

LEARNER DISCIPLINARY AND BEHAVIOUR POLICY

Policy Scope

Leicestershire County Council is committed to providing an inclusive, supportive and positive learning experience for all learners. As part of this we have high expectations in terms of learner behaviour. Our Learning Charter, contained within the [Learner Handbook](#), outlines what learners should expect from us and what our expectations are for our learners.

A breach of our Learning Charter, or other negotiated classroom protocols, committed during the time a learner is enrolled with the service, whether or not it occurred on Adult Learning premises, will lead to this disciplinary procedure being used. It is important that every learner can enjoy a rewarding and enjoyable experience during their course or programme and this policy is part of our strategy to ensure this happens.

Professional judgement will be exercised in deciding when to use the behaviour management process, but the below are examples of behaviour that could trigger this process (this is not an exhaustive list).

- Consistent lack of effort or poor attendance resulting in poor standards of work without mitigating circumstances
- Consistent failure to complete work to agreed deadlines
- Plagiarism
- Consistent poor attendance without mitigating circumstances
- Consistent lateness to class
- Behaviour which is disruptive/offensive/intimidating to learning service staff and/or other learners
- Arriving or taking part in classes or learning activities under the influence of alcohol or banned substance
- Swearing or other abusive/offensive language
- Abuse, bullying or harassment

The following behaviours would result in a learner moving automatically to Stage 3 or instant exclusion, depending on severity, of our Behaviour Management Process:

- Violence or vandalism to people or property
- Serious cases of abuse, bullying or harassment
- Theft, forgery and/or fraud
- Breach of Health & Safety e.g., tampering with fire alarms
- Irresponsible behaviour resulting from use of banned substances or alcohol
- Promotion or sale of banned substances
- Behaviour which causes significant disruption or offence to staff and/or other learners or visitors
- Significant misconduct likely to bring the Learning Service into disrepute
- Behaviour likely to cause accident or injury to self or others
- Serious damage to premises (or other external venues used by the learning service) and equipment (including IT equipment)
- Unauthorised interference with IT systems or computer configurations, for example 'hacking'
- Inappropriate use of internet and email and social media – accessing or transmitting material which is considered by the Learning Service to be offensive, obscene, abusive, malicious to staff or other learners

Behaviour Management Process

As part of normal class management, we would expect tutors to address minor incidences of inappropriate behaviour informally. If such behaviour is picked up quickly, it is less likely that issues will escalate, or a sense of injustice will build amongst other learners.

The stage at which the disciplinary procedure starts is subject to the seriousness of misconduct. For guidance and advice please speak to a line manager or a member of the safeguarding team.

| | Process | Responsible Staff |
|------------------------|---|--|
| Stage 1 Meeting | Informal warning (cause for concern) | Tutor |
| | One to one meeting with learner with record entered on ProMonitor. Clear objectives and actions recorded with a timescale for improvements. This should be reviewed at intervals agreed with the learner and appropriate to the course and the concern. | |
| Stage 2 Meeting | 1st Formal warning (verbal warning) | Tutor's Line Manager (usually a Learning Development & Delivery Coordinator) |
| | Recorded on Pro Monitor as a Stage 2 Meeting. Implement / review action plan described above as appropriate. | |
| Stage 3 | Written warning | Programme Manager |
| | Implement / review action plan described above as appropriate. Record on ProMonitor as Stage 3 Meeting and issue written warning to learner. | |
| Stage 4 | Disciplinary hearing panel | Senior Management Team |
| | A possible outcome is permanent exclusion / withdrawal from the course. All cases of dismissal must be issued by Head of Service or Designated Safeguarding Lead. | |

Confidentiality

Details of all disciplinary investigations, hearing, warnings and appeals will be regarded as strictly confidential. Consequently, access to written correspondence and records will be restricted to those directly involved in the investigation and/or disciplinary hearing as appropriate. Staff and witnesses involved should not discuss any disciplinary matter with other members of staff/learners or the general public who are not directly involved in the disciplinary process.

Outcomes

Suspension

In some circumstances, for example in the event of a formal complaint, it may be necessary for the service to suspend a learner from studies at short notice. The service reserves the right to do so until a satisfactory outcome can be reached. The service will support suspended learners who are due to sit exams and/or assessment to do so.

Terms of suspension are at the discretion of the Head of Service or Designated Safeguarding Lead. The outcome of a suspension may become an exclusion where the terms of appeal and return as listed below will then apply.

Exclusion

In the event of exclusion, there are three periods that a learner can be excluded for. This will depend on the nature of the misconduct and evidence from an investigation. The term of exclusion and rationale behind the time chosen will be set out in written communication to the learner. The time periods are as follows.

- One academic year
- Three years
- Permanent exclusion

The exclusion time period is at the discretion of the Head of Service. Any exclusions period will be recorded on Pro Solution. Any exclusion will be recorded and kept within the Safeguarding team records.

Appeals Procedure

A learner has the right to appeal against a suspension or exclusion decision. The intention to appeal must be made in writing to the Head of Service within 10 working days of the decision. Any appeal will be reviewed by a member of the senior management team independent to the original decision panel. If a learner fails to attend a hearing date, the appeal will proceed in their absence.

Appendix 1 – Definitions of bullying and harassment

Bullying and harassment is not necessarily face-to-face, it may occur through written communications, visual images (e.g. pictures of a sexual nature or embarrassing photographs of colleagues), email, or by telephone. The behaviour can be persistent or an isolated incident and conduct that has been considered acceptable in the past can become unwanted or unwelcome.

Bullying

Bullying is characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.

Harassment

Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Learners can complain about behaviour they find offensive, even if it is not directed towards them. They do not need to possess the relevant protected characteristic themselves and can complain about behaviour they find offensive because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do. It is the impact of the behaviour on the recipient which is important and, if the recipient feels that they have been subjected to bullying or harassment, the complaint must be taken seriously and, where appropriate, investigated.

The following list provides some possible examples of bullying and harassment:

- Deliberately undermining a learner, setting unrealistic deadlines, or providing constant criticism
- Spreading malicious rumours or insulting someone by word or behaviour
- Overbearing supervision or other misuse of power or position
- Exclusion or victimisation
- Demeaning or ridiculing someone
- Using derogatory or inappropriate language
- Deliberately using incorrect pronouns (e.g. he/she/they) to humiliate someone (an example of transphobic bullying and harassment)
- Making intrusive or inappropriate comments about an individual's personal circumstances
- Spreading rumours or gossip speculating about someone's sexual orientation or outing them (an example of homophobic or bi-phobic bullying and harassment)
- The display or circulation of offensive materials
- Threatening behaviour
- Practical jokes (e.g. hiding a disability aid)
- Marginalising someone (i.e. treating them as if they are not important)

Sexual Harassment

Sexual harassment is a specific type of harassment concerning behaviour of a sexual nature and may be experienced alongside or in addition to harassment based on other protected characteristics as described above. Individuals could encounter sexual harassment from or by someone of any gender and the impact of the behaviour need not be intentional.

The examples of possible harassment listed above may be considered sexual harassment if they involve unwanted or unwelcome behaviour of a sexual nature. Other examples could include:

- Sexual comments, jokes, gestures, or 'banter'
- Unwelcome sexual advances or propositions e.g. flirting, sexual compliments, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Unwanted physical contact e.g. touching, hugging, or kissing

- Standing too close or brushing against someone's body
- Displaying or sharing sexually offensive materials in any format e.g. pictures, posters, photos, or desktop backgrounds and screensavers
- Inappropriate discussions or questions about a person's private or sex life, or their sexual orientation
- Sexual assault of any nature