



North Tyneside Council

North Tyneside Council Adult Learning Service

Respect, Consideration and Disciplinary Procedure

Current version 31/08/2022

Review Date 31/08/2023

The Adult Learning Service values and respects everyone who accesses the Service and this procedure describes our values and explains the sorts of behaviour we expect. We will take action if a member of the Adult Learning Service staff or a learner falls below the standards set or behaves in a way that disregards the values outlined in the procedure.

- Employees of North Tyneside Council will follow the Code of Conduct and Performance Management Process for staff as outlined in NTC Code of Values and Behaviours and the expectations statements outlined in our Learner and Employer Handbooks.
- Learners will follow our Classroom Rules and Expectations as displayed in venues, learner expectations as set out in Learner and Apprenticeship handbooks and the learner disciplinary procedure detailed below.
- If a crime is committed in an Adult Learning class or venue the Adult Learning Service will take legal advice and report incidents to the Police and other appropriate agencies.

The Adult Learning Service supports a wide range of individuals from all backgrounds and staff need to consider each learners' age, understanding and levels of maturity when applying aspects of this procedure. What is appropriate behaviour for one group may be inappropriate for another given individual circumstances. In these cases, tutor experience and discretion will be applied and manager guidance accessed as appropriate to support decisions and actions in the interests of all learners.

Learners will be offered support and guidance if discriminatory behaviour or attitudes prevail and the care, safety and welfare of the majority will take precedence over the minority. If required, this could lead to learners being temporarily or permanently excluded from Adult Learning provision following the below processes.

Classroom Code

Underpinning the day-to-day delivery of teaching and learning are classroom ground rules, Teams® etiquette and live session policy. These expectations cover all attributes needed to ensure students, regardless of learning methodology, get the maximum benefit from their learning in an environment which supports and promotes positive and inclusive behaviour and demonstrates respect and consideration for others.

We believe all students should be encouraged to take responsibility for their behaviour, but staff support and enable positive and inclusive behaviours demonstrating and modelling classroom and online learning expectations whilst also consistently applying effective classroom management to maintain behaviours in line with all policy expectations including Safeguarding & Prevent and British Values.

How we manage inappropriate behaviour

Should difficulties arise, where possible, the learner/s will be given a chance to consider their responses and the opportunity to make amends, if appropriate and safe to do so. Enabling individuals to identify problematic interactions, adjust behaviours and restore relationships where necessary, for example offering and acknowledging apologies as appropriate, contributes to the development of inclusive and respectful learning environments underpinned by respect.

Inappropriate behaviours in breach of our identified expectations will always be unacceptable and, where identified, these will be investigated and could result in sanctions being applied. Unacceptable behaviours may include (but are not limited to) the following:

- Violent behaviour or physically hurting others
- Deliberate offensive language, including racial, sexual abuse
- Rudeness to staff and students
- Vandalism
- Continued disregard for staff instruction
- Continued disregard for ALS rules and or procedures
- Placing the safety of themselves and/or others at undue risk
- Theft from staff, fellow students and ALS premises
- Bullying and Harassing behaviour.

ALS staff will record any such incidences of unacceptable or inappropriate behaviour offering a factual account of observed behaviour/s noting language use and/or interactions with others as appropriate identifying any notable impact or consequences. These reports will be logged and shared with the relevant Programme Manager and/or Designated Safeguarding Lead (DSL) who may instigate further action and/or complete a Safe Working Practices Assessment to identify control measures necessary to address any potential risk to others.

General guidelines for managing behaviour

Minor behavioural challenges including, but not limited to, use of inappropriate language as an example

A member of Adult Learning staff may:

- Ask the Learner to stop use of this language/ behaviour and remind the individual or group of acceptable behaviours
- Discuss inappropriate behaviour and language as outlined in the identified expectations developing an improvement plan/ recommending required improvements to the learner

- Refer the Learner to the classroom expectations and rules in posters/ learner handbook/ policies as appropriate
- Offer support to any others affected ensuring their perspective is also considered.

More severe challenges including, but not limited to, abusive, derogatory or offensive language and/or bullying behaviour as examples

A member of the Adult learning staff may:

- Ask the learner to stop and undertake necessary de-escalation
- Refer to classroom rules, learner handbook and/or posters or policy as appropriate
- If behaviour persists, a staff member/s may ask the learner to leave the learning environment to enable private discussion of the behaviour causing concern
- If the behaviour continues, a staff member/s may ask the learner to leave the learning environment temporarily for cooling off period, readmitting the learner after an appropriate time following confirmation of expectations on return.
- Wherever possible staff member/s will facilitate the learner's return to the learning environment however, where this is not advisable or achievable, an expected date of return should be agreed with the learner in line with attendance and disciplinary processes
- Staff members will also offer support to any others affected ensuring their perspective is also considered.
- Disciplinary processes will be considered.

Serious challenges including, but not limited to, aggressive or violent behaviour as examples

A member of the Adult learning staff may:

- Complete the above processes and report the incident to the relevant Programme Manager and/or Designated Safeguarding Lead (DSL)
- The Programme Manager and/or DSL may then instigate further action identifying required next steps including completion of a Safe Working Practices Assessment where necessary to identify necessary amendments and controls in relation to the incident and the observed behaviours ensuring consideration of both the individual and the impact on others.
- Where necessary a Safeguarding report will be made in line with Safeguarding and Prevent policy
- Programme manager or DSL will offer feedback on incident outcomes, risk assessment and required actions to staff and learners as appropriate in line with all relevant policies ensuring this is logged as necessary.
- Disciplinary processes may be applied.

Serious misdemeanours including, but not limited to, violence and escalated situations as examples

A member of the Adult Learning staff may:

- Ask learner to leave the learning environment, classroom and/or building immediately as necessary if it is safe for them to do so.
- Ensure all other staff and learners are safe by either remaining in a safe area or removing themselves from the classroom if required and safe to do so
- Contact the police immediately, if required
- Inform a Manager immediately of the incident
- Report incident via the Airsweb Accident and Reporting System.
- Manager will complete a Safe Working Practice Assessment and if necessary make a Safeguarding report in line with Safeguarding Policy
- Programme manager or DSL will offer feedback to staff and learners on incident outcomes, risk assessment controls and required actions as appropriate in line with all relevant policies.
- Disciplinary processes will be applied.

Safeguarding and Prevent Incidents:

- If a safeguarding or prevent concern arises, all incidents must be reported immediately using the Safeguarding and Prevent policy
- The DSL will advise on any necessary further investigation, how to log concerns and ensure actions are identified completed and closed as appropriate.

Learner Disciplinary Procedure

If there is reason to suspect that a learner is in breach of agreed expectations for behaviour, staff members will review the severity of misconduct applying disciplinary procedures as detailed below. Serious or repeated misconduct may result in a learner being temporarily excluded (suspended) or permanently excluded from taking part in specific learning activities.

The Adult Learning Service reserves the right to suspend a learner immediately without prejudice, from their learning programme pending an investigation to ensure the safety and welfare of others. If the behaviour is deemed as gross misconduct, the Adult Learning Service will begin the disciplinary process immediately at stage 3.

Senior Manager/s and any third party involved in the learner's programme will be informed immediately.

Disciplinary Process

Stage 1 (Informal)

Tutor/Assessors will raise issues of misconduct with learners immediately as they arise and try to informally resolve the situation. The tutor/assessor will notify a Programme Manager of all issues of concern, particularly where behaviour is serious or repeated. All parties should maintain accurate records in case there is a need to move to stage 2.

Stage 2

Stage 2 applies where a specific instance of alleged misconduct continues and no change of behaviour has occurred.

At this stage, a Programme manager will convene a fact-finding meeting to talk to the learner about their behaviour. The learner is entitled to be accompanied by a friend, family member/responsible adult or colleague, about his/her behaviour and, after taking into account any explanation given, the manager will then decide whether a formal written warning should be given.

Practical measures to avoid recurrence will be identified and agreed by the manager, the learner and his/her tutor in a personal action plan/ILP. This will be monitored by the Tutor and Manager. All records in relation to the meeting will be held securely by the Programme Manager, who should be contacted within 10 working days if the learner wishes to appeal.

Stage 3

Where serious or gross misconduct occurs or the previous misconduct is repeated and there is no progress on the personal action plan or the manager's formal written warning, the learner will be invited to attend a disciplinary interview with another Programme Manager, who must have had no prior involvement in the case. The learner is entitled to be accompanied by a friend, family/responsible adult or colleague at the interview.

At least five days' written notice will be given, except where gross misconduct has occurred and the Programme Manager concerned needs to deal with the matter immediately or promptly.

The learner will be informed in writing of:

- (i) The nature of the conduct and a summary of the evidence of behaviour or language, which has caused concern
- (ii) The learner's entitlement to have an open hearing and to be accompanied by a friend, family member/appropriate adult or colleague
- (iii) Confirmation of the time and place of the interview

After hearing the learner's case the Programme Manager concerned will make a decision on further action, i.e. either:

- (i) No further action will be taken
- (ii) The learner will receive a final written warning and a new action plan/ILP will be put in place

- (iii) The learner will be suspended from the course, and the time period specified
- (iv) Further investigation is needed before a final decision may be made

The Programme Manager will write to the learner within ten working days to give the decision and will also give reasons for the decision, which will be implemented with immediate effect.

Senior Managers and any third party involved in the learner's programme will be informed. All records will be kept securely and confidentially.

Stage 4

The learner will have right of appeal at this stage of the disciplinary procedure, by contacting the Senior Manager.

The Senior Manager will review the appeal and notify the learner of their decision. Their decision will be final.

A handwritten signature in black ink, appearing to read 'Mark Barrett', with a large, sweeping flourish at the end.

Mark Barrett
Senior Manager Employment & Skills Service