

Unacceptable Learner Behaviour Procedure

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Date: 08.06.19
Version: 1



1.0 INTRODUCTION

Addysg Oedolion Cymru | Adult Learning Wales is committed to ensuring that learning opportunities are of the highest possible standards for all of our learners. As such, the organisation has certain expectations regarding your behaviour as a learner.

It is important that learners know what the organisation considers to be unacceptable behaviour and what happens when someone behaves unacceptably. What we expect of our learners is set out in the Learning Agreement and Learner Code of Conduct. Alongside this, there may also be local agreements that relate to specific classes or venues, e.g. where special health and safety or other rules apply. Your tutor may also agree some class "ground rules" with your class at the start of your course.

Where unacceptable behaviour has, or is suspected to have occurred, a consistent and fair approach must be taken in dealing with these matters. This procedure explains how the organisation will deal with situations or allegations regarding unacceptable behaviour.

2.0 THE PROCEDURE

This procedure recognises that there is a difference between minor breaches of behavioural standards and serious misconduct. The procedure is designed to deal with behaviour in both of these categories.

It is not possible to list all the behaviours that are considered to be unacceptable. The following list can only serve as a guide as each case will need to be considered on an individual basis. When dealing with unacceptable behaviour, the organisation will take into account the extent to which standards have been breached, the learner's history of learning with us and any special circumstances that may be relevant to the situation.

Examples of behaviour that Addysg Oedolion Cymru | Adult Learning Wales considers to be unacceptable are as follows:

- Theft or attempted theft of organisation property, or property belonging to tutors or other learners,
- Assault, including any threatening or intimidating behaviour,
- Sexual assault or indecent act(s) or sexual harassment directed at staff or other learners,
- Unacceptable behaviour relating to Prevent, radicalisation or extremism,
- Deliberate and serious damage to property,
- Deliberately using organisation equipment to access internet sites or forward or create emails containing pornographic, offensive or obscene material

- Deliberately using organisation equipment to access internet sites or forward or create emails which promote racism, violence, sexism, religious intolerance or homophobia
- Being under the influence of alcohol or drugs on course premises or during class,
- Possession or control of illegal drugs on course premises or during class,
- Deliberate failure to implement or abide by the Equality & Diversity policy
- A serious breach of health and safety rules
- Flagrant disregard of the Organisation's policies and procedures
- Showing extreme or persistent rudeness to other learners or staff

2.1 INFORMAL PROCEDURE

Minor breaches of standards of behaviour will usually be dealt with by the tutor or the Regional Manager for the area on an informal basis. In these circumstances, the learner will be made aware of the unacceptable behaviour and advised of the improvements or changes required to meet the acceptable standards, together with the timescale in which this should be achieved, if appropriate. This will be confirmed to the learner in writing.

If the unacceptable behaviour continues, or if there are further instances of unacceptable behaviour, action will be taken under the formal stage of the procedure.

2.2 FORMAL PROCEDURE

Serious misconduct will always be dealt with using the formal procedure. Persistent unacceptable behaviour of a less serious nature may also be dealt with under the formal procedure.

2.2.1 INVESTIGATION

If an allegation or complaint is made against a learner or a situation comes to the attention of the tutor or Regional Manager, an investigation will be carried out to establish the facts of the case.

The investigating officer will be appointed by the Chief Executive or the Head of Learner Services and Resources, and will have no previous involvement in the reported incidents. Investigations will be carried out as soon as possible, in the strictest confidence and as thoroughly as is reasonable in the circumstances.

The investigating officer will be responsible for gathering all of the information required to consider the case thoroughly. In some cases this may require the learner to attend an investigation meeting. The learner will be able to bring a fellow learner or friend with them to the meeting if they wish.

The investigating officer may also need to meet with any relevant witnesses. Witnesses may also choose to bring a fellow learner or friend with them to the meeting if they wish.

The organisation will:

- Inform the learner involved at the earliest opportunity that they are under investigation and the nature of the allegations.
- Remind the learner of the Learning Agreement and the Learner Code of Conduct and provide her/him with a copy.

At the end of the investigation, a report will be prepared that outlines the facts of the case. The report will outline the investigating officer's recommendations. If the investigation concludes that there is no case to answer, the learner will be advised in writing as soon as possible.

If the investigation concludes that there is a case to answer, a disciplinary hearing will be arranged.

2.2.2 ATTENDING CLASSES DURING AN INVESTIGATION

It may be necessary to ask a learner not to attend their class while an investigation takes place. A learner may be requested not to attend class if the presence of the learner will hinder the investigation, if there is a perceived risk to others (staff or learners), or if the reported incident involves theft, physical assault, or concerns relating to safeguarding matters and Prevent. Any suspension should be as brief as possible, and should be kept under review.

Requiring a learner not to attend class during an investigation does not imply that there has been any misconduct, or that there is any suggestion of guilt. It is a neutral act enabling the organisation to investigate the situation as thoroughly and effectively as possible.

2.2.3 LEGAL OR CRIMINAL CHARGES AND OFFENCES

The organisation may report a learner to the police if it is felt that the unacceptable behaviour is potentially illegal.

Criminal offences outside the learning environment may have an impact on your continued learning with Addysg Oedolion Cymru | Adult Learning Wales, depending on the nature of the offence. Each case will be considered on an individual basis, and advice will be taken from the relevant authorities.

2.2.4 FORMAL DISCIPLINARY HEARING

Where it is decided that there is a disciplinary case to answer, a formal disciplinary hearing will be arranged.

Addysg Oedolion Cymru | Adult Learning Wales will:

- Inform the learner of the disciplinary hearing in writing, giving a minimum of 5 working days notice;
- Provide the learner with details of the nature of the allegation(s), where and when the hearing will take place and the possible outcomes of the hearing;
- Provide all relevant documentation to the learner at least 3 working days before the hearing;
- Inform the learner that they can bring a fellow learner or friend with them to the hearing if they wish.

The learner should make every effort to attend the meeting, however s/he may request that the date of the disciplinary hearing is rearranged if there is an important reason why the original date is unsuitable.

Those present at the disciplinary hearing will be:

- The learner (with a fellow learner or friend if they chose to bring one),
- Two managers from Addysg Oedolion Cymru | Adult Learning Wales who will hear the case,
- A member of staff from Addysg Oedolion Cymru | Adult Learning Wales to take notes of the meeting.

The managers hearing the case will be appointed by the Chief Executive or the Head of Learner Services and Resources.

The meeting will enable the learner and the panel to review the information available and to clarify any points. The learner will be given a full explanation of the case against him/her and will be given full opportunity to state his/her case in response to the allegations and put forward an explanation of their behaviour.

Following the meeting, the disciplinary panel will need to decide whether or not a disciplinary sanction or any other action is justified.

Depending on the seriousness of the unacceptable behaviour, and following consideration of all the relevant information, the learner may be:

- Informed that no further action will be taken, or
- Issued with a warning, either verbal or written, or

- Informed that they are dismissed from a particular course or from all Addysg Oedolion Cymru | Adult Learning Wales courses, either for a defined period of time or indefinitely.

The learner will be informed in writing of the decision as soon as possible following the hearing, and within 5 working days.

The learner has the right to appeal against the decision, as described in section 3.0 below.

3.0 RIGHT OF APPEAL

In every case where disciplinary action is taken the learner will have a right of appeal against such action. The learner must appeal in writing, stating the reason for their appeal. All appeals must be sent to the Head of Learner Services and Resources within 10 working days of being informed of the disciplinary action.

The appeals panel will consist of the Chief Executive and a designated manager who has had no involvement with the case to date. The learner will be advised of the date of the panel meeting which will normally convene within 10 working days of the referral.

The learner will be notified of the panel's decision within 5 working days of its meeting. The decision of the appeals panel is final.

4.0 CONFIDENTIALITY

All participants in the operation of the Unacceptable Learner Behaviour Procedure are required to observe the strictest confidentiality.

All records will be kept confidential and retained in accordance with the Data Protection Act 1998 and the General Data Protection Regulations.