual's own duty to mitigate the risks to himself/herself as far as possible and within his/her own limitations of capacity or circumstance, but college staff should not rely on that duty to avoid their own.

This civil liability could embrace damage to the individual's property as well as to his/her person.

2.1.3 In contract

By virtue of the relationship between the college and its students, the latter have an entitlement over and above that of the general user, to enjoy an environment that is not only safe but also reasonably conducive to its avowed learning purposes. They also enjoy the benefit of any specific engagements of the college contained in those documents in which the contract or implicit contract is embodied. These include the prospectus, Articles of Government and rules made thereunder, and such correspondence that affects the actual process of admission, as well as any provisions of the college's charter which are sufficiently specific to be the subject of enforcement. (For further details as to the charter see Section A3 of the Appendix which begins on page 21 of this section). Any such commitment will be actionable, although not necessarily by way of pecuniary damages – this may depend on whether or not the claimant is a feepaying student.

While traditionally a distinction would have been drawn between feepaying and non-feepaying students (in so far as the former are in an unequivocally contractual relationship with the college, which can give rise to an action for damages), the increasing tendency of the courts to give virtually contractual effect to the college's engagements, by reason of its public status, means that for practical purposes all of the institution's explicit commitments should be regarded as enforceable. The surviving practical distinction is that any feepaying student forcibly prevented, wholly or partly, from taking advantage of the educational facilities promised in the above-mentioned documents may be able to claim by way of damages some reimbursement of fees. A student who has made no financial contribution will only be able either to complain to the FEFC or Secretary of State, or in the last resort take action in the courts by way of Judicial Review*. All these processes will normally result, at best, in a direction to the college to take some specified remedial action, short of payment.

For these purposes, and limited as the significance is, students are feepayers where the initial liability is theirs, notwithstanding that they may be reimbursed by a third party such as the LEA, and even though that third party may remit direct to the college. Where, on the other hand, their admission and tuition are free as a result of FEFC subvention, they are non-feepayers.

An example of a commitment which could give rise to these proceedings would be a statement in the college's charter that up-to-date textbooks will be maintained in the library. A student denied access to these at a critical time by reason of some disturbance on the premises might contend that uncharacteristically poor examination results were attributable to that, and seek compensation.

2.1.4 *Off-site activities*

Where the organisation of off-site activities does not fall upon the college, even though in a loose sense it has 'sponsored' or 'authorised' them, it is difficult to foresee any cause of potential liability.

However, where the college is in charge of the arrangements, possible liability will largely depend upon 'occupation' of the premises concerned, in the legal sense of that term. Where the college has booked these (as, for example, a leisure centre) the position both under Health and Safety legislation and at common law, generally speaking, is as in Sections 2.1.1 and 2 above. This makes due allowance for matters not physically within the college's power to control (but failure to give notice of defects, or make appropriate representations, to the owner of the premises could have a bearing on liability).

Where the activity merely involves attending premises occupied by another, such as an 'away' sports fixture, the likelihood of liability is fairly remote. However, it is possible to envisage circumstances in which HSW liability might arise, for example, in relation to a dressing-room, where the visiting team manager could well be the person in control, and thus responsible, within the meaning of the legislation.

As regards transport procured from a third party, provided proper care has been exercised in the choice and vetting of such a provider, and its documentation checked (for example, confirmation from the provider that the vehicle to be used meets all relevant construction and use regulations, including the fitting of seat belts) the college should not expect to incur liability.

These comments exclude the question of any liability towards a student arising from a separate contract for participation in the activity.

2.2 *Other visitors*

Other visitors include not just enquirers or applicants, but also tradespeople or other business callers. For the present purpose it is immaterial whether or not the individual has legitimate business on the premises or is an outright trespasser – that which determines potential liability is whether the person's presence is reasonably to be foreseen. To avoid all likelihood of incurring liability towards unwanted visitors, it is necessary to take reasonable steps to prevent their admission (by notice at the point of entry, staffed reception desk or security devices, as appropriate). Where it is reasonable to suppose that certain categories of person will no longer be on the premises as a result of the measures taken, the college will be unlikely to incur any liability towards them. A familiar case may be that of a 'short cut' across the premises customarily used by the public at large, where no legitimate right of way has yet been established. A common practice is to display notices announcing that such use is on sufferance. This will prevent the creation of a right of way by passage of time; it will not protect the college against the financial consequences of an accident occurring from that use.

The responsibilities that the college and its staff have towards such persons not effectively excluded are, under both HSW and common law*, the same as those it has towards its students, in the matter of providing a safe (as opposed to effective) environment.

2.3 Staff

The college's duty towards its own staff under HSW legislation is not unlike that owed to students. It must afford them a safe working system and a working environment conducive to their health and welfare. It must notify them of unavoidable risks, offer any necessary training or instruction, updated according to circumstances, and maintain an updated written policy statement on all these matters. These duties will be of particular relevance to occasional or unqualified staff who may not otherwise have the experience, or psychological knowledge, to cope with the risks inherent in disruptive student behaviour.

2.4 Adjoining landowners or occupiers

The college, as owner of the premises, may incur civil liability towards an adjoining owner or occupier for damage arising from the normal or foreseeable use of the premises. Any negligence in such matters as the proper upkeep of boundary fences or the provision of adequate security for equipment which might predictably be used by an adventurous teenager to damaging effect could well incur liability on the college towards a landowner whose property is injured. Adequate steps should be taken to prevent vandalism from 'spilling out' into adjoining property. According to circumstances, what is adequate may take the form of fencing, monitoring, security staffing or other appropriate measures, but, as between the college and its neighbours, mere published notice or other admonition to students not to commit trespass, although no doubt providing a basis for disciplinary action against the student, would be unlikely to absolve the college. Past history may well be a guide as to the probability of trespass occurring.

2.5 Outside employers of students

The college's relationship with outside employers of students is likely to be contractual. Consequently, the Further Education Charter's expectation (DFE, 1993, p21) of the "effective management ... of learning" could give rise to liability of the college in the event of students sponsored by such employers being impeded in their study by disturbances occasioned by others and not curbed by the college. (On the FE and college charters generally, see the Appendix, Section A3 which begins on page 21 of this section). The terms and conditions of potential sponsorship may well need to be vetted for incompatibility with the college's rules or for requirements inappropriate to the proper conduct of the college.

As regards disruptive behaviour by a student in the course of work placements, the college would not normally incur any liability toward employers. It might conversely wish to include in its prospectus or rules a commitment by students to reimburse it for any loss or expenditure attributable to a placement being prematurely terminated on account of misbehaviour. Reimbursement could be embraced within deposit arrangements relating to damage to college property (see Section B2.2). Failing express provision to that end, any losses are unlikely to be recoverable. To avoid liability, the college should ensure that none of its publications – for example, communications soliciting openings for employment – contains anything amounting to a guarantee of its students' suitability, performance or good conduct.

2.6 'Vulnerable classes'

2.6.1 Persons with learning difficulties

The position regarding admission to the college of students with learning difficulties has already been noted – Section 2.1.

While colleges are not under the same explicit duty as the funding councils to provide for such persons, nevertheless their power under the 1992 Act* to do so, in the widest possible terms, imports a discretion which it is unlawful for them to exercise arbitrarily. Any specific request on the part of such a person for special provision to be made in the light of his or her learning difficulties must be addressed on its merits, and not dismissed out of hand by reference to some general college policy. The latter may legitimately lay down guidelines but must always have in reserve some form of review machinery such as a designated appeal committee whose terms of reference enable it to reconsider every such request on its merits without constraint by general policies. Requests could embrace anything from special learning support to boarding accommodation and catering or recreational facilities, couched in terms of physical accessibility, equipment or personal resources.

Contrary to common supposition, this power does not exclude the possible provision of transport. However, in view of the express discretionary powers of LEAs regarding this, it is not customarily regarded as a matter in which the FE institution needs to make provision. Nevertheless, colleges need to be aware of the possibility that their discretion might be invoked by a student. They need to have a proper machinery in place for considering any such request. However, the LEA's provision (if any) would be the context in which any such request was considered.

A 'learning difficulty' can legally arise from an inherent learning incapacity, in comparison with the average, that is not related to any particular physical or mental disability. However, where that difficulty does spring from a disability that impairs learning, such a person will come within the protection afforded by the Disability Discrimination Act 1995 (DDA)*. Conversely, anyone disabled in the terms of that Act has a learning difficulty for the purposes of education law. However, the 1995 Act does not relate to the provision of education as such, only to ancillary services.

Requests for specifically educational provision and requests from persons with learning difficulties not arising from disability in 1995 Act terms, must be addressed under the 1992 principles set out above. Requests relating to ancillary services, or to particular disabilities, fall within the 1995 Act's express and much more detailed prohibition of discrimination. (The borderline between the 'educational' and the 'ancillary' is not clearly defined.) The Act states that a disabled person must not normally be refused a service available to others, or offered a less favourable service. In relation to matters such as access to recreational or catering facilities, the college's duty is the more exact one of avoiding discrimination. (There are certain savings relating particularly to health and safety requirements or the fact that it would otherwise be impossible to deliver the service in question, which may make certain acts of discrimination permissible in their context.)

When applying disciplinary rules to such persons, due allowance has to be made for diminished levels of comprehension, or a reduced capacity for observing normal rules.

Colleges are now obliged to publish Disability Statements under the 1995 Act, setting out among other things their policies and facilities for supporting disabled persons. Beyond that there is no legal duty to undertake a systematic review of the demand for special facilities for those suffering from learning difficulties, but it is prudent for a college to do so.

2.6.2 Ethnic minorities and women

These classes can more accurately be defined as every individual, whenever categorised for the time being by race or gender. Discrimination against ethnic majorities or men is for most purposes equally unlawful. The 1975 Sex Discrimination Act and 1976 Race Relations Act prohibit, in similar terms to those of the DDA*, a failure to provide a service, or less favourable provision, again with some exceptions. However, unlike the DDA* they do apply to the provision of education proper, in addition to ancillary services, so that all learning opportunities (including the right to a place) must be equally available, within the prescribed exceptions. While colleges, unlike such bodies as TECs, do not enjoy the right to provide, for example, 'back to work' classes for women only (a discriminatory provision), there is nothing to prevent them conducting classes where access is open to all notwithstanding that they may appear more suitable for one sex, or category of students, than another. Colleges should not readily expose themselves to charges of treating any group of students classified by race or gender less favourably than another.

In response to the much publicised incidents of 'stalking', a new offence of 'harassment' (not specifically sexual harassment) has been created, in which, unhappily, the term itself has not been defined. It is merely inclusive of that which causes alarm or distress – which, in the vagaries of human sensitivity, may well be unpredictable – but is not limited to these. Nor is the offence necessarily committed by males against females. Until an effective definition has resulted from litigation, it can be expected that some individuals will seize upon it to denounce conduct which they personally perceive as offensive. Private employment codes of practice on the matter have always tended to emphasise the subjective impact of behaviour, as provocative to the recipient, regardless of the reasonableness of the other party's conduct and motivation, and in the absence of any objective standard for mediating between those opposed viewpoints. Until a clear interpretation emerges, it may be best to adopt a more circumspect approach in matters of ordinary social intercourse – until such clarification is arrived at, what might be classed as the normal speculative overtures of the 'mating game' could well render the incautious liable to claims of harassment. Sexual harassment specifically has frequently been stipulated in employment contracts as grounds for disciplinary action, often extending to termination of the contract. However, college personnel departments will be well aware of the rich possibilities for litigation arising from claims of unfair dismissal.

The use or distribution of written material, recordings, speech or behaviour calculated to stir up racial hatred is an offence, whether taking place in public or private (other than a private dwelling). The police have powers of arrest. This prohibition would equally catch conduct by staff or by students.

Since many disturbances have an ethnic or religious origin, colleges should not ignore the possibility of a disgruntled student invoking the law against institutions that have not complied with their statutory duties in the matter of religion, regardless of the conjectural contribution which those may or may not make to alleviating individual or group tension. Colleges that were formerly LEA-maintained* schools (ex-LEA sixthform colleges) are legally obliged to make religious education (RE) classes and an act of collective worship (in this case weekly, rather than daily as in the LEA context) available to all students. (Attendance is not a prima facie obligation, as in maintained schools.) In the case of

institutions which are an amalgamation of previously separate colleges, managements should proceed on the assumption that if any of these was originally a maintained* sixth form college, the duty applies.

2.6.3 Children

Those younger than 18 are technically minors. Historically, this meant that, with limited exception, they had no legal capacity of significance for taking independent action or making decisions. This situation has been superseded by the modern doctrine of the 'age of discretion', whereby it is a question of fact and degree whether a particular child in the particular circumstances has or has not the requisite mental capacity to arrive at the decision in question, or otherwise take responsibility for his or her own actions. For most purposes, those who have reached the age of 16 may safely be regarded as capable of taking care of themselves. A college is not normally under the same degree of responsibility and quasi-parental oversight as is a school. For example, it would not in most cases be supposed that the institution incurs any liability for accidents occurring to students sent off the premises for any valid reason. However, this generality must be qualified if the college has reason to suspect that a student's particular circumstances make him or her especially vulnerable. For example, a disabled student, according to the nature of his disability, may be at risk if expelled from the premises in a state of distress. Similarly, should the college have information that a gang is lying in wait for a student, it might be reckless to dismiss that student from the premises without taking any precautionary action, such as notifying the parents (or guardians) or the police.

The absolute incapacity of those younger than 18 has been retained in certain cases and with certain amendments, most relevant of which may well be that a child younger than 16 has not the power to consent to surgical, medical or dental treatment (including ancillary inspection or anaesthesia). While for most purposes of education law (and all purposes of FE law) students cease to be 'children' once no longer of compulsory school age*, they continue to be unable to consent to emergency treatment before their sixteenth birthday. In such situations, college staff will remain in loco parentis* for the purpose of arriving at judgements that need to be made without delay; it is preferable to obtain advance agreement from the parents or guardians as to emergency treatment. However, unless that has been expressly withheld, a member of staff is unlikely to incur liability by reason of taking such action in emergency as is dictated by the judgement which a reasonable person without medical qualifications might be expected to reach.

Notwithstanding any of the above, for the purposes of expulsion, appeals and any similar formal matters, the parent or guardian should be made the primary party to the proceedings in the case of any student younger than 18. While all notices should be addressed to them, the student should not be prevented in any way from making his or her desired contribution to the hearing of the case.

The FEFC has expressed a general view that colleges ought to ensure that all information held by them on the welfare of an individual student who is younger than 18 is supplied to the parent or guardian; this view will inform the Council's deliberations on any complaints submitted to it (see Section 1.1 above).

Part B Responses to adverse behaviour

As already noted (in Part A, 2.1), subject to compliance with its own published procedures, a college is not under a duty to admit any individual student. This means that it could refuse a place to an applicant with a history of disruptive behaviour. This should be no idle conjecture, but based on solid evidence. To avoid doubt it is preferable for the admission procedures to contain a clear statement that the right to refuse a place on these grounds is reserved. Thereafter, the range of possible measures for controlling adverse behaviour runs from containment through coercive sanctions to expulsion.

B1 Restraining violence and disruptive activity

1.1 Generally

Except where it is otherwise evident from the context, all the following comments are as applicable to disruptive behaviour by staff as to that by students or visitors; equally, to aggression by parents or guardians on behalf of their children. (These will have a prima facie legitimate reason for being on the premises, by virtue of their interest in their child's progress, and subsequent comments in this section will apply to withdrawing that implicit licence prior to ejecting them from the premises.)

A college's powers are wide enough to allow it to engage in any useful supervisory or support activity, such as medical or psychiatric treatment (and to incur expenditure thereon) with the individual's consent. In the absence of consent, it has to be more cautious about curtailing personal liberties. It is assumed that force is only in the rarest instances going to be used to cause injury to a transgressor. To inflict injury, even inadvertently, can be a criminal offence. Even manhandling a person short of injury constitutes a trespass, in civil law. However, members of staff are entitled to use such force as is reasonable in all the circumstances, to certain ends:

- self-defence, or the defence of another person against injury (which would include separating combatants)
- preventing damage to, or repossessing, the individual's own or the college's property that has been unlawfully removed (if lawfully, for example, a special book on short-term loan, the repossession must be preceded by a duly authoritative demand for its restoration, that is, any individual tutor may demand return of his own book, but not necessarily that of one belonging to the library); this power does not extend to the use of force in recovering and restoring a third party's property, for example, that of another student
- removing a trespasser, which can include a duly enrolled student whose authority to be on the premises has been properly rescinded – the college's rules must make clear the circumstances in which and persons by whom temporary or permanent expulsion may be imposed, and in particular whether or not any member of staff has such authority where emergency so dictates (for more details see Sections 2.4 and 3).

What is reasonable in the circumstances is always a question of fact. However, an honest, albeit unreasonable, belief as to the threat posed will be a good defence against most claims of molestation (but possibly not in respect of civil, as opposed to criminal, proceedings).

Forcibly detaining a person will amount to false imprisonment, in the absence of justification. Justification can normally only lie in necessity (see Section 2.3 on detention). The appropriate response will usually be to remove the offender from the classroom or premises, but not to detain him or her further than is reasonably incidental to that operation. In ejecting someone from premises, whether a student with an implicit right to be there originally, or an outright trespasser, action should be prefaced by a polite request to leave, unless it is apparent that the individual is incapable of apprehending such communication and acting upon it.

Whereas in some situations it is possible for a person subjected to force to consent to this treatment (this consent could be implicit in his or her other conduct), criminal battery cannot be assented to. This means that if serious and unreasonable injury is caused, nothing in the transgressor's behaviour will avail the staff member involved.

However, in that the individual's assent can in certain cases save staff from liability, it is unlikely that a claim for unlawful imprisonment would arise where the motive is to afford protective custody. It could do so if the person had made clear his or her rejection of such benevolent intervention.

Self-defence would include removing offensive weapons and other life – or property – endangering objects from the threatening person, without conferring any title thereto, that is, property may not be permanently confiscated. (An owner may agree to its abandonment, but the college should be cautious about inferring agreement in stressful circumstances.) While a college may not sell or destroy property to which it has no lawful title, it would not be expected to exercise a high standard of care in the custody of such property.

Many of these principles can be superseded by the particular rules relating to the power of citizen's arrest for curtailing actual or threatened breaches of the peace. However, it is assumed that college staff would not wish to become embroiled in the legal procedures which invoking such power would entail.

Such forceful protective measures do not immediately apply to actions which, although tiresome, do not immediately threaten persons or property. These include obstructions of collective activity, or modes of psychological resistance (for example, inappropriate sexual conduct towards a staff member, or less serious criminal activity which does not directly inculpate staff, such as the unlikely offences of blasphemy or sedition, or the perhaps slightly more likely one of public indecency). Neither do they apply to anti-institution behaviour constituted by unsatisfactory performance, such as truancy and unpunctuality. In all such instances, the college's only practicable means of curbing the behaviour directly would be by way of initially prohibiting the student from entering or remaining in the classroom or college. Such action should be taken within the framework of the college's disciplinary rules, and upon observance of the appropriate procedures (see Section 2.4). If thereafter such prohibition is disregarded, the individual may be treated as a trespasser and can be removed using a reasonable degree of physical compulsion, if necessary.

To protect itself against liability in relation to an individual's personal property, the college should not rely on casual disclaimers to which the individual cannot necessarily be shown to have assented, such as announcements posted on noticeboards. Any such disclaimer should preferably be recorded in the college's prospectus, and even then will not avail against a claim arising from the negligence of the college's own staff. In particular, it may be inherently unreasonable to attempt to ban students from bringing certain species of property on to the premises, for example, property ordinarily used for study

purposes and items of personal adornment customary to particular races. A disclaimer which covers such items and is made widely known will be the college's only effective protection (its own negligence apart).

However, where the property in question is being used, or likely to be used, to further a the disruptive purpose (at least, if a physically disruptive one), damage arising in the course of preventing such use will not usually give rise to liability, provided again that the force applied by staff is proportionate to the risk.

The college prospectus or rules can include a requirement to carry identity cards and produce them on demand. This cannot otherwise be made compulsory (except of necessity, if such cards have an electronic access capacity). A student in breach of such a requirement risks whatever sanctions may be specified within the college prospectus or rules, regardless of any sanctions prescribed for whatever suspected offence.

No special authority to exercise the above powers attaches to staff by reason of the disturbance taking place on the premises (more especially the particular premises in which they habitually work as against other premises of the college). All of these powers, other than that to prohibit entry and hence eject unauthorised visitors (which must be sought in the college rules), are enjoyed by every citizen. They may be invoked equally to curb violence occurring off-site, if it is reasonable objectively speaking, and if it is felt appropriate in the circumstances to do so.

1.2 Harassment

The law may be invoked to curb harassment, sexual or otherwise. While the imponderables of this new offence have already been noted (Part A, Section 2.6.2) it may provide additional assistance against persistent troublemakers whose attitude is threatening. Harassment*, whatever it may mean, can make the offender liable to anything up to six months' imprisonment. It certainly includes causing 'alarm or distress'. However, it is not yet clear whether it must by its inherent nature be likely to do so, regardless of the temperament of the one on the receiving end, or whether behaviour amounts to harassment if it actually causes alarm to a particularly vulnerable individual where others would not be alarmed. The college can bring a private prosecution and may seek an injunction* against the offender or apply for his or her arrest.

Knowingly putting another in fear of violence on more than one occasion (except when done to prevent crime, in self-defence or to protect any property, not necessarily one's own) can be punished by imprisonment for up to five years. Courts can impose a restraining order prohibiting specified conduct. Any breach of this could again expose the transgressor to the risk of imprisonment for five years.

1.3 Mental health patients

A discharged mental health patient to whom a supervision order is applicable may also be subject to specified medical treatment, prescribed residence and/or compulsory attendance for the purposes of work, education or training, under the terms of the discharge. In such cases, the patient's designated supervisor may have ancillary power to have the patient conveyed to the specified place.

1.4 Offensive weapons

There is a range of offences connected with weapons, all of which can provide grounds for the college to invoke police assistance.

It is an offence for anyone to carry a weapon on college premises, without reasonable excuse. What constitutes a weapon is normally a question of fact – broadly speaking, any article that can be used to inflict personal injury – except that certain articles are deemed in law to be necessarily so designed, for example flick-knives. Normally any pointed or bladed object, other than a pen-knife with a blade not more than three inches in length, is classed as an offensive weapon. What is a reasonable excuse is again a question of fact.

It is an offence to offer any knife for sale (other than a genuine antique – and even then it is an offence if the seller suspects that the purchaser's intention is to use it unlawfully). It is also an offence to carry any knife for the purpose of selling it if the seller gives any indication that it is suitable for combat, or any encouragement to violence or to its use as a weapon. Police with a warrant may search premises upon reasonable suspicion of the offence. Any implement with a sharp point will come within the prohibition; for example, a knitting needle could be a knife for this purpose.

A police inspector may authorise anyone anywhere within his or her area (on or off college premises) to be stopped and searched if he or she has a reasonable belief that a dangerous instrument or offensive weapon is being carried, or otherwise that there is a risk of serious violence.

1.5 Guard dogs

Guard dogs may only be on the premises subject to certain conditions:

- they must be under their handlers' control at any time when they are not shut up (that is, secured in proper accommodation)
- notice of their presence on site must be clearly posted at every entrance to the premises.

Dogs with the characteristics of particular fighting breeds must be permanently muzzled and leashed when on common parts of the college, and classrooms if the public has access to them for particular events, such as an art exhibition or display of student activities. Being in charge of any dog whose behaviour gives rise to a reasonable apprehension of injury in a public place, or a place where it is not permitted, or being the owner of one which inflicts actual injury while not under control, on any part of the premises, are all criminal offences.

1.6 Litter

Depositing litter on any open land of the college is an offence. The normal enforcement is a fixed penalty imposed by the enforcing body, the local education authority. It is also possible for any 'aggrieved person', which may well include legitimate users of the premises as well as the principal or governors, to bring proceedings in a magistrates' court, but this is largely for the purposes of issuing the offender with a clearance order. The complainant could expect also to be reimbursed the expenses of bringing the complaint, but the process is hardly applicable to anything less than a major, obstructive deposit which cannot quickly and simply be removed.

1.7 Vehicles

Provided that reasonable care is employed, it is always permissible to move a vehicle that is causing an obstruction on the premises, even if it is not contravening any express parking restriction. No advance warning of removal has to be given. However, if damage should be caused in such circumstances, the college could be susceptible to an allegation of

negligence. Where there is a total prohibition on students parking on the site, vehicles may always be moved without liability (whether or not they are causing an obstruction) provided that there is no actual negligence in the act of removal.

However, it is not normally permissible for a college to clamp vehicles. In the absence of express legal authority, such as a power to make by-laws, which FE colleges do not have, this act constitutes a trespass to the property concerned – except perhaps where the device is immediately removed on demand, without any precondition as to fines or charges. Several colleges (in common with other public enterprises such as hospitals), have stated clamping policies. It can be expected that organisations devoted to protecting civil liberties will be increasingly active in promoting litigation on this account. (Although posting a warning notice at the entrance which states that a clamping scheme is in operation could imply that the driver has consented to the risk by parking there, it is not necessarily safe for the owner of the premises to rely on this.)

2 Sanctions short of expulsion

2.1 Generally

The procedures outlined in the following sections, particularly those relating to suspension and expulsion, will be subject to the disciplinary rules which colleges are obliged to maintain. They relate equally to inappropriate behaviour which causes disruption or leads to inadequate academic performance, except in cases where the context indicates otherwise.

Colleges should also have grievance or complaints procedures by which students, and staff, can air formal complaints about their treatment (see Section 4 of the Appendix A at the end of this section).

Generally speaking, rules should never attempt to curtail anyone's right to appeal against any procedure applied to that person by the college, either on the grounds of its inherent unfairness or that it has not been operated in accordance with its terms. If any such provisions are made in the rules they would invariably be quashed by any court reviewing the case. It is not possible to appeal against the substantive merits of particular academic decisions, such as assessments, unless this right is given in the rules.

The considerations of natural justice* will frequently apply at various stages of these procedures, and invariably at the later more judicial stages. For more details on these, and appeal procedures generally, see Section 3 relating to expulsions.

2.2 Fines/confiscation

There is nothing, in principle, to prevent a college imposing a fine for improper behaviour, provided it be made clear in the prospectus that such a system is in operation. Any fine must be proportionate to the damage or disruption concerned. Without a declared policy, to compel a student to pay by threatening some other imposition, for example, expulsion, if he or she fails to do so could amount to an unlawful extortion.

To the above end, a college could require prospective students to pay a deposit against such possibilities as vandalism or the theft or loss of library books or equipment, so long as this arrangement is clearly stated in the prospectus. However, any money taken as a deposit should be held in a separate account, and should not be used for any other purposes pending forfeiture or return. To do so would technically convert the deposit into a loan, for which FEFC consent would be required. A clear procedure should be in place for certifying the forfeiture and releasing the funds for transfer out of the deposit account.

Staff have no implicit right in law to search students for suspected drugs, weapons or stolen property. College rules could spell out that staff are entitled to do so (in certain circumstances specified by the rules) and any refusal to comply could be made a ground for automatic suspension or exclusion. However, it will not always follow that a search may be made if resisted. By subscribing to the rules, the student has assented to what would otherwise be an infringement of his or her personal liberties, such that a reasonable degree of force is permissible in implementing the power prescribed. However, that implicit assent can always be withdrawn and any degree of active resistance on the student's part almost by definition amounts to withdrawal of consent.

Nothing in a college's prospectus or disciplinary rules would entitle it to confiscate property which is the source of disruption, other than an offensive weapon or similar instrument where the above comments about reasonable self-defence apply (see Part B, Section 1.1).Those circumstances would not themselves confer on the college any title to, or right to dispose of, the confiscated property. If the college uses the threat of some other action, such as expulsion, to exact 'consent' to remove the item it could be liable to civil* or criminal action since this could amount to theft.

2.3 *Sanctions against the person*

In view of comments above concerning students younger than 18, it will be evident that certain measures traditionally considered in relation to school pupils could be contemplated for more junior students in FE institutions. Sanctions such as detention and corporal punishment are not considered here since it is presumed that colleges would regard them as inappropriate at this level and would in any case consider it invidious to have different regimes in place for students of different ages within the same institution. For these reasons, it is not appropriate to set out here the legal argument as to why these measures are probably not available in any case against those who are still technically children.

2.4 *Temporary exclusion from the classroom or college*

Earlier comments (see Part B Section 1.1) as to the degree of force permissible to temporarily exclude a person from the classroom or college should be noted. The right to be present must be lawfully removed by a person with due authority to do so before physical force can be used. As already stated, there is implicit in every lecturer's situation the right to exclude individuals from the particular session where this is a reasonable response to the disruptive behaviour displayed. Subject to any express stipulation of the college rules, he or she would probably require higher authorisation to impose a suspension of some length.

As regards exclusion from the college, the college's rules should make clear at what level, and in respect of which premises where the institution is multi-site, staff have authority to do this. It is customary for exclusion for a period longer than the immediate session concerned to be referred to in such rules as suspension. Making such an exclusion should be supported by the specified formalities. By contrast to the situation in maintained* schools, where the power of suspension is reserved by statute to the headteacher (or her or his deputy), in the case of colleges it lies within the institution's own rules. These will normally specify that the power is reserved to the principal. Where that is the case, it implicitly carries power for a designated deputy to act in the principal's name when the latter is absent or (in emergency) otherwise unavailable. The rules should require that notification, ideally in writing, be given of the length and terms of suspension and

adequate opportunity be provided for a formal representation (as specified by the rules) to seek readmission. Generally, the following considerations as to the propriety of expulsion procedures will be applicable.

3 Expulsion

3.1 Generally

To carry out an expulsion, the college should scrupulously observe all relevant procedures. The power of expulsion must accordingly be explicit in the prospectus or disciplinary rules, in relation to the particular offence alleged. (In the unlikely event of it not being spelled out, it will not be implicit for all forms of transgression, and if operated could well give rise to an action for damages.)

There are provisions applicable only to senior institutions with academic boards. The Articles of Government require such boards to advise the governing body on the procedures appropriate to expulsion on academic grounds. Provided that the governing body gives proper consideration to any such advice, it does not have to accept it. With respect to expulsion on other grounds it remains the governing body's sole prerogative to frame the rules.

The board has no function to advise on expulsion or otherwise, even on academic grounds, in individual cases: that is entirely a matter for the staff or governors so designated in the rules. (It would not be technically impossible for the academic board to be constituted as the relevant committee for appeal purposes, but for a variety of reasons would be undesirable and possibly unworkable.)

3.2 Notification

Due notice (as required by the rules) of the expulsion and the reasons for it should be given, ideally in writing (to the parent or guardian in the case of a child younger than 18). This notification should contain sufficient advice of the following matters.

The relevant procedures should allow the individual to make formal representation to a committee or staff member designated for this purpose, prior to the expulsion taking effect. If the matter is one of urgency, expulsion may be preceded by temporary suspension, but the procedure should afford the same scope for that suspension also to be revoked, following representations, pending the determination of the expulsion itself.

3.3 Hearings

If the staff member or committee dealing with the case is to receive anything other than written testimony from the person responsible for authorising the expulsion, then it should equally allow the same right of personal audience to the student or his chosen representative(s). Following such body's confirmation of expulsion, it may be made effective by way of the formalities prescribed by the disciplinary rules, and thereafter a right of appeal should be afforded.

Appeals should be to a body which has been constituted to avoid any suspicion of bias. Any persons involved as arbiters in the case at any previous stage should not be members of the appeals committee. An individual could appear as a witness before both the pre-expulsion and the appeal bodies, but having done so should not act as 'judge' at any subsequent stage of the process.

Individuals making the appeal are entitled to expect:

- that their judges will be disinterested and impartial; this means that those deliberating on the merits of the case and taking the effective decision at review and appeal stages must not include anyone previously active in the matter; this is the minimum requirement – the general principle is that any possibility of bias may invalidate; actual bias is not necessary.
- that the formal accusation will be clear; for example, an appeal process should not oblige students threatened with expulsion to lead off by exonerating themselves from a charge which has not first been clearly formulated; neither should they be obliged to defend their conduct at large
- that they will hear the accusation made against them, which includes that:
  - no part of the proceedings should take place in the absence of one side only – a student may not be asked to withdraw from a hearing while the witness against him or her (or, for example, the principal arguing for the expulsion) remains to confer with the 'tribunal'
  - any evidence that is secondhand (hearsay) or reduced to writing and not subject to perusal by the individual making the appeal and to cross-examination is inherently unreliable
  - committees must not consult documents offered by the accusers that are not available for examination (including adequate time for evaluation) by the accused
- that they will have freedom to present their case in the manner they consider most effective, including full discretion as to whether or not to make their submissions via a representative, and what witnesses to call; committees should err on the side of caution with regard to ruling out a line of presentation as irrelevant or out of order.

The following are the most important matters for which properly drawn procedural rules ought to provide. They need to:

- designate the person(s) authorised to suspend or expel a student
- define the constitution of the review bodies/appeal committees at each separate stage, including designation of the chair
- spell out their powers, in terms of the decisions at which they are empowered to arrive (such as, confirm, defer, make conditional, over-rule)
- specify voting procedures, whether by a simple majority, whether or not with a casting vote by the chair
- make provision for adjournment if required (for example, for avoiding any unfair disadvantage flowing to either party by reason of last-minute disclosure of material documents)
- ensure that a proper written record of proceedings is maintained (including in camera* deliberations, bearing in mind that these could become the matter for judicial investigation, and ought to be capable of standing up to scrutiny; they should be dictated by accuracy rather than undue reticence - anything that is involved in shaping a decision should be recorded as doing so; where there is any doubt as to the suitability of something appearing on the record, this may be an indication that it is suspect as a contributing reason)

- provide for the decision being communicated to all parties, including the grounds on which it has been reached (but not necessarily a full summary of all in camera proceedings)
- allow committees to determine their own procedure on all matters not regulated by the rules.

The person defending the appeal (be it the principal, head of department or whoever) is no less a party to the proceedings than the person making the appeal, and is equally entitled to the protection of the principles of natural justice outlined above.

It does not automatically follow that a feepaying student who has been duly expelled forfeits any balance of fees attributable to educational services contracted for and not received. To avoid argument, forfeiture upon due expulsion should be specified in the college's prospectus, Articles or disciplinary rules.

3.4 Non 'genuine' students

There is no reason in principle why any person perceived as a non-bona fide student, who has managed to register, for example, purely for some covert purpose of commercial promotion, should not be expelled under the arrangements relating to unsatisfactory academic performance. The practical difficulty may be that unless the college's rules spell out this case as one justifying immediate resort to expulsion, it will need to plough through a series of largely irrelevant stages in a process laid down primarily for other purposes. The unusual nature of the case would not justify the college's failure to observe its proper procedures. The right to remain on roll is subject only to the express powers for removal.

4 Learning agreements

Notional 'contracts' between teaching institutions and their students are a current trend. Such devices in the secondary school context, although they have recently achieved legislative sanction, confer no effective powers on the institution and remain largely valueless, and undesirable, in introducing a measure of bluff. In the FE sector, with its more open disciplinary ethos, they are probably harmless, but should be recognised as having largely psychological virtue.

Colleges which perceive it useful to write such a scheme into the appropriate stage of their general disciplinary processes, notwithstanding those limitations, could do so. They could require individual students to sign agreements whose breach would automatically lead to either suspension or expulsion, or other specified action. Such a provision could not be implemented arbitrarily or unreasonably, and the arrangement would not add greatly to a college's legal powers in this area.

Appendix: Documentary framework

A Colleges with governing bodies incorporated under the 1992 Act

1 Articles of Government

Made under statutory instrument 1957/1992 (institutions for full-time 16 to 18-year-olds) or 1963/1992 (others). These statutory instruments themselves derive from Section 21 of the 1992 Act. Under that section, separate Articles are allowed for in the case of colleges formerly existing as grant-maintained schools, but FEFC advice is that no such institutions have been incorporated under the 1992 Act.

2 College's rules governing behaviour, admission, suspension and expulsion

Made under Article 14(2) or 15 respectively of the above Articles. These rules should be freely available to all students (ideally circulated with other material on induction). The Association of Colleges has prepared a set of suggested disciplinary rules.

3 College charter

Non-statutory. The 'expectation' that such documents will be created, expressed in John Patten's introduction to the 1993 Charter for Further Education, achieves its effective force by virtue, implicitly, of the FEFC's power in Section 5(6)(b) of the 1992 Act to make funding conditional. However, colleges have a measure of independence as to the contents of their charters, as is reflected by the widespread disparity of treatment in practice.

The national charter, although its terminology is that of a 'right to expect', seems to impose little in the way of enforceable obligations on individual institutions vis à vis individual students. While it is not suggested that colleges should do otherwise than attempt to observe all of that document's requirements, failure to do so in isolated cases is unlikely to lead to legal sanctions. However, the present tendency of the courts to construe public arrangements as conferring enforceable private expectations could well impinge on this forecast. Its guidance on disciplinary procedures, security and safety matters (page 17) and support and counselling regarding personal problems (page 18) are all examples of recommendations to which colleges would wish to conform.

The college's own charter is much more likely to prove a source of litigation. The possible significance of such matters as a charter commitment relating to the availability of up-to-date textbooks has already been noted. Such possibilities put colleges in a dilemma. On the one hand they want to enter into the spirit of the charter scheme and include clear and quantified obligations, but on the other they often feel held back from doing so by the traditional and not unreasonable wish of public bodies to avoid incurring unnecessary liability, with its adverse impact on public funds. Colleges will have to take a policy stand one way or the other. Some charters seem to betray a difficulty in doing so. If a college decides to adopt a cautious stance, specifics would need to be qualified by generalised or conditional terminology (such as 'normally', 'for example, ...'). If it wants to be specific and meet the consequences head on, it will need to check that its charter commitments are compatible with the college's rules. In this case, it would also be sensible to write a disclaimer of any contractual force of the charter into those documents which are actually imported into the contractual or quasi-contractual relationship – the admission papers and surrounding correspondence, and the college prospectus.

4 Grievance procedures

The Articles of Government require colleges to have in place an adequate procedure for dealing with staff complaints. The national charter extends this to give students a similar expectation (see the second section on page 23 of the Articles).

B Designated institutions (Under Section 28/1992 Act)

1 Formerly voluntary-aided schools

The mandatory Articles of Government, which are subject to approval by the Secretary of State, are likely in all cases to be those of the former institution, which will invariably, under the 1986 Education (No 2) Act, since consolidated, have contained provisions parallel to those referred to in Section A above.

2 Unincorporated institutions

The mandatory Articles of Government are again likely in all cases to be those of the institution prior to its designation for funding purposes by the Secretary of State. The Secretary of State has power to exempt such an institution from the requirement to have Articles, but it would be surprising if any such exemptions have been made.

3 Institutions run by companies

It is assumed that the Secretary of State's power to require the amendment of the Company's Articles of Association as necessary will, once again, have been exercised so as to ensure that similar processes to the above (Section A) are in force.

Glossary of legal terms

1992 Act: Further and Higher Education Act

1993 Act: Education Act

1995 Act: Disability Discrimination Act

Breach of the peace: Actual personal harm, or damage to property, or conduct giving rise to the probability or fear of such.

Civil action/liability/rights etc: Rights or proceedings of the individual against another, as opposed to criminal matters where the individual transgresses against the community as a whole and where enforcement is normally a matter for the public prosecuting authorities (such as the Crown Prosecution Service, local authorities) – although there are cases where private prosecutions may be brought. 'Individual' for this purpose can mean either a person or an institution.

Common law: Principles drawn from case law, as opposed to those laid down by statute. (The term has alternative, highly technical meanings, but is not so used in this document.)

Compulsory school age: A person ceases to be of compulsory school age upon the prescribed school-leaving date within the school year in which he or she becomes 16, the school year for this purpose being taken to continue up to the start of the following year, that is, the first day of the autumn term. Since the latter may vary from one LEA to another, it follows that persons may attain school-leaving age in different years, according to the area in which they live. This could affect persons with birthdays in early September (or exceptionally August, if any LEA operates school years starting in that month).

DDA: Disability Discrimination Act, 1995.

Governing body/governors: The corporation, in the case of bodies incorporated under Section 16 of the 1992 Act; the governing body incorporated under the 1993 Act, in the case of former voluntary-aided schools; the board of directors in the case of a company; the persons so specified in the Articles, in the case of unincorporated institutions.

Harassment: Where a statute supplies no definition, it is permissible to begin by referring to the received meaning in ordinary usage as reflected by standard works of reference, such as the Oxford English Dictionary which defines it as: 'To vex by repeated attacks, to trouble, worry'.

HSW: Health and Safety at Work

In camera: Proceedings of a court or tribunal taking place behind closed doors, that is, after withdrawal of the parties (as distinct from 'private' hearings which are those not open to the general public).

Injunction: A discretionary power of the courts (that is, claimants do not have the same automatic right to it as they have to damages for a breach of contract, for example) to restrain a person from committing some specified behaviour (or much more rarely to take some positive action), for example, entering particular premises. The claimant must normally show that the injunction is necessary to protect some substantive right which if infringed would itself be actionable.

In loco parentis: Having certain of the normal parental responsibilities, and corresponding powers, towards children in one's temporary care (most commonly applies to school teachers, since legal disabilities normally only attach to children younger than 16).

Judicial Review: A procedure for challenging in the High Court the propriety or legality of the actions of certain public bodies. The powers of the court are discretionary and will normally result only in overturning the action complained of or directing the body concerned to take some remedial action, typically to reconsider the matter from the beginning.

Maintained: Maintained by a local education authority. (The word is used variously in education statutes, sometimes having the alternative meaning of including grant-maintained schools.)

Natural justice, rules of: Principles of equity between the parties in litigation, by virtue of which the courts can 'police' the proceedings of most tribunals of a judicial nature, such as appeal committees. (Their effect is as set out in Section B3.3 above.) They do not normally apply to the purely administrative acts of public bodies, although the separate remedy of Judicial Review (see above) may be available where such acts impinge on the normal expectations, welfare or liberties of the private citizen.

Person with learning difficulties: A person either suffering from a disability which would impede the use of facilities normally provided for those of the same age, or having significantly below-average learning capacity, whether or not stemming from inherent disability; in neither case can this 'disability' consist solely of the fact that the language of instruction is not the mother tongue.

Trespass: A normally civil (see above) infringement of the personal, land or property rights of another.

Index to the legal section

(Entries are given by section number)

learning

FEDA Further Education Development Agency

Future directions

8

Future directions

For many colleges, carrying out the self-assessment included in this manual will reveal that there is much to do to address the issues surrounding disruptive behaviour in their institution. This is no bad thing. Acknowledging the extent of disruptive behaviour has become more acceptable at all levels. The more colleges that recognise the situation, the more chance there is of developing co-operative approaches to managing and addressing the problems and to disseminating effective practice through seminars, networks and events.

All eight colleges taking part in this project found the cone model, self-assessment schedule and action planning approach invaluable in promoting a whole-college approach and in focusing on the issues pertinent to its institution and its surrounding community.

It is important not to be overwhelmed by the extent of the issues that will probably emerge as needing attention once you have completed the self-assessment. Use the action planning approach to prioritise so you know where to start, and to set targets to ensure progress is continuous.

The following general indicators of progress at each level of the cone model will help you to keep a check on the progress that your college is making. This is followed by a section on key messages for the sector which will need to be addressed by those involved in policy-making, that is the Government and the key national FE bodies.

Indicators of progress

Strategic level

- Identify clear values and incorporate them within the mission statement and policies.
- Create cross-college working parties and focus groups to develop, implement and monitor policy.
- Develop executive-level plans and decisions bearing in mind the effects on student curriculum results, student perceptions and student behaviour.
- Network with other colleges and agencies to develop policy and good practice in preventing and managing disruptive behaviour.
- Resource the development of new approaches to:

– achieving mutual respect between all college users
– enhancing and developing student self-esteem
– enhancing and maintaining staff self-concept.

Systems level

- Develop student induction and initial assessment procedures.
- Involve students more effectively in all college systems including community liaison.
- Develop and build the college teams so that teamwork is more effective throughout the institution.
- Identify the needs for 'remedial' staff development and produce relevant staff development opportunities.
- Use staff appraisal systems positively to encourage the sharing of concerns about behavioural problems.
- Offer generic and specific staff training and development programmes to help ensure that all staff take a consistent approach in preventing and managing behavioural problems.
- Develop more open and pro-active networks with and referral systems to other agencies.
- Develop behavioural performance indicators.

Delivery level

- Have versatile teachers offering a range of strategies to match varying learning styles and needs.
- Ensure that all members of staff are confident in promoting positive behaviour, preventing disruption and handling disruptive incidents.

Legal aspects

- Have policies for all contentious matters with college governors accepting responsibility unless they have recorded individual dissent.
- Maintain an up-to-date assessment of health and safety risks and provide students with a safe environment for working and learning.
- Take steps to prevent students from exposure to violent behaviour by others, including bullying.
- Provide a safe working environment for staff.
- Provide up-to-date training for staff to enable them to work safely.
- Take measures to prevent vandalism and disruptive behaviour 'spilling out' into adjoining property.
- Ensure that staff do not condone any form of criminal behaviour.
- Provide equitable services so that all user groups are adequately catered for.
- Acknowledge the college's 'in loco parentis' obligations to students younger than 18 and their parents or guardians.
- Train staff to respond effectively within the law to adverse behaviour.

- Have disciplinary rules and complaints procedures, and a publicised system of sanctions (if appropriate).
- Set up scrupulous procedures for expulsion where necessary, including appeals procedures.

Once colleges have developed policies and systems to prevent and manage disruptive behaviour, that have addressed the issues at the first two levels of the cone model, it is likely that there will be more interest and demand at the delivery level for improved knowledge and skill. This demand will hopefully provide the impetus for further research and development in this previously neglected area of FE.

Key messages for the FE sector

- Ensure that corporation members are fully aware of and able to assume full responsibilities in relation to disruptive behaviour.
- Resource and direct urgent and effective professional development to all staff in FE.
- Resource and support staff development – colleges are required by law to ensure that staff are equipped to deal with these issues.
- Help ensure that colleges are pro-active in joining with local primary and secondary schools and community organisations in creating 'whole-life' longitudinal approaches to managing disruptive behaviour.
- Assess and address the resource and responsiveness issues arising from the *Learning works* (Kennedy, 1997) and *Inclusive learning* (FEFC, 1996) reports and the Welfare to Work programme and changing patterns of learning qualifications.
- Make behaviour management a central and compulsory part of all initial and in-service general teacher development, training and qualifications.
- Develop appropriate sanctions up to and including exclusion as part of an agreed national agenda for disruptive individuals and groups.
- Address the effects of the worst and most insensitive applications of the 'business and bottom line' approaches to managing staff. A 'culture of mutual respect' has clear implications for management practices and for conditions of service. Is the term 'human resource management' counterproductive here. It can imply that students are seen merely as units of resource.

This project began from the recognition that disruptive behaviour is an increasing problem for society as a whole. Since colleges are microcosms of society at large, the problems of that society will permeate through them. As a result, FE sector colleges are drawn into the wider debate about the:

- extent to which disruptive behaviour is relative to a given context, culture, society or period in history
- incidence of disruptive behaviour among particular groups within society based on gender, age, class and ethnicity
- relative importance of biological and environmental factors in influencing behaviour
- ethics relating to behavioural change and discipline.

This publication has only touched on some of these sensitive issues. It has sought to take a fair and pragmatic approach while also imparting sound legal advice and information. It has also revealed a number of signposts for the direction of future research and implementation.

Whole-school approaches to preventing and managing disruptive behaviour are well documented and positively evaluated. While the colleges involved in this project embraced the whole-college model, they did not have the time or the resources to implement it fully within the lifetime of the project. They were advised to 'think big but start small'. For the most part, FE sector colleges are much bigger than schools and the sheer size of many FE institutions prevails against the development of whole-college initiatives in many areas. Nevertheless, the authors strongly advocate this approach and welcome feedback from those who take the initiative.

References, bibliography and acronyms

References

Back K and K Back (1982) **Assertiveness at work**. McGraw-Hill

Beels, C, B, Hopson and M Scally (1988) **Lifeskills now**. Lifeskills

Berne, E (1956) **Games people play**. Penguin

Bloom, B (1956) **Taxonomy of educational objectives**. Longman

Breakwell, G (1989) **Facing physical violence**. BPS and Routledge

Canter, L (1989) Assertive discipline – more than names on the board and marbles in a jar. **Phi Delta Kappan**. Vol 71 No 1 p41–56

Canter, L (1990) Assertive discipline. In M Scherer *et al.* (1990) **Meeting disruptive behaviour: assessment, intervention and partnership**. Routledge

Dearing, Sir Ron (1996) **Review of the qualifications for 16–19 year olds**. SCAA

DES (1989) **Discipline in schools**. Report of the Committee of Enquiry (The Elton Report). HMSO

DFE (1993) **The charter for further education UK**. DFE

DFE (1994) Pupil behaviour and discipline. **Circular 8/94**. DFE

DFEE (1997) **Excellence for all children**. Green Paper. DFEE

Dusay, J (1980) **Egograms**. Bantam

Dunnet, G and Dalton, P (1992) **A Psychology of living**. Chichester

Education (1995) Victims of bullying seek redress. **Education**. Vol 1 No 186 p3

FEDA/AoC (1997) **Health and safety pack**. FEDA/AoC

Federn, P (1953) **Ego psychology and the psychosee**. Maresfield Reprints

FEFC (1996) **Inclusive learning**. Report of the Learning Difficulties and/or Disabilities Committee. HMSO

FEFC (1996) Arrangements for considering complaints to the council under the charter for FE. **Circular 95/20**. FEFC

FEU (1993) **Learner support services in FE**. FEU

FEU, TA and SKILL (1989) **Learning support – A staff development resource pack for those working with learners who have special needs**. FEU/TA/SKILL

Fontana, D (ed) (1984) **Behaviourism and learning theory in education**. Scottish Academic Press

Gagne, RM (1973) **The condition of learning**. Holt, Rhinehart and Winston

Gibbs, G and A, Jenkins (eds) (1992) **Teaching large classes in HE: How to maintain quality within reduced resources**. Kogan Page

Gibbs, G, Rust, C, Jenkins, A and Jaques, D (1994) **Developing Students' Transferable Skills.** Oxonian Rowley Press Ltd

Gribble, B (1993) **Behaviour management for teachers**. Bangor Monographs

Hand, J and Wright, W (1997) **Youth work in colleges: building on partnerships**. FEDA

Hutchings, S, Comins, J and Offiler, J (1991) **The social skills handbook**. Winslow Press

Kelly, GA (1955) **The Psychology of Personal Constructs.** Norton (reprinted by Routledge in 1990)

Kennedy, H (1997) **Learning works: widening participation in further education**. Report of the Widening Participation Committee. FEFC

Lewis, B and Pucelik, F (1985) **Magic of NLP demystified: a pragmatic guide to communication and change**. Portland, OR: Metamorphous Press

Lifeskill (1991) **Lifeskills now**. Open learning workbooks. Lifeskill

Lowenstein, L.F (1994) The intensive treatment of bullies and victims of bullying in a therapeutic community and school. **Education Today**. Vol 44, No 4 p62–68

Maines, B and Robinson, G (1994) **The no blame approach to bullying**. Paper presented to the BAAS meeting (8.9.94). Lame Duck Publishing

Maines, B and Robinson, G (1991) **Stamp out bullying**. Lame Duck Publishing

McGill, I and Beaty, L (1992) Action learning. Kogan Page

McManus, M (1989) **Troublesome behaviour in the classroom**. Routledge

Mitchell, C (1997a) **Educational psychologists in FE**. FEDA

Mitchell, C (1997a) **Transforming teaching**. FEDA

Mitchell, C (1995) **Learning styles**. FEU/FEDA

Mullins, L (1989) **Management and organisational behaviour**. Pitman

NASUWT (1998) **Pupil violence and serious disorders in schools**. Survey report. NASUWT

NATFHE (1996) **Harassment at work: how to deal with it**. NATFHE

O'Connor, J and Seymour, J (1990) **Introducing neuro-linguistic programming**. Crucible

Richardson, C (1991) **Negotiating assertively**. Pavilion Publishing

Rogers, B (1990) **You know the fair rule**. Longman

Rutter, M, Maughan, B, Mortimore, P and J Ouston (1979) **Fifteen thousand hours**. Open Books

Sheffield LEA bullying project (1993) **Bullying – don't suffer in silence**. (Based on the outcomes of the DFE-funded Sheffield University anti-bullying project)

Tomlinson, J (1996) **Inclusive learning**. FEFC

Topping, K (1992) Co-operative learning and peer-tutoring: an overview. **The Psychologist**. Vol 5, No 4 pp151–157

Walklin, L (1990) **Teaching and learning in further and adult education**. Stanley Thornes

Bibliography

Albert, Linda (1989) **A teachers guide to co-operative discipline**. American Guidance Service

Anderson J (1989) **Thinking, changing, rearranging: improving self-esteem in young people**. Portland OR: Metamorphous Press

Ayres, H, Clarke, D and Murray, A (1995) **Perspectives on behaviour**. Fuston

Balson, M (1997) **Understanding classroom behaviour**. 3rd edition. Arena

Beck, AT (1989) **Cognitive therapy and emotional disorders**. London: Penguin

Bernard, M and Joyce, M (1984) **Rational emotive therapy with children and adolescents**. New York: J Wiley and Sons

Berne, E (1958) Transactional Analysis: a new and effective method of group therapy. **American Journal of Psychotherapy**. No 12 pp735–43

Brandon, D (1997) **Learning together – how gentle teaching helps people with challenging behaviour**. Minehead: Hexagon Publishing. (A training pack is also available)

Brandes, D & Ginnis, P. (1986) **A Guide to Student-Centred Learning**. Blackwell

Brown, GA and Edmondson, R (1983) Asking questions. In Wragg, EC (ed) **Classroom teaching skills**. Routledge

Canfield, J and Wells, HC (1993) **100 ways to enhance self concept in the classroom**. Allyn and Bacon

Canter, L and Canter, M (1976) **Assertive discipline: a take charge approach for today's educator**. Canter and Associates

Charles CM (1985) **Building classroom discipline: from models to practice**. 2nd edition. Longman

Cheshire Social Services (1993) **Guidance to staff on violence by clients**. Cheshire Social Services

Chisholm, B *et al.* (1986) **Preventive approaches to disruption (PAD)**. Thomas Nelson

Clark, N and Phillips, K (1984) **Unfinished business**. Gower

Cook, WS (1975) Easing behaviour problems. **Special Education: Forward Trends**. Vol 2 No 1 pp15–17

Cooper, P *et al.* (1994) **Emotional and behavioural difficulties: theory to practice.** Routledge

Dalton, P and Dunnett, G (1992) **A psychology for living**. Wiley

Davies, W (1998) How not to get hit. **The Psychologist**. Vol 1 No 5 pp175–6

Dempster, M and Raff, D (1992) **Class discussions: A powerful classroom strategy**. Hawker-Brownlow Educational

DFE (1994) **Pupils with problems**. HMSO

Dobson, KS (ed) (1988) **Handbook of cognitive-behavioural techniques**. Hutchinson

Dreikurs, R, Grunwald, B and Pepper, F (1981) **Maintaining sanity in the classroom**. 2nd edition. Addison-Wesley

Dubelle, S and Hoffman, C (1984) **Misbehavin': solving the disciplinary puzzle for education**. Technomatic Publishing Co

Farmer, A *et al.* (1991) **Positive school discipline: a practical guide to developing policy**. Pitman

FEFC (1994) **Quality and standards in FE in England – Chief Inspector's Annual Report 1993-94**. Coventry: FEFC

FEFC (1995) Arrangements for considering complaints to the Council under the Charter for Further Education. **Circular 95/20**. FEFC

FEU (1995) **The preparation of self-assessment reports**. FEU

Fritchie, R (1991) **Working with assertiveness**. Trigger Video Productions

Galvin, P and Costa, P (1994) **Developing a behaviour policy and putting it into practice**. Positive Behaviour Service, Leeds City Council

Gordon, T (1978) **Teacher effectiveness training**. Fodor

Gray, J and Richer, J (1988) **Classroom responses to disruptive behaviour**. Routledge

Greenhalgh, P (1994) **Emotional growth and learning**. London: Routledge

Harris, J *et al.* (1996) **Physical interventions – a policy framework**. Bild Publications

Harris, J and D Hewett (1996) **Positive approaches to challenging behaviours**. Bild Publications

Harrison, J (1997) **Understanding children**. Arena

Health and Safety Executive (1990) **Violence to staff in the education sector**. HMSO

Hewson, J and Turner, C (1992) **TA in management**. The Staff College

Holland, S and Ward, C (1990) **Assertiveness: A practical approach**. Winslow Press

Houghton, S, Wheldall, K and Merrett, F (1988) Classroom behaviour problems which secondary school teachers say they find most troublesome. **British Education Research Journal**. Vol 14 No 3 pp297–312

Hyndman, M and Thorsborne, M (1992) **Bullying: a school focus**. Paper presented to the Queensland Guidance and Counselling Association Conference, Queensland

Johnson, D, Johnson, R and Holubec, EJ (1993) **Co-operation in the classroom**. Interaction Book Co.

Kaplan, RM, Konecni, VJ and Novaco, RW (1983) **Aggression in children and youth**. Kluwer Publications

Kazdon, A (1994) **Behaviour modification in applied settings**. Brooks/Cole Publishers

Lawrence, D (1996) **Enhancing self-esteem in the classroom**. Chapman

Lloyd, L (1990) **Classroom magic**. Metamorphous Press

Lovett, M (1996) **Learning to listen – positive approaches and people who are difficult to serve**. Kingsley

Masheder, M (1989) **Let's co-operate**. Peace Education Project

MBA (1992) **Transactional analysis**. MBA Video Productions

McBrien, J and Felce, D (1992) **Working with people who have severe learning difficulty and challenging behaviour: a practical handbook on the behavioural approach**. Bild Publications

McConnan, S (1990) **Interpersonal communication: your choice, personal skills choice**. Nelson

Montgomery, D (1989) **Managing behaviour problems**. Hodder and Stoughton

More, W (1996) **Handling aggression and violence in education**. (A training pack is also available) Pepar Publications

Nabukoza, D and Smith, PK (1992) Bullying in schools: mainstream and special needs. **Support for Learning**. Vol 7 No 1 pp3–7

NASUWT (1986) **Pupil violence and serious disorder in schools**. Survey report. NASUWT

NATFHE (1996) **Harassment at work: how to deal with it**. NATFHE

Nelsen, J (1987) **Positive discipline**. Ballantyne Books

Olweus, D (1978) **Aggression in the schools: bullies and whipping boys**. J Wiley

Olweus, D (1984) Aggressors and their victims: bullying at school. In Frude, N and Gault, H (eds) **Disruptive behaviour in school**. Wiley

Pepler, D (1991) **The development and treatment of childhood aggression**. Lawrence Erlbaum

Rakos, R (1990) **Assertive behaviour**. Routledge

Rees, S and Graham, R (1991) **Assertion training**. Routledge

Rigby, K and Slee, R (1997) **Bullying in schools**. Jessica Kingsley

Robertson, J (1989) **Effective classroom control – understanding teacher-pupil relationships**. 2nd edition. Hodder and Stoughton

Rogers, B (1994) **The language of discipline: a practical approach to effective classroom management**. Northcote House

Rogers, B (1994) **Behaviour recovery: a whole-school programme for mainstream schools**. Longman

Rogers, W (1989) **Decisive discipline: Every move you make, every step you take**. (A video learning package: two videos and a workbook.) The Institute of Educational Administration

Rogers, W (1989) **Making a discipline plan**. Nelson

Rogers, W (1991) Attention deficit disorder. **Behaviour Problems Bulletin**. Vol 5 No 1 May pp12–19

Rogers, W (1991) **Dealing with procrastination**. Set no 1. ACER

Rogers, W (1993) The world of cue – non verbal communication in the classroom. In Evans, D, Myhill, M and Izard, J (eds) **Student behaviour problems**. ACER

Rogers, W (1993) Taming bullies – a whole school focus. **Classroom**. May pp12–15

Rosenthal, RO and Jacobson, L (1992) **Pygmalion in the classroom**. Irvington Publications

Saltzberger-Wiltenberg, E (1993) **The emotional experience of teaching and learning**. Routledge

Seligman, M (1991) **Learn optimism**. (Audio book.) Simon and Schuster

Slee, R (1994) **Changing theories and practices of discipline**. The Falmer Press

Slee, R (ed) (1989) **Discipline and schools: a curriculum perspective**. Thomas Nelson

Smith, PK and D Thompson (eds) (1991) Practical approaches to bullying. David Fulton

Smith, C and R Laslett (1992) **Effective classroom management: A teacher's guide**. 2nd edition. Routledge

Southern Health and Social Services Board (1990) **Violence to staff in social services departments**. Whiting and Birch Ltd

Steed, D and Lawrence, J (1988) **Disruptive behaviour in the primary school**. University of London

Stewart, I and Joines, V (1987) **TA Today**. Lifespace

Walker, J and Shea, T (1991) **Behaviour management**. Maxwell Macmillan International Editions

Wheldhall, K (ed) (1991) **Discipline in schools: psychological perspectives on the Elton Report**. Routledge

Wheldall, K and F Merrett (1990) The behavioural approach to classroom management. *In* Wragg, J (ed.) **Talk sense to yourself: a program for children and adolescents**. Longman

Acronyms

ALF – average level of funding
BICC – Bradford & Ilkley Community College
BMG – behaviour management group
DDA – Disability Discrimination Act
DFE – Department for Education
DoSS – director of student services
EBD – emotional and behavioural difficulties
EFL – English as a Foreign Language
ESOL – English as a second or other language
FEFC – Further Education Funding Council
FTE – full-time equivalent
hpw – hours per week
HSW – Health and Safety at Work
IiP – Investors in People
JNC – Joint National Council
LEAs – local education authorities
NASUWT – National Association of Schoolmasters/Union of Women Teachers
NATFHE – National Association of Teachers in Further and Higher Education
NFER – National Foundation for Educational Research
NNEB – National Nursery Examinations Board
NUS – National Union of Students
PCP – personal construct psychology
PRUs – pupil referral units
QMS – Quality Management System
RE – religious education
SEN – special educational needs
SLDD – students with learning difficulties and disabilities
SQM – student quality manager
TA – transactional analysis
TEC – training and enterprise council
VP – vice-principal
YLW – youth liaison worker

learning

FEDA Further Education Development Agency

AIN'T MISBEHAVIN'

Appendices

Appendices

Appendix 1 Role of youth workers at Luton Sixth Form College

Job Description

Job title College Youth Worker

Responsible to Head of Additional Support

Job purpose To develop a focus for students outside of their studies, encouraging participation in meaningful activities and reinforcing positive attitudes to one another, to the college and to the community, all in accordance with college policies.

Salary/hours The contract would be term-time only to 18th July 1997 in the first instance and for 37 hours per week. The actual salary for a 38 week year (2nd September to 18th July) is £9731 – £12217 (points 22–29 of the Sixth Form Colleges' Support Staff Pay Spine – £11660 to £14639 for a 52 week year). Pay award pending. Any agreed holiday work would be in addition.

Note The college would consider two part-time appointments. Please indicate clearly in your letter of application whether you wish to work for 37 hours per week or part of this.

Main responsibilities

1. To establish relationships by getting to know the college students. To gain their respect and provide support individually and in groups, including self-help groups.
2. To respond to students' needs by organising and overseeing activities, and helping students to develop the skills necessary to undertake responsibility and decision-making themselves.
3. To liaise with other providers of activities in college in order to develop and promote a coherent programme offer to students which encourages the widest possible participation.
4. To facilitate the work of the Student Council (which is elected twice yearly and meets fortnightly).

5. To liaise and work with local authority and voluntary bodies providing support for young people in the community and ensure information on local and national initiatives is actively promoted within college.
6. To review with college staff the implementation of the student activities on offer and identify means of addressing concerns. To help identify any student thought to be at risk. (Faculty directors, senior tutors, student counsellor and security staff will support the postholder.)
7. To work with groups of students, particularly young men, on self-awareness team and leadership skills.
8. To facilitate inter-ethnic co-operation and esteem.
9. To encourage students to behave in a socially aware manner, in college and in the local area.
10. To assist with training of college staff as required.
11. To maintain records of students receiving support and participating in activities, prepare reports, participate in review and make recommendations.
12. To undertake any other duties of a similar level and responsibility as required by the Principal.

Person specification

The person appointed will be able to demonstrate that s/he possesses most of the following attributes or experience:

1. JNC Youth Worker qualification and/or extensive experience of working successfully with young people.
2. Knowledge of current developments in youth work desirable.
3. Experience of, or interest in, working within an educational setting.
4. Ability to organise and lead activities promoting personal skills as well as activities that will appeal to and motivate a wide range of students.
5. Approachability, together with excellent communication, liaison and mediation skills.
6. Values that will inspire respect and confidence among students and staff.
7. Ability to work independently and as part of the wider college provision for students. This includes the ability to work as part of a team.
8. Empathy with the concerns of 16–19 year old students, particularly those of young men from ethnic minorities.
9. Willingness to work flexibly in response to the needs of students and the college.
10. Ability to collect information, keep records, analyse and write reviews and reports.

Closing date for receipt of applications is Friday, 18th October, 1996
Interviews will be held on Friday, 25th October, 1996

Post to commence as soon as possible.

Youth worker

(as a member of the additional support team)

The key team within the faculty of student services was re-organised to coincide with the appointment of a new head of department in April 1996. The team consists of language and curriculum support staff, the additional needs co-ordinator, the student counsellor and the new post of youth worker. Membership of this team is planned to ensure that the postholder has the opportunity to contribute via the team to faculty and college developments and has the support of colleagues and a line manager who are in touch with student issues.

Within the college, the youth worker will be expected to liaise closely with the student counsellor and head of additional needs, the director of student services, the security officers, together with duty staff and catering staff who work in the student common - room. We anticipate that the postholder may become in some pastoral work (supporting course completion and acceptable behaviour, for example) and so link also with senior tutors. There is the potential for contact with staff in most areas of the college. Externally, contact is envisaged with those in the immediate locality as well as a wide variety of statutory and voluntary, local and national, institutions and groups which could include for example, the youth services and Duke of Edinburgh award.

It is expected that some of the youth worker's time will be spent in the student common-room and student services undertaking what has been described as "constructive hanging around". Telephone and computer facilities to assist with the arranging of activities will be available in the additional support team area or student services.

This new post of youth worker offers a very exciting opportunity for someone with flair, determination and initiative to provide and develop a much-needed service for students. The right person could quickly establish the post making the benefits of the appointment so clear that the college would be encouraged to make the appointment permanent.

The college would be prepared to consider additional payment if the postholder organised approved residential or other visits and activities in holiday periods. A normal 37-hour week is expected to offer the flexibility to include some evening or weekend work if considered appropriate.

Luton Sixth form college

Student Liaison Workers (15 hpw) Targets November 1996 – end February 1997

	Aim	Target	Action
1.	Establish links with college staff	Make and maintain links with Directors and Faculty Management Teams, staff running student activities, careers and Senior Tutors.	**Nov/Dec** Met: x,y and z (aims agreed and targets set) Produced timetable sheets for weeks starting 11/11/96 and 18/11/96. Met with x who informed me that there is a waiting list of students wishing to learn British Sign Language, to pursue options of outside tutors. Need to meet with x to discuss student magazine and its format, target audience.
2.	Audit current student activities	Identify what activities are currently available to students and identify how many students for whom the activity is an extension of a subject studied i.e sport, drama, dance, music, singing.	**Nov/Dec** By the end of this term I would have conducted this research. This term was taken up with the planning of the ice-skating trip to London.
3.	Enable Student Council to act	Support and enable Student Council to act effectively as a decision-making group and on behalf of students.	**Nov/Dec** First council meeting (election) attended. Ran first Council Officers' meeting. Attended full Council Meeting. Advised on format of meetings, e.g. all interruptions to go through the counsellor and to outside agencies as appropriate
4.	Support student activities	Show an interest in student activities. Enable desired activities to take place. Propose student activities. (The Student Council budget of £10,000 can be used)	**Nov/Dec** Moved base to student common room Visited College Islamic Society, Debating Society, Tutor Group, Library and discussed issues. Identified activities wanted by young women: women's aerobics, jazz dancing. Planned and advertised ice-skating trip. **Update:** Affiliated to Beds. Youth Association. Met with tutor groups. Also met x who gave us contact names of other staff, including *x* who will compile a list of free block periods to enable us to plan activities more effec tively. Will meet other groups in the early part of the New Year. Met with a model and casting agency. They hope to work with us in staging a variety performance – leading on to the May Ball during the Spring Bank holiday. The theme will be music from around the world, expressing thought provoking issues through dance. The ice-skating trip was a great success. We took 44 students, and they did us proud – there were no problems, and they thanked is for the evening. I felt quite appreciated. On the registration forms (see attached), students were asked to state activities/events they are interested in. With over 100 students registered, the most popular is Alton Towers and a weekend away. We are looking at combining the two as a big event during the Easter period.
5.	Make proposals to college management on student issues	Identify issues that college management can address and raise these with managers.	It has come to my attention that there are entrances to the building which are not patrolled due to insufficient security guards. The outside students know of the situation and take advantage of it.

Appendix 2 Staff questionnaire by Coleg Glan Hafren

What types of behaviour do you find challenging or disruptive?

Childish behaviour

- Students looking/jeering through classroom windows
- Female students tapping on doors (of Technology classes), running away, being silly
- Immature behaviour
- Attention-seeking behaviour
- Boasting about excessive sexual performance to gain status with friends.

Aggressive behaviour

- Fighting in laboratories (concerns about safety)
- Physical conflict
- Intimidation of peers
- Aggressive attitude towards other students
- Loud aggressive manner in public areas
- Crowding in corridors
- Violent behaviour
- Bullying
- Victimisation of individual from minority group
- Students (who are parents) coming to pick up their children from nursery when they have had a frustrating day at college. Same students showing challenging behaviour towards nursery staff
- Aggression taken out on the furniture, e.g. throwing chairs and tables.

Behaviour that inhibits learning

- Preventing other students from working and learning
- Refusal to co-operate in group situations
- Refusal to take part in classroom activities
- Undisciplined, enthusiastic (sic) students who don't listen to each other and make the role of lecturer more like that of teacher
- Loud discussions of anything other than work in hand
- Dismissive attitude, body language, etc. towards work in hand, teacher ignored
- Reluctance to accept responsibility for own learning
- Background chatting quietens when challenged, recurs when lesson resumed
- Poor punctuality and attendance
- Failure to submit work on time
- Poor concentration span.

Environmentally challenging behaviour

- Spitting
- Littering
- Vandalism
- Setting off fire alarms
- Just hanging around wasting time
- Hanging around in groups.

Relationship problems

- Disrespect for lecturers
- Oppositional attitude to authority
- Minor testing of boundaries
- Lack of respect. Passive behaviour is a far greater problem.

Antisocial problems

- Shouting/swearing
- Open defiance
- Disobeying rules and guidelines
- Banter between students overflowing into hostility
- Hyperactivity
- Noisy disruptive students disturbing other LRC users
- Being rowdy and intimidating
- Theft
- Students using the LRC as a common room, having to be told day after day to keep the noise level down
- Students staring defiantly at me when asked to be quiet, or ignoring me.

Appendix 3 Sheffield LEA Bullying Project

The Sheffield LEA Bullying Project (1993), involving 7,000 pupils in 17 primary schools and seven secondary schools, shows that one in five children is being bullied, and whole school approaches have been successful. Other findings are:

- indirect verbal bullying is the one young people report causing most distress
- 'name-calling' is the most prevalent form of bullying behaviour; other forms include extortion, physical violence, spreading nasty rumours, exclusion from groups or play, damage to belongings and being threatened
- boys experience slightly more bullying than girls, perpetrate a lot more, mostly physical and giving threats, and find verbal and indirect bullying most stressful
- 35% of students who had experienced bullying reported feeling panicky or nervous in school and 22% actually felt physically ill
- in order to cope with bullying, most students choose passive strategies, such as ignoring and avoiding the bullies; about one-quarter, mostly boys, would fight back; less than one-quarter would try to resolve the situation constructively, and more than one-third did not know what to do
- a small number of persistently bullied students selected for an intensive course of assertiveness training and stress management showed a significant increase in self-esteem, identified immediately after the session and maintained up to two terms later.

Appendix 4 Croydon College's policy statement on disruptive behaviour, aggression and violence

1. A working definition:
   In terms of this policy, inappropriate behaviour is that which produces damaging or hurtful effects, physically or emotionally, in other people.

2. Croydon College aims to provide an environment in which disruptive behaviour, aggression and violence are increasingly less likely to occur.

3. Croydon College believes all its members are entitled to work and study in a safe and non-violent environment and to be treated in a respectful manner.

4. Croydon College recognises that it has both a legal and a moral responsibility to provide a safe and secure environment for its staff and student members and also for its visitors.

5. Croydon College acknowledges that the most effective development of an appropriate ethos will only be derived from a process of consultation with representatives of all interested parties and through identification of their needs and expectations.

6. The college recognises that any one of its members is capable of demonstrating inappropriate behaviour [as defined above]. Such behaviour is not the prerogative of any one group of people and therefore no member of the College can be exempt from the policy in this respect.

7. This policy is complementary to and in harmony with:

   7.1 The Equal Opportunities Policies and the Health and Safety Policy of Croydon College
   7.2 The Croydon College Charter [1995]
   7.3 The Charters for Further and Higher Education [DfE].

8. Members of the College are entitled to advice, guidance and training where necessary to enable them to meet the expectations which Croydon College has of them.

9. The College recognises that inappropriate behaviour may be demonstrated by an individual or group for many diverse and unpredictable reasons. Members of the College may find themselves confronted by such behaviour, irrespective of how skilled or carefully trained they may be to manage such events. Training, procedures and attitudes need to reflect an understanding that the threat of inappropriate behaviour can never be eradicated.

10. When an incident of inappropriate behaviour occurs any member of the College affected by that incident is entitled to expect that it will be appropriately responded to by the College through its policies and procedures.

11. Croydon College recognises the key role of training for its members, both in developing an ethos and culture which militates against inappropriate behaviour and in providing its members with the appropriate skills to manage such incidents.

12. Croydon College will seek to develop pro-active initiatives for staff and students:

    a) within the processes of application to the College
    b) within the processes of induction to the College
    c) through the curriculum
    d) through the tutorial system.

13. This policy is not only applicable to all incidents occurring on College premises. It is also applicable to incidents occurring off College premises in circumstances arising directly as part of the College courses and duties.

14. The expected standards of behaviour and conduct are set out in the Codes of Conduct applicable to staff and to students. In addition, there may be specific expectations relating to particular courses, roles and areas within the college which will be made known as appropriate.

15. The policy objectives will be achieved through implementation of the guidelines to the policy.

16. Croydon College will monitor and review the effectiveness and quality of its policy through procedures set out in the guidelines.

Introductory notes to the guidelines

The draft guidelines are deliberately incomplete and not yet fully comprehensive because the working guidelines have to include any outcomes, recommendations and systems identified through the consultation exercises [which are intended to be carried out in the summer of 1997].

The draft guidelines are intended to indicate the framework which is compatible with the philosophy behind the policy, the College policies and procedures that are in place, and the current resources for implementing this initial development of the policy.

It is anticipated that supplementary notes will provide a manual of supportive information including an outline of strategies, procedures and relevant forms. These will be included in staff handbooks.

1. *Philosophy*

The policy is based upon a philosophy which will enable the development of a positive and safer environment within which members of the College are entitled to work and study.

The policy focuses on interpersonal behaviour. Behaviour may be founded in individual predispositions but is affected by the environment and circumstances in which people operate and how individuals perceive that environment in pursuing a particular role or activity.

The College is in many ways unique as an institution whilst having certain aspects which are more or less comparable with other institutions, especially those in education. Much has been gleaned with wide-ranging research.

The membership of the college is diverse. It includes its governing body, its senior management, its teaching and its service staff and all of its registered students. In certain circumstances it could be said to include others as well; such as visitors and those on short-term agreement or involvement of various kinds. From this it can be seen that a definition of a "a member of the College" is necessarily very complex, incorporating a great diversity of individual needs, skills and expectations.

As an instrument of change, the policy must be identified by all its members as being of value and help to each of them in achieving their individual roles and meeting their particular needs.

Inevitably the examples set by others throughout the College will indicate the prevailing culture and ethos of the College.

There is a need for every member of the College to be clear about his/her particular responsibility in furthering the objectives of the policy and creating a visible, more positive and safe environment.

It is essential, therefore, to pursue a whole-college approach, both in the analysis of the current situation which provides the starting point for the policy and in the design of pro-active strategies, procedures and training.

It follows that the policy has to be an evolutionary one which can only be effectively developed over time.

For the policy to evolve in a meaningful and valued way it must be derived from a thorough process of whole-college consultation, thus ensuring that individual and group needs are identified and met within its provisions and procedures.

The policy, however, addresses an area of need already keenly felt. Staff urgently require integrated procedures, strategies and staff development.

The previous point reinforces the benefits of the chosen dual strategy of a concurrent policy and staff development. This will provide staff with immediate development and training whilst providing an invaluable forum for consultation on – and development of – the policy, leading to the development of those procedures most supportive of the College members' needs.

From this staff development, which will deliberately include both generic and specific training and also encourage a cross-college mixing of its members within training and development groups, there will be an informed base for the design and implementation of both student and staff induction. Furthermore, there will be the maintenance of a culture and ethos deemed to be beneficial for the safe and secure learning and working of all members of the College community.

2. *Definitions*

A comprehensive set of definitions of terms used in the policy and guidelines will be compiled for the working guidelines. At this stage of the policy development this was not felt to be helpful for the consultation process, hence its omission.

3. *Pro-active strategies*

3.1 Strategies

3.1.1 **Regular briefing** to all staff and to student representatives of the progress of the policy development. The main vehicle for this activity will be **noticeboard** but other means may be deemed useful from time to time, such as a specific news sheet.

3.1.2 **Staff Development** is to start immediately. This work will act as publicity for the policy while addressing urgent needs identified by staff in the College. It will also create an extremely valuable forum for consultation and further development of the policy.

3.1.3 **Consultation**: All members of the College will be consulted on the policy and guidelines in draft form. Key representatives from main College committees and forum groups will be asked to respond to ensure collective feedback. In addition, a response mechanism for everyone to contribute individually will also be offered.

3.1.4 **Presentations** to identify individuals and particular groups will ensure that key personnel are informed of the policy development and that important amendments are included at the earliest possible stage.

3.1.5 **A steering group** will be formed. Its tasks and timeframes will be clearly identified to ensure the best possible progression of the policy. {This work is well advanced.}

3.1.6 **Monitoring and evaluation**: There will be a process of monitoring, recording and evaluation established at the earliest possible time. This will focus on the effectiveness of the policy and guidelines.

3.1.7 **Induction** of new staff should include a component describing the College ethos on inappropriate behaviour, preventative strategies and College policies and procedures for dealing with such behaviour.

3.2 **Phases**

There are three key phases that all incidents of inappropriate behaviour will be divided into:

3.2.1 **A pre-phase** which includes all the environmental and personal circumstances which precede an incident

3.2.2 **An incident phase** which relates to all the circumstances and involvement of an incident of inappropriate behaviour occurring and any actions taken to bring the actual incident to an end

3.2.3 **A post-phase** which relates to all of the follow-up procedures and actions that are set in place in response to an incident having taken place.

3.3 **Programme for an improved culture**

3.3.1 A prescriptive list of actions is omitted here; this will be derived from the consultative process.

3.3.2 Activities should be designed to reduce conflicts and tensions between different groups of students or groups of staff, or groups of staff and students.

3.3.3 Activities can focus on teaching/learning activities and 'classroom' management and culture.

3.3.4 Some activities can be deliberately focused on cultural, religious, racial or minority group issues, thus supporting the **Equal Opportunities Policies.**

Some activities will be designed to develop the public culture within the College.

Language policy has a significant bearing on the activities indicated above and will remain a vital consideration throughout the work of this policy.

Further activities may support the objectives of other College policies.

3.3.5 **Staff Development** [see 3.3.1] will be used to support teams to develop initiatives, identify actions and design procedures which support and encourage a more positive culture of co-operation and mutual support.

3.3.6 Work in team meetings, focus groups, through induction programmes and in student tutorial programmes will create a more positive culture.

4. *Mapping relationship of policy*

The policy is particularly related to others which have a significant focus on behaviour.

It is important to consider if there are any ways in which this policy can be combined with others, either in whole or in part. Partial combination might include strategies or procedures that can be shared.

It is important to avoid duplication of other policies or related procedures whilst it is anticipated that it is likely to add new and positive procedures to those already in existence.

5. *Consultation*

5.1 This process is axiomatic to the policy being valued and, therefore, will help to ensure the success of the policy in achieving its objectives.

5.2 Consultation must take place as a whole-college process and be contained in periodic reviews of the policy's relevance and effectiveness.

5.3 The initial consultation has to be thorough and involve representations of all groups of the College. It will take several forms:

5.3.1 Via a pre-consultation exercise in which members of the College are invited to indicate their preferences as to the most effective ways in which they can be consulted.

5.3.2 Consultation exercises aimed at existing representative bodies of various groups within the College such as Boards of Study, Focus Groups, established Committees and Services meetings. Consultation with students will take this form essentially via the Student Association and any Student Council.

5.3.3 College-wide research will be carried out to elicit views and opinions. This research will reflect the need for the data to be capable of fast assimilation by the researcher/s. Such research may need to accommodate a structure which allows anonymous responses.

5.3.4 Via existing workshops: on stress, policy, etc., or via Focus Groups.

5.3.5 Other methods agreed useful by the researchers.

5.4 Ongoing consultations may take additional forms, some of which may be compulsory, such as:

- Via P.D. and A. processes
- Via Health and Safety Meetings
- Via team meetings

5.5 In addition, as part of the dual process of policy and staff developments, consultation may include:

5.5.1 Tasks for naming the needs people feel they have which require development or training

5.5.2 Specific consultation on staff development needs by both groups and individuals, with the assurance a programme of development and training is being designed by Education Development

5.5.3 An exploration of related concerns of behaviour that also need staff development even if they are not immediately identifiable or named within this policy.

6. *Expectations/Codes of Conduct*

It is crucial that all members of the College are fully aware of the expectations made of them by the College.

These expectations vary widely, depending on the particular group of members being discussed.

The detailed expectations will have implications for, and may indicate items for inclusion in, Codes of Conduct for both staff and students.

7. *Areas of responsibility*

The Steering Group will be defining these areas in detail over the coming period of time and monitoring the way in which these responsibilities are being carried out.

This is a whole-college policy from which no-one is exempt.

The Steering Group will have to ensure adequate resourcing for those with specified responsibilities.

Areas of responsibility will include:

7.1 Monitoring, evaluation and recording.

This will involve the Steering Group, the Director of Quality, Personnel, Security, Health and Safety, and others.

7.2 Staff Development

This will be undertaken by Education Development.

7.3 Staff induction [by Education Department].

Student induction [by Student Association, by Tutoring and Guidance, Focus Groups and by programme teams].

7.4 Response to incidents [overseen by a designated key person and backed by a recording system of actions taken].
This work could involve both support and disciplinary procedures.

8. *Generic and specific training*

Training needs will be derived from research and specialist advice as well as from consultation with members of the College [described above].

Training also provides an excellent opportunity for pursuing the consultation process.

8.1 Generic training

8.1.1 Generic training should include groups constituted from as wide a range of the College membership as possible.

8.1.2 The training affords both opportunities for skill development but also creates development of cross-college co-operation and understanding; a key objective on which the policy depends.

8.1.3 Generic training will range from awareness raising of the policy objectives to strategies and procedures, to general personal development.

8.1.4 Particular training needs to be devised to develop in students the awareness and skills appropriate to their role as responsible members of the College. This will be achieved through induction and tutorial programmes.

8.2 Specific training

8.2.1 The specific tasks and roles within the College are very diverse, e.g. front line roles, security, learning resources, working with unknown individuals, lecturer roles, etc.

8.2.2 The identified needs for particular groups of staff or for specific roles will require individually designed training and skills development.

9. *The trainers and internal/external resourcing*

9.1 Under the direction of Education Development, each area of training will be analysed and the specific skills and qualities required of the trainers for each area will be identified. This process will ensure quality delivery and appropriate development.

9.2 The policy will lead to a wide diversity of training. Different qualities will be relevant to each area of development and have implications for the particular trainer involved.

9.3 Training will be provided by in-house staff wherever possible, but it is expected that specific training roles will demand the use of external resources and staff at certain times.

10. *Monitoring and evaluation*

10.1 The procedures for monitoring and evaluating the quality and effectiveness of the policy will depend upon the Quality System.

10.2 For this process to work effectively, some additional systems and recording methods will need to be devised in order that changes over time can be measured.

10.3 Research has indicated systems of monitoring that will be helpful in designing a College system.

10.4 Many of the College systems are directed towards staff and this policy will not be different in that respect.

10.5 A valuable opportunity, however, now exists whereby a student-specific process could be devised with a significant role for the Student Association. While being complementary to the staff-generated material, it will also help in encouraging active participation in the evolution of the policy by representatives of the largest membership group in the College, i.e. the students through representation by the Student Association and Student Council.

11. *Recording and responding to incidents*

The three phases [pre-phase, incident phase and post-phase] have already been referred to. These procedures will be detailed elsewhere.

12. *Amendments to policy*

The Steering Group will have responsibility for the review of the policy during the next academic year [1997-98] with revised policy and guidelines being produced in the summer term of 1998.

Subsequently the process of monitoring the evaluation will inform the Steering Group of later amendments where deemed necessary.

13. *Final notes*

13.1 All of the above guidelines are in a draft and need expansion, further development, etc., through the consultation process and the pilot of the first 12 months from summer 1997. They do not, at this stage, attempt to provide a comprehensive manual of reference.

13.2 Throughout the policy and guidelines there are indications for the use of recording procedures which, of necessity if these are to be meaningful and usable records, will require IT systems including databases.

14. *Data protection*

The procedures will, therefore, need to take full account of the **data protection** requirements.

Appendix 5 Supporting students at risk

The first half-term is a common time for students to start to want to drop courses as well as to establish patterns of behaviour around lateness, absenteeism and problems with completing work.

It is very important from both the individual student's point of view and the centre's that we try and retain students on course.

Suggested strategies for 'at risk' issues

1 Students wanting to drop a subject

This may arise for a variety of reasons. A subject being different from what was expected; a subject being difficult; a subject being boring. It is important to stress the pragmatic nature of qualifications ie five GCSEs gets you on to three A-levels; three A levels keeps course choice at HE wide open. It may just be that not all subjects are interesting equally.

Talk through with students what it is they don't like about a subject.

Quite often students are shy about talking to subject teachers about their difficulties. Stress the importance of talking to subject teachers: trying to find time outside the lesson may be appropriate. Offer to talk to the subject teacher yourself first so that the teacher can approach the student.

Offer students the opportunity to talk to the co-ordinator. Often, all a student wants is some level of reassurance.

Remind students about the existence of workshops where they can get more support. Sort out with them when they have time on their timetable to go.

If a student is still adamant about dropping a subject:

- tell them they must continue to Christmas to give it more of a go – it is now too late to change subjects
- refer them to careers to find out the implications of changing their programmeJ
- refer them to x (GCSE) y (1st Year A-level) z (2nd Year A-level)

2 Poor attendance

It is important to talk through with students the implication of this ie they will end up failing a course. Absence may be a way of coping with not facing up to other problems e.g. difficulty with work, scared of consequences of not having done homework. If a student is younger than 18 it is important to let parents know that classes are being missed. Parents can be supportive in making sure students attend. There is a new standard letter about absence which you can send (available from site offices).

3 Lateness

It is important to follow this up. Talking through basic realities such as it takes longer than 15 minutes to get to the centre from the Angel in the rush-hour; the time you go to bed has some relationship with getting up in the morning (!) can help. For many

students coming to the centre involves a much longer journey than they had going to school and getting used to this is difficult for some. There is a standard letter again about lateness that you can send to parents (available from site offices).

4 *Problems with handing in work*

This may be because students find work difficult. Stress the importance of attending workshops to get extra help. Stress the importance of doing work the night it's set rather than waiting. This allows time to realise difficulties and attend a workshop or see the teacher. Stress the importance of writing down what homework has to be done at the end of a lesson. Stress the importance of having a folder that they can organise work in. If work continues to be a real problem and they are at risk of being asked to leave the course make sure you write to parents if students are younger than 18 so that they are in the picture.

5 *Referring students on*

If you feel a student needs to be seen by someone else, please refer them to the appropriate lead tutor:

x – GCSE/Level 2

y – Year 1 A-level/Advanced

z – Year 2 A-level/Advanced.

There may be cases where you think a student is not coping because of personal or financial problems – suggest to them that they see Doula or Jane.

(National Star Centre)

Appendix 6 Guidance on responding to disruptive behaviour by students

Bradford & Ilkley Community College

Responding to disruptive behaviour by students

1. The purpose of this document is to provide guidance to members of College staff on how they should approach and manage situations in which students behave disruptively while on College premises.

2. The guidance applies to students' behaviour in formal and informal settings in refectories, cafeterias and coffee bars; in common rooms and recreational facilities; in the College Libraries; in corridors and outside College buildings; in classrooms, workshops, studios and laboratories.

3. The key criteria by which students should measure and control their behaviour is that it should be appropriate to the situation and acceptable to the other members of the College who are present. It follows from this that:

   i) the threshold for acceptable and appropriate behaviour is dependent on the setting and circumstances

   ii) members of staff individually must establish their own definitions of the terms 'acceptable' and 'appropriate' in relation to the particular settings and circumstances.

4. Clearly there should be consistency in the staff expectations of student behaviour and in the standards that are applied. A checklist approach to determine acceptable or unacceptable behaviour will have limitations. They key point is that staff should know their own responsibility and authority for dealing with matters 'on the spot' using their own judgements.

5. i) The College Charter reminds students that they have responsibility to behave with care and consideration for other people using College facilities and to respect their rights and feelings.

   ii) Certain standards of acceptable or non-disruptive behaviour in particular locations follow directly from College rules, College and other regulations, College policies or common sense:

   - college rules prohibit smoking on College premises
   - Health and Safety regulations prohibit eating in laboratories.
   - common sense (and College rules) prohibit games of football in College car parks
   - Equal Opportunity Policy proscribes, for example, racist actions.

   Information about College rules and regulations is published in the Staff Handbook, the Management Handbook, the Students' Charter and Students' Guide.

iii) More generally, when on College premises, students should:

- observe rules, regulations and policies
- Show respect, courtesy and consideration towards others
- Show care and consideration for the fabric of the College
- Behave in a manner appropriate to their current circumstances in College, with respect to the nature of the activity in which they are engaged and the purposes that are set for the location.

Disruptive behaviour is that which contravenes these principles.

6. i) In the classroom disruptive behaviour is that which interferes with the planned course of teaching and learning, including:

- the conduct of the teacher's activities
- the progress of the learning programme set for the class
- the learning activities of individual class members.

ii) There are three levels of sanction which teachers may invoke to deal with disruptive behaviour in class:

a) an informal rebuke at the time the infringement occurs

b) exclusion from the class for that session

c) a report to the Head of Department for the disciplinary procedures to be invoked under College regulations.

Staff should use their judgement as to the seriousness or the persistence of the misbehaviour to determine which of these levels should be applied.

Teaching departments should establish particular arrangements for dealing with (b) and (c). Departments should ensure that all members of staff are briefed about the procedures to be followed.

7. i) In other College locations (for example the library, refectories, commonrooms, corridors, College grounds) disruptive behaviour is behaviour which interferes with the use of the location by other members of the College and, where appropriate, the delivery of the relevant service.

ii) All College staff have a responsibility to address instances of disruptive behaviour in these general parts of the College.

Staff should use their own judgement about how to handle the situation although College security staff should always be called where staff consider that their personal security is threatened or where they feel unable to deal with the situation. In circumstances other than these staff members should:

a) request the student to show their identity badge; this will confirm that the individual is a member of College and provide information about the student's identity

b) where the circumstances are appropriate, the initial challenge may be a general rebuke and a request that the student(s) should behave in an appropriate manner

c) where the scale of the persistence of the indiscipline requires it the member of staff should move directly to:

- summon College security staff to deal with the matter
- or, report the matter to a College manager for student disciplinary procedures to be applied. Under College regulations, individual managers/managers at particular levels have the authority to apply sanctions, either as a punishment or to allow an investigation to be completed.

8. Students may behave disruptively for a variety of reasons and staff members will seek to assess students' motivations at the time they make their judgement about the situation. It should be noted that behavioural patterns that are rooted in particular cultural traditions may be disruptive to the normal course of College life. Although such problems are not the result of misbehaviour or discipline, their disruptive impact requires that they be subject to this guidance. Staff members would expect to act sensitively in dealing with such circumstances.

Appendix 7 City and Islington College: code of conduct and procedures for dealing with conflict in the learning resource areas

The Learning Centre

Code of Conduct

- Always have your student ID card with you when you use the centre.
- You must show your student ID card to any member of staff who asks for it.
- Please respect the activities of other users, especially those who need to study in a quiet environment.
- Please do not EAT or DRINK in the Learning Centre.
- PERSONAL STEREOS must not be heard by other users of the learning centre.
- MOBILE PHONES must be turned off before you enter.
- Abusive language or behaviour which contravenes the student disciplinary code will not be allowed in the Learning Centre.

Handling conflict in the learning resource areas

- The Learning Resources/Learning Centre Code of Conduct will be reviewed every year and amendments made if necessary.
- Copies of the Code of Conduct will be made available to students when they enrol in the Learning Centre and during induction.
- Students without ID cards may not enter the Learning Centre/Resource Areas. If a student has gained access to the building without an ID but with their tutor's permission, they may attend classes, but may not use the Learnin Centre/Resource Area facilities.

  The procedure as outlined below will be followed if a student is alleged to have committed a serious breach of the Learning Centre Code of Conduct or point as outlined in the Student Disciplinary Procedures document
- If a student contravenes the LC code of conduct ask the student to modify their behaviour.
- If the student refuses or does not modify their behaviour after several warnings, ask them to leave the Learning Centre. At the same time, inform them that the incident will be reported to their tutor and the tutor's manager.
- You may wish to have another member of staff as a witness at this stage.
- If the student refuses to leave or show their ID card, call security and the manager on duty. If they are not available, call any co-ordinator available or director/assistant director.
- If a student has contravened the Disciplinary Code, formal proceedings must be undertaken. A formal written warning must be given to the student and, if appropriate, a written apology to the member of staff concerned.
- All incidents will be recorded in the Learning Resources Incident Book.
- For serious incidents, it is vital that the student receives a formal warning without this, there is no record of repeated contravention of the Disciplinary Code.
- Make a statement as soon as possible after an incident so the events are fresh in your mind.
- Ask any witnesses to make a statement.

Appendix 8 Bury College's policy statement on student behaviour

Bury College is committed to providing a safe and caring learning environment in which all individuals have the right to be respected and the opportunity to study without interference from others.

To enable the fulfilment of this commitment students are required to:

- respect the rights of all members of the College community and visiting members of the public
- work purposefully towards their identified learning goals
- behave in a responsible and adult manner
- comply with the College Regulations as set out in the Student Handbook and as referred to in the Student Contract.

Similarly, all staff are required to:

- promote the College's expectation to students
- treat all students consistently and with respect
- combat challenging and inappropriate behaviour whenever they encounter it in College or become aware of it
- call upon specialist support staff and services and make use of the Disciplinary Support Procedure as appropriate.

Appendix 9 Questionnaire for new students with results for 1996 cohort at Luton Sixth Form College

Q1 Type of course studied

One-year A-level 4.3%
Two-year A-level 58.3%
GNVQ Foundation 4.9%
GNVQ Intermediate 19.6%
GNVQ Advanced 12.3%

Q2 Age in September 1995

16 ..... 74.8%
17 ..... 22.7%
18 ..... 2.5%
19 ..... 0.0%

Q3 Gender

Female 55.2%
Male 44.8%

Q4 Ethnicity

Bangladeshi 11.0%
Black African 1.2%
Black Caribbean 5.5%
Black other 1.2%
Chinese 1.2%
Indian 14.1%
Pakistani 23.3%
White 39.9%
Other 0.6%

Q4 If other ethnicity, please state

1.8%

Q5 What did you think of the advice and information you received before you came to college?

Very useful 19.0%
Useful 71.2%
Not very useful 8.6%
Poor 1.2%

Q6 How many subject induction sessions did you go to in July?

3 – 5 ..... 22.1%
1 – 3 ..... 38.7%
None 36.8%

Q7 If you went to induction sessions in July, what did you think of them?

Very useful 14.1%
Useful 39.9%
Not very useful 5.5%
Poor 3.1%

Q8 What did you think of visiting departments and the interviews during the enrolment days in September?

Very useful 22.7%
Useful 64.4%
Not very useful 9.2%
Poor 1.2%

Q9 When you arrived at college, did you find your tutor welcoming?

Very 56.4%
Quite 38.0%
Not very 3.1%
Not at all 1.2%

Q10 Have tutor group sessions been useful to you?

Very 11.0%
Quite 49.7%
Not very 30.7%
Not at all 7.4%

Q11 Have you had a one-to-one discussion with your group tutor?

Yes 67.5%
No 31.3%

Q12 If you have had a one-to-one discussion with your group tutor, was it useful to you?

Very 24.5%
Quite 39.3%
Not very 5.5%
Not at all 0.6%

Q13 How many names of other students in your tutor group do you know?

All 31.9%
Most 44.2%
Some 18.4%
Hardly any 4.3%

Q14 When you started your course, did you find your subject tutors welcoming?

All of them 40.5%
Most of them 48.5%

Some of them 11.0%
Not many..... 0.0%

Q15 How many names of other students in your subject group do you know?

All..... 32.5%
Most 49.7%
Some 13.5%
Hardly any..... 4.3%

Q16 Did the first classes in your subjects explain all you needed to know about the subjects?

All..... 23.9%
Most..... 49.1%
Some..... 25.2%
Hardly any 1.8%

Q17 Have you discussed changing any part of your course with a member of staff?

Yes..... 28.2%
No..... 71.2%

Q18 Have you made a course change?

Yes 21.5%
No 77.9%

Q19 How well do you feel you are learning and making progress?

Very well 20.2%
Quite well 73.0%
Not too well 6.7%
Not at all well 0.0%

Q20 Would you know how to contact careers tutors?

Yes 68.1%
No..... 31.3%

Q21 Would you know how to contact the language and curriculum support tutors?

Yes..... 25.8%
No..... 71.8%

Q22 Would you know how to contact your senior tutor?

Yes 81.0%
No..... 17.2%

Q23 Would you know how to contact the student counsellor?

Yes..... 54.0%
No 44.2%

Q24 Would you know how to contact your group tutor?

Yes 95.7%
No 3.7%

Q25 What do you think about the common room?

Very good 8.0%
Quite good 33.1%
Not very good 35.0%
Poor 23.3%

Q26 What do you think about computer facilities?

Very good 46.6%
Quite good 38.7%
Not very good 11.7%
Poor 3.1%

Q27 What do you think about the dining room?

Very good 9.2%
Quite good 57.7%
Not very good 20.2%
Poor 7.4%

Q28 What do you think about the library and information centre?

Very good 60.1%
Quite good 38.0%
Not very good 1.2%
Poor 0.0%

Q29 What do you think about the resource base?

Very good 63.2%
Quite good 35.6%
Not very good 0.6%
Poor 0.0%

Q30 What do you think about student activities available in free time?

Very good 9.8%
Quite good 37.4%
Not very good 33.1%
Poor 17.8%

Appendix 10 Confidentiality policy of the National Star Centre College of Further Education

Defining terms

(a) To confide is to trust. Where the person to whom the information is given is a member of the National Star Centre, the client has a right to believe that this information is given in confidence in the expectation that it will be used only for the purposes for which it was given, and will not be released to others without the consent of the client.

(b) Confidentiality may be defined as maintaining security of information obtained from an individual in the privileged circumstances of a professional relationship. Breach of confidence is therefore unethical, unprofessional and in some cases, unlawful. Confidentiality should not in itself produce problems for those professionals who work within a Code of Conduct. It should, however, be remembered that a breach of confidence cannot occur when prior permission to disclose has been sought and obtained from the individual client or responsible individual.

(c) In the position where prior permission has not been sought or obtained but disclosure of information about a client by a professional is under consideration, the professional must ask the following questions of him or herself:

- Was I categorically asked not to disclose?
- Will withholding information affect the well-being of the client?
- Is the disclosure relevant?

If the answer to the above question is yes, then maintaining confidentiality may actually mitigate against the client.

Remember:

- Confidentiality does not equate to secrecy.
- Keeping a secret could be construed as collusion.

(d) There may be times when a client requests that information is not passed on. On these occasions, the professional must not promise. Furthermore, if in the opinion of the professional the information is requested by another professional authorised to receive that information, and also owes the client a duty of care, then the information must be passed on.

Thus the degree of confidentiality is negotiated and re-negotiated with the students where necessary to incorporate consultation with keyworkers, personal tutors, friends, parents, social workers or others. It is a dynamic process which will depend on the stage of the counselling and the student's own needs. It is also only one small component of a system which can only function efficiently if all staff communicate fully and appropriately.

(e) Students also need reminding of the requirement of staff to work as a team by sharing the progress and problems of all students besides those shared with the counsellor. It is therefore a very grey area in that personal tutors and keyworkers often know a great deal about their own particular students as part of their own role.

(f) In a few cases students also need reminding of the need to maintain confidentiality and negotiate the use of other helping services. It can be highly confusing if students discuss their problems with too many people and the benefits of counselling are diffused or lost.

(g) Students are always informed that, should the counsellor divulge any information without permission, then the student has the right to complain formally to the British Association for Counselling as it is against their Code of Ethics. This could result in the loss of the counsellor's job and highlights for the student how seriously a breach of confidentiality is treated. It also empowers the student to make a rational decision on how reliable a counsellor should be and encourages him/her to trust and complain later if at all necessary.

(h) Students have the right to see records of counselling sessions if they wish.

(i) Any computer-based records of counselling sessions are subject to statutory regulations under the Data Protection Act 1984.

(j) Supervision of counsellor
This is required by the British Association for Counselling because, in order to ensure professional standards are maintained by the counsellor, cases are discussed. Confidentiality is maintained within this relationship as far as possible in that names of students are changed but issues remain similar.

(k) Transfer of confidential information
This is a sensitive area which can be well served by the counsellor. Any confidential information should be handled by the counsellor alone or with the knowledge of the vice-principal or principal. Issues such as previous child abuse or sexual abuse which occurred prior to entering the college may be handled specifically by the counsellor.

This ensures a fuller appreciation of a student's needs should any further problems arise. It allows for a 'new start' should it be necessary for the student but may also be necessary for the protection of staff if for example a student had made an allegation of abuse against staff.

It also encourages continuity of recording and informing because some Social Services Departments, for example, do not like to record cases of abuse or financial settlements. However, this can have a huge impact on a student's behaviour in college and the information needs to be available. Similarly transfer of information should be very carefully managed when a student leaves the college. Careful negotiation with the student and any relevant care or social workers may be necessary to ensure full communication of issues.

(l) Confidentiality must not become an excuse for non-communication or a failure to identify the needs of a student with severe learning difficulties who cannot assert his/her needs.

(m) Any research or papers written should be carried out with the consent of the student involved. Care must be taken to hide the identity of students if at all possible.

Information technology

The college maintains a computerised administration system which holds data on each student. This data includes contact information, basic medical background and records of progress and achievement. Access to the database is restricted through secure passwords, with different users having different access rights depending on their status. An individual student has, under the Data Protection Act, the right to see any information held about him or her on the system, but for security reasons would access this under the supervision of a password holder for that section of the database. It is the college's policy that no information is held on the system without the student's knowledge or permission and that such information can be checked by the student under supervision.

Medical and care

Each member of care staff shall respect confidential information obtained in the course of their duties and refrain from disclosing such information without the consent of the student, or member of staff, except where the disclosure is required by law or by the order of a court or is necessary in the college interest.

Breaches of confidentiality should be regarded as exceptional, only occurring after careful consideration and the exercise of personal professional judgement. Staff need the reassurance that they will not be at risk because information is being unreasonably withheld.

Care and ownership of confidential information

The college, as an employer of professional staff who make records, is the legal owner of such records but such ownership does not give legal right of access to the information contained in those records. The student is also involved in ownership. The ownership is therefore irrelevant to the student's right of confidentiality.

Identifiable personal health information will not be disclosed without consent. The college should ensure that record keeping systems are not such as to make the release of information possible or likely. Access should be carefully supervised and policies for handling and storage of records adhered to.

Staff should recognise the dangers of careless talk in public places.

Contracts of employment should contain clauses which emphasise the principles of confidentiality and state disciplinary consequences of breaching them.

Education

Personal tutors keep detailed records on educational and social matters. Students have access to these files through their personal tutors. Personal tutors may also keep information marked 'confidential'. Students requesting sight of these will need the agreement of their personal tutor. In the event of this access being denied, the student can refer the matter to the principal or vice-principal.

Education staff must ensure that information given in confidence, such as in staff meetings, is treated confidentially, unless it is made clear to the contrary such as when informing other professionals, parents or the students is in the best interest of that student.

Personal tutors must not promise to keep information given to them by their students confidential before being given the information. They must inform the student that they will have to use their professional judgement to decide whether to maintain confidentiality.

Signed: Date:

Appendix 11 Defining harassment

Harassment of people with disabilities or learning difficulties is one form of personal harassment. It may include the:

- expression of prejudice, intolerance and/or deliberate misinformation related to a disability or learning difficulty
- deliberate attempt to make access difficult, or the unnecessary denial of opportunity for access to learning situations, employment, promotion or successful assessment on grounds related to disability or learning difficulty
- abuse of trust and power or the abuse of the especially close personal/dependent relationship which may occur.

Racial harassment is unlawful. It is one form of personal harassment that is defined as 'any hostile or offensive act or expression by a person of one racial group against a person of another racial group or incitement to commit such an act, or utter such an expression, motivated by racial dislike or hatred' (Race Relations Act 1976). An individual who has suffered racial harassment has the right of legal redress under the Act. Racial harassment may include the:

- expression of racial prejudice and intolerance or deliberate misinformation on racial and/or ethnic distinctions
- deliberate attempt to make access difficult, or the unnecessary denial of opportunity for access to learning situations, employment, promotion or successful assessment on racial, religious or ethnic grounds
- expression of racial prejudice through remarks, graffiti, slogans and the distribution of racist literature
- wearing of badges or insignia belonging to political organisations known to promote racial or religious prejudice and/or intolerance.

Sexual harassment is an unlawful form of sex discrimination. It can constitute a breach of the Sex Discrimination Acts (1975 and 1986). An individual who has suffered sexual harassment has the right of legal redress under this Act.

Sexual harassment is a form of personal harassment that is defined as any sexual advance, sexually discriminatory remark, sexually explicit derogatory statement, request for sexual favours, comment, gesture, facial expression or physical contact of a sexual nature when, for example:

- submission to such conduct is made explicitly or implicitly a term or condition of any decision related to the individual's employment, academic assessment or promotion
- submission to or rejection of such conduct by an individual is used as the basis for any decision related to employment, academic assessment or promotion for that individual
- such conduct creates a stressful, intimidating or unpleasant working or studying environment.

It is acknowledged that same-sex harassment can also occur and while the majority of those who suffer from this type of victimisation are women, men may also suffer from it.

Homophobic harassment is one form of personal harassment. It may include the:

- expression of prejudice, intolerance or deliberate misinformation related to the sexual orientation of any College member or visitor
- deliberate attempt or the unnecessary denial of opportunity for access to education, training, employment, promotion or successful assessment on grounds relating to sexual orientation
- expression of homophobic prejudice by remarks, graffiti, slogans or the distribution of literature.

(Extract from Bradford and Ilkley Community College's 'Personal harassment code of practice')

Appendix 12 Bury College's disciplinary support procedure

A. Problem behaviour

1. Issue of Concern Notes

1.1 When a problem arises with a student's work or behaviour which a Subject Tutor or member of the support staff wishes to be recorded formally and dealt with, then:
S/he must complete a concern note and send one copy to the appropriate Personal Tutor (full-time students) or Subject Tutor (part-time students), one copy to the appropriate Senior Tutor and retain the third copy as a personal copy.

The Personal Tutor **must** act upon any concern note received including:

In all cases:

- investigating fully
- filing completed concern notes in the Students's personal file
- recording discussion and action plan on the concern note reply sheet and circulating to appropriate staff
- monitoring for recurrence of further transgressions.

In some cases:

- discussing with other tutors
- referring to 'specialist', eg Counsellor
- discussing with Senior Tutor and SQM
- informing parents
- informing employers, as appropriate.

If further problems arise

1.3 If further problems arise, 1.1 above should be repeated – ie a second concern note should be sent to the appropriate tutor.

1.4 On receipt of a second concern note, the Tutor repeats 1.2 above in a further attempt to resolve the problem.

1.5 On receipt of a third concern note relating to the same issue, the Tutor is required to inform the appropriate Senior Tutor or Student Quality Manager, who in turn will initiate the procedure which leads to the composition of a formal Disciplinary Contract (see 2 below).

2. Issues of Formal Disciplinary Contract

2.1 Disciplinary Contracts can be devised only by Senior Tutors, Student Quality Managers or members of the Senior Management Team.

2.2 Disciplinary Contracts will only be used to deal with serious and persistent concerns.

2.3 The Senior Tutor or SQM will arrange to see the student after the third concern note has been issued regarding work or behaviour (see 1.5 above).

2.4 Prior to the meeting, the Senior Tutor or SQM will consult as appropriate with the Personal Tutor, Programme Leader, Subject Tutors and support staff as part of the process of investigating the problem.

2.5 Parents and, where appropriate, employers will be informed and invited to discuss the matter.

2.6 A meeting between the student and the Senior Tutor or SQM will then take place. There may also be present parents and other members of Bury College staff, as appropriate. The purpose of the meeting is to negotiate the contents of a formal written contract, to include a review date and a leaving clause.

2.7 After negotiation, the formal written contract is drawn up by the Senior Tutor or SQM and signed by the student.

2.8 Copies of the signed contract are sent or given to the student, parent, Personal Tutor, Subject Tutors, Senior Tutor, Programme Leaders, Faculty Heads, and where appropriate support staff and employers.

3 Permanent Exclusion from College as a result of Failure to Comply with the Terms of a Disciplinary Contract

3.1 Failure to comply with the terms of a Disciplinary Contract should be drawn to the attention of the Personal Tutor by means of a concern note. The Personal Tutor should then notify the Senior Tutor or Student Quality Manager.

3.2 Once informed of failure to comply with the terms of a Disciplinary Contract, the Senior Tutor or SQM will inform the appropriate Faculty Head and Head of Curriculum and Quality, and organise a Disciplinary Hearing.

3.3 Parents and, where appropriate, employers will be informed of the Disciplinary Hearing and the circumstances leading to it and given an opportunity to attend.

3.4 A member of the Senior Management Team may be present at the Disciplinary Hearing.

3.5 Where it is established that a student has failed to comply with the terms of a Disciplinary Contract s/he is required to leave College.

4. Appeals Procedure

4.1 If a student does not wish to leave college or is unhappy with the outcome of the Disciplinary Hearing, s/he and her or his parents can appeal to the appropriate Faculty Head, who can overrule or uphold the decision made by the Senior Tutor or SQM.

4.2 If the student is unwilling to accept the decision made by the Faculty Head, the case may be referred to the Principal, who can overrule or uphold the decision made by the Faculty Head.

4.3 If the student is unwilling to accept the decision made by the Principal s/he has the right of appeal to a Committee of three Governors. This Committee's decision will be final.

4.4 At any stage in this procedure or where a student decides to accept advice to leave or is required to do so, appropriate counselling and advice will be available.

B. Gross misconduct

5.1 Gross misconduct or involvement by a student in a serious incident in College or in close vicinity to it should be brought to the attention of an SQM. This can be done by means of a Concern Note, but not necessarily so, if the seriousness of the incident necessitates urgent action.

5.2 In the case of gross misconduct, the SQM will arrange a Disciplinary Hearing at which either a formal Disciplinary Contract will be drawn up, as outlined in 2.4 to 2.8, or, in extremely serious circumstances, the student will be asked to leave College.

5.3 Any Disciplinary Hearing held in relation to an alleged act of gross misconduct will be held as promptly after the incident as is practicable, whilst affording adequate time for the incident to be fully investigated by the SQM, for staff and other relevant parties to be consulted, and for parents to be informed and given the opportunity attend.

5.4 The College reserves the right to exclude a student from College from the time at which it is alleged an act of gross misconduct was committed until the time of the Disciplinary Hearing arranged to deal with the matter. Appeals against temporary exclusion pending a Disciplinary Hearing will be dealt with as outlined in Section 4, except that the Principal's decision is final. Paragraphs 4.1 to 4.2 therefore apply and describe the procedure but not paragraph 4.3.

5.5 In establishing whether a student has been guilty of gross misconduct, other students and members of staff may be required to attend the Disciplinary Hearing.

5.6 Where a student is asked to leave College as a result of an act of gross misconduct, he or she has exactly the same rights of appeal as for students failing to comply with the terms of a Disciplinary Contract. Paragraphs 4.1 to 4.4 therefore apply and describe the appeals procedure in such a case.

Other sanctions permissible within the disciplinary procedure

6. Study Contracts and Contracted Timetables

6.1 In responding to a concern note and attempting to address a behavioural problem drawn to his or her attention, a tutor can require a student to follow a contracted timetable and/or to agree to a study contract for an agreed period of time.

6.2 As an alternative to a Disciplinary Contract, for persistent problems relating to lateness or unacceptable absenteeism or failing to submit work, a Senior Tutor or SQM may, having examined the particular circumstances of the case, require a student to follow a contracted timetable or agree to a study contract. Failure to adhere to either of these would, however, lead to the student then being asked to sign a Disciplinary Contract.

7. Temporary Exclusion

7.1 Where it is considered likely to contribute to 'cooling off' or as an appropriate sanction, a student can be temporarily excluded for a short while, in accordance with the College regulations. The appeals procedure against temporary exclusion is the same as that for permanent exclusion, except that the Principal's decision is final, so that 4.1 and 4.2 apply and describe the appeals procedure but not paragraph 4.3.

Appendix 13 Recording process

Incident report form

1. Context in which the incident took place

Day: Date: Time:

Students present:

Staff present:

Others present:

Location:

2. What took place

Trigger:

Action/events:

Effects/consequences:

3. Comments

Students:

Others:

4. Staff comments and recommendations

Signed: Date:

Copy for: ☐ Key Worker ☐ Personal Tutor ☐ Student ☐ Other

Student Complaints Form

1. You should refer to Students Complaints Procedures before filling in the form.

2. Have you attempted to resolve this matter informally through your tutor?

☐ Yes ☐ No

Nature of complaint

Signature of student

Name of student

Course

College site

Date

Please hand this form to your Curriculum Area Manager
(or Assistant Director at Sixth Form Centre)

City and Islington College

Student at Risk Report

To Tutor or Lead Tutor or Co-ordinator or teacher

Student Name

Subject Teacher

Date

Cause for concern

Details

Behaviour	Punctuality	Attendance	Time Management	Study Skills	Coursework	Other

Level of urgency required

For immediate action	Before next tutorial	At the next tutorial

Action taken/explanation
eg referral to workshop/referral to careers

by	Tutor	Co-ordinator	Lead tutor

Review date

City and Islington College

Student Statement

Name T.G

Date of incident Time

Place

Students present

Staff present

Others present

What happened

What caused these things to happen

Signed Date

City and Islington College

Appendix 14 Summary of legal aspects

College's responsibilities

The liability of the college is that of the corporate governing body. The college needs policies for all potentially contentious matters.

Governors need to record any individual dissent if they disapprove of any particular decision.

Failure to curb violence or any other disturbance could constitute actionable conduct. Staff training should not be regarded as a luxury and it is significantly cheaper than legal fees and court awards.

Responsibility to students

Health and safety legislation is a source of potential criminal liability. The college must maintain and update its assessment of possible risks. The college could be liable for student misbehaviour if unruly behaviour led to overcrowding or if vandalism caused systems to malfunction. Individual staff have responsibility to ensure that their own rooms do not present risks to the health or safety of any students including innocent bystanders as a result of disruptive action on the part of their learners. Staff have a duty to take reasonable care of both themselves and those affected by their actions. Common sense and reasonableness should be the guides in striking a balance between involvement and non-involvement incidents (sometimes doing so on the spur of the moment).

In common law, students are entitled to expect a safe working environment and it is the college's duty to take steps to prevent reasonably foreseeable hazards. The college will be liable if it directly exposes students to risks arising from the violent behaviour of others or does not attempt to take suitable steps for curbing that danger, for example, bullying.

In contract law, students are entitled to a safe learning environment and also one that is reasonably conducive to its avowed purpose.

Responsibility to visitors

Potential liability is determined by whether a person's presence could be reasonably foreseen. It is immaterial whether someone has legitimate business or is an outright trespasser. To avoid liability, reasonable steps must be taken to prevent admission by notice at point of entry, staffed reception and security devices.

Responsibility to staff

The college must provide a safe working system and environment. It must notify staff of unavoidable risks and offer training which is updated and it should maintain an up-to-date written policy on all such matters. Staff are entitled not to be exposed to unreasonable risks.

Responsibility to adjoining owners and occupiers

Adequate steps must be taken to prevent vandalism 'spilling out' into adjoining property. A published notice not to commit trespass would not absolve the college.

Responsibility in respect of criminal behaviour generally

Involvement of students in activities such as theft, drug abuse, carrying of offensive weapons or vehicle crime damage the college's public reputation, inhibit recruitment and give rise to problems for staff appearing to condone it. Conduct which amounts to encouragement, advice or assistance constitutes a secondary offence of aiding or abetting for which the individual can be personally liable. Staff pastorally engaged with students at risk must ensure their scrupulous detachment from any suspicion of criminal taint.

It is an offence for anyone to carry a weapon on college premises without a reasonable excuse and a weapon can be any article that could inflict personal injury. Allowing a person on the premises to traffic in prohibited drugs or to smoke cannabis or a similar drug would technically constitute criminal activity on the part of college management and staff. Likewise a member of staff in possession of drugs that have been confiscated must hand these over to the police immediately to avoid an accusation of possession.

Responsibilities towards 'vulnerable groups'

The Race Relations Act 1976 makes it an offence to fail to provide a service, or to provide a less favourable service, to ethnic minority groups. Similar provisions apply in legislation about sex discrimination and disability discrimination.

Many disturbances may have an ethnic or religious origin. A disgruntled student may invoke the law if an institution has not complied with statutory duties, for example, in former sixth form colleges RE classes and an act of collective worship should be available for all students.

Those younger than 18 are technically minors. College staff are in loco parentis for making judgements that are needed without delay, for example consenting to emergency treatment. A parent or guardian should be a primary party to any practices or appeals relating to exclusion. All notices should therefore be addressed to the parent. The FEFC has stated that all information held by colleges on the welfare of an individual younger than 18 should be supplied to the parent.

Responses to adverse behaviour

Measures include simple restraints, through coercive sanctions, to expulsion.

Staff are entitled to use such force as is reasonable in certain circumstances such as self-defence or the defence of another person against injury. Likewise staff may prevent damage or repossess individual or college property that has been unlawfully removed, or remove a trespasser. However to cause an injury to a transgressor, even inadvertently, can be a criminal offence and manhandling a person without injury constitutes a civil trespass.

Forcibly detaining a person can amount to forceful imprisonment. Any action to eject someone from the premises should be prefaced by a polite request to leave.

Sanctions short of expulsion

In addition to disciplinary rules, colleges must have procedures in place to allow students as well as staff to lodge complaints about treatment by the college or its staff. Rules may not curtail a student's right to appeal.

A college may impose fines for improper behaviour providing it is made clear in the prospectus that such a situation is in operation. Fines must be proportionate to the damage or disruption caused. Any deposits that are requested must be held in a separate account and may not be used for any other purpose or the deposit would become a loan.

A college may not confiscate property other than offensive weapons, controlled substances and intoxicants.

Temporary exclusion from classes or from college must follow from the college's rules about which staff have authority to exclude. Notice must be given to the parent in the case of a student younger than 18.

Expulsion

Expulsion requires scrupulous observance of all appropriate procedures. Procedures must offer the opportunity for individuals to make formal representation to a committee or staff member prior to expulsion. Appeals must be heard by a separate group and appeal panel members must not include anyone previously active in the matter.

Learning agreements

It is possible for students to sign agreements the breach of which would automatically lead to expulsion or suspension. This arrangement does not add to a college's legal powers since such agreements have largely psychological value and contain a measure of bluff.

Relevant college documents

Articles of government

- College rules – governing conduct, admission, suspension and expulsion.
- College Charter – colleges should observe the requirements of the Charter. For example, a Charter commitment about availability of up-to-date library books, if not adhered to, might be alleged as a cause of action by a student who failed examinations. Colleges should check that there are no inconsistencies between Charter commitments and college rules.
- Grievance procedures for staff and students.

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