

## POLICIES & PROCEDURES

<b>TITLE</b>	LEARNER CONDUCT POLICY AND PROCEDURE
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<b>RESPONSIBLE OFFICER</b>	Vice Principal, and Learner Experience Team
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### **Equality Impact Assessment**

<b>Completed by Thurrock Adult Community College</b>		<b>Not applicable – no significant changes</b>	✓
<b>Completed by Thurrock Council</b>		<b>Outstanding</b>	

# LEARNER CONDUCT POLICY AND PROCEDURE

## 1. Introduction

We aim to provide a welcoming, friendly and inclusive adult learning environment in which all learners can be inspired and achieve their goals.

We will promote British Values to all our learners as part of their learning experience. Tutors will use every opportunity to make sure that learners respect and reinforce British Values whilst creating space for open debate.

To achieve this we have set out our code of conduct, procedures and the action which will be taken if the code of conduct is not followed. The code of conduct and procedures apply to all enrolled learners.

Breach of the code of conduct may lead to disciplinary action being taken against a learner and repeated breaches or a very serious breach may lead to the suspension or exclusion from Thurrock Adult Community College.

## 2. Thurrock Adult Community College Learner Code of Conduct

The Learner Code of Conduct is clearly set out in the annual Welcome booklet provided for every learner. Tutors will go through the Learner Code of Conduct as part of the course induction process. Learners must observe the Institute's rules which are set out below.

### 2.1 We expect all learners to:

- Attend regularly and always be on time;
- Participate and contribute to an inclusive learning environment in which staff and learners feel safe and are treated fairly
- Follow health and safety and IT user procedures;
- Report any concerns about their safety to or the safety of others to their tutor or member of our Safeguarding Team;
- Tell us if they have a disability that might affect their learning;
- Set goals and review their progress;
- Give in their course work on time;
- Ensure they do not copy (plagiarise) work from other learners, books or the internet and pass it off as their own work;
- Complete their portfolio of work and take any examinations for which they have been entered;
- Discuss their next steps with their tutor before the end of their course;
- Evaluate their course by completing our course surveys;
- Let us know if they get a job or progress to further learning;

### 2.2 Tutors will also develop a set of **ground rules** with their learners at the start of a course to help improve learning. Negotiating class based ground rules will:

- ❖ Encourage and improve team working;
- ❖ Enable learners to self-assess their own behaviour set against an agreed set of rules.

Learners may use their mobile phone for learning purposes with their tutor's permission (BYOD – Bring your own device). Learners must not use their mobile to make or accept personal calls in class.

### **2.3 Misconduct**

Disciplinary action may be taken against learners whose behaviour the Institute considers to be misconduct. If this happens repeatedly or if there is a single very serious violation the learner may be suspended or permanently excluded.

### **2.4 Gross Misconduct**

The Institute operates a zero-tolerance policy on violence, alcohol, drugs, weapons and intoxication. Infringements will be dealt with under Stage 3 of the procedure. Gross misconduct includes threat of violence or actual violence, extremism and radicalisation, deliberate damage to property, putting other people at risk, bullying or harassment, assessment malpractice (including plagiarism) and improper use of the Institute's computing systems. Gross misconduct will be dealt with under stage 3 of the procedure and stage 1 or even stage 2 may be bypassed.

## **3. Precautionary suspension**

In cases where it is considered a learner may have committed gross misconduct or that they may pose a danger to other learners or staff, stage 1 and stage 2 may be bypassed and dealt with under stage 3 of the procedure; the learner may be suspended from all or part of the Institute's premises pending any investigation by a senior member of staff and/or the conclusion of any legal proceedings.

## **4. Criminal offences**

If there is reason to believe that a learner may have committed a criminal offence the matter may be referred to the Police. We will normally continue to take action under this procedure irrespective of any action taken by the Police.

## **5. Stages of the learner disciplinary procedure**

### **5.1 Initial Stage: Informal approach**

The tutor may counsel a learner who is not meeting the conduct code and may set requirements or targets. This should be recorded and a copy provided for the learner. The tutor will advise the Programme Manager of the situation and the Programme Manager will monitor the situation and progress towards resolution.

The Learning Support Adviser and Safeguarding Adviser are available to assist learners. If staff are aware that learners have problems which may have affected their behaviour they will be able to offer support.

### **5.2 Second Stage: Manager's involvement**

If following informal action there is further cause for concern, or if the manager in the area considers conduct is such that an informal approach is not appropriate, they will talk to the learners about their concerns and after taking account of any explanation given decide on the appropriate action. This may include one or more of the following:

- take no formal action
- refer the matter to Stage 3
- issue a formal warning
- restrict access to certain facilities for a specified period
- recommend support if appropriate
- set improvement targets/requirement and approve support if appropriate.

The outcome of the meeting will be confirmed in writing, normally within 1 week. If the learner is under 18 or 25 for adults with learning disabilities the parent or guardian will be sent a copy of any written warning.

### 5.3 Third Stage: Assistant Principal's involvement

If there are further incidents of unacceptable conduct following a manager's warning or if potential gross misconduct occurs at any time this will first be investigated by an Assistant Principal. Following this investigation the learner may be invited to attend a hearing with an Assistant Principal or other senior manager. This person will normally have had no prior involvement in the case.

The learner will be notified of:

- the time and place of the hearing (giving 5 working day's notice)
- the nature of the conduct and the evidence to be presented
- any witnesses we may call
- their right to be accompanied by a friend, another learner or advocate (we do not permit legal representation)
- support for the learner provided by the Assistant Principal, Quality and Learner Experience Team

If, during the hearing, the manager considers that further investigation is needed the hearing will be adjourned until that investigation is complete. The learner will be asked to provide any information about any witnesses they wish to call and any documentary evidence they wish to present at least two days prior to the hearing, otherwise it may not be considered. After hearing the case, the manager will, after considering any explanation given, decide whether any sanction will be issued. The manager may do one or more of the following:

- take no further action
- issue a formal warning and, if appropriate, suspend them from the class or the Institute for a specified period
- issue a final formal warning and, if appropriate, suspend them from the class (and, if appropriate, related classes) or the Institute for a specified period
- exclude them permanently
- take some other appropriate action.

The decision will be confirmed in writing, normally within one week. Learners will be informed that they may appeal the decision being given; this must be done within two weeks of receipt of the decision.

## **6. Learner Disciplinary Appeals Panel**

- 6.1 The learner (or, if under the age of 18 or 25 for adults with learning disabilities or difficulties, his/her parents/representative or advocate) may appeal against a decision made at the hearing by notifying the Clerk to the Governors in writing within 14 days of the date of the letter communicating the decision of the hearing.
- 6.2 The letter of notification must state the grounds of the appeal. The Disciplinary Appeals Panel shall hear a summary of the case based on the grounds of appeal only.
- 6.3 The membership of the Disciplinary Appeals Panel will include two Governors and the Principal or her nominated senior manager. The membership of the appeals panel will exclude any governors/staff previously involved.
- 6.4 The Clerk to the Governors shall convene a meeting of the Disciplinary Appeals Panel within twelve days of receiving the notification of appeal (excluding weekends and statutory holidays). At least five clear days before the meeting the Clerk shall send to the members of the Appeals Panel notice of the meeting and circulate therewith those papers made available to members of the Disciplinary Panel, together with a copy of the learner's grounds of appeal and any documentation provided by the learner and the manager.
- 6.5 The learner and his/her supporter/advocate (we do not allow legal representation) and manager shall be invited to attend the meeting and furnished with all those papers circulated to members of the Disciplinary Appeals Panel. He/she shall be given the same notice of the meeting as provided for under 6.4 above.
- 6.6 The Disciplinary Appeals Panel has the power to uphold, amend or revoke the decision of the hearing decision.
- 6.7 The order of procedure is set out in section 7.
- 6.8 The Panel may decide either to give its decision and the reason(s) for it immediately in the presence of the parties or reserve it. The Clerk shall formally record the decision of the Panel and communicate it in writing to the parties.
- 6.9 The decision of the Appeals Panel is final.
- 6.10 The Learner Code of Conduct and Procedure is available on the website and a copy of this procedure will be supplied by the Clerk to the learner who the subject of the disciplinary action and to his/her is nominated supporter or advocate.

## **7. Procedures for conduct of the learner disciplinary appeals panel**

- The manager shall present the case against the learner and may call witnesses.
- The learner (or representative/advocate) will have the opportunity to question the manager on the reports presented to the Panel and on the case given, and question any witnesses called.
- Members of the Panel may ask questions of the manager and his/her witnesses.
- The learner (or representative/advocate) shall present his/her case and call witnesses if he/she wishes.
- The manager may ask questions of the learner and his/her witnesses.
- Members of the Panel may ask questions of the learner and his/her witnesses.

- The manager and the learner (or representative/advocate) shall sum up their case if they so wish.
- The parties, their representatives and witnesses shall withdraw from the Panel.
- The Panel, with the Clerk to the Governors acting as their Secretary and Adviser, shall deliberate in private, only recalling the manager and the learner to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.
- The Panel shall announce its decision to the parties in person or in writing as it may determine.
- The decision shall be confirmed to the learner in writing by the Clerk to the Governors within 5 working days and to the Governing Body at its next meeting.
- The decision of the Appeals Panel is final.