# Adult Community Learning

## Learning and Behaviour Policy

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### Learning and Behaviour Policy

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Abbreviations

* ALS Additional Learning Support
* CfC Cause for Concern
* ICT Information and Communication Technology
* LLDD Learner with Learning Difficulty and/or Disability

### 1.- Purpose

Adult Community Learning aims for all learners to have an enjoyable, safe, and successful time while studying with us.

Adult Community Learning expects learners to take responsibility for their learning and to work hard to achieve their learning goals.

This Learning and Behaviour Policy aims to identify and support learners who are at risk of underachieving or failing their course and to keep staff and students safe.

This policy is based on the principles of mutual respect and responsibility, enabling learners to learn and staff to teach and support learning. These aims are supported by the Learning and Behaviour Agreement (Appendix 1).

### 2.- Scope

The policy applies to all learners while they are enrolled with Adult Community Learning. It also applies to learners taking courses through partners who have been contracted to provide services on ACL’s behalf.

### 3.- Summary of stages

Adult Community Learning will use the Learning and Behaviour Policy when a learner is alleged to have breached the Learning and Behaviour Agreement.

Whenever possible, concerns and issues should be dealt with informally and the learner supported. The Formal Stage or Serious Incident should only be used when informal action has failed or is considered inappropriate.

The policy has two parts:

* The Formal Stage will be used to support learners, address issues and deal with minor breaches of the Learning and Behaviour Agreement.
* Serious Incident and Disciplinary Hearing will be used to deal with serious breaches of the Learning and Behaviour Agreement

Learners have the right to Appeal against the decision to withdraw or exclude them from the course and/or Service

### 4.- General Principles

When a learner is the subject of a Formal Stage, Serious Incident or a Disciplinary Hearing or an Appeal (as appropriate) the following will normally apply:

4.1 Support for Learners (Formal Stage)
The learner’s personal tutor, will support them; examples of support that may be given include:

1. Discussing concerns with the learner (attendance, punctuality, completion of work, behaviour)
2. Exploring a particular reasons or extenuating circumstances.
3. Clearly explaining expectations around improvements and the possible consequences of not addressing these which includes a First Warning, Final Warning or being withdrawn from their course and/or the Service
4. Devising an action plan with the learner to achieve their targets
5. Referring them to support and contacting agencies as necessary
6. Monitoring their progress.
7. Gathering feedback from tutors/support staff in preparation for a review meeting

#### 4.2 Support for Learners with Additional Needs (All Stages)

1. Learners with a learning difficulty or disability, vulnerable adults and ESOL (English Spoken as an Other Language) learners can access support in using the policy by speaking to their tutor
2. The Head of Service and safeguarding Officer will be notified when a learner with a learning difficulty or disability or vulnerable adult is involved in a Serious Incident or subject to a Disciplinary Hearing
3. Reasonable adjustments will be made to the process to accommodate the needs of a disabled learner

#### 4.3 Communication and Notice of Meetings

Communication with learners will be contacted via verbal or written communication

Learners will be:

1. Given at least 3 working days’ notice in writing of a review meeting
2. Given at least 5 working days’ notice in writing of a Disciplinary Hearing and Appeal Hearing
3. Informed of the outcome of meetings and hearings in writing within 3 working days

#### 4.4 Learners Attendance at Meetings

1. If a learner does not attend a Review Meeting, Disciplinary Hearing or Appeal Hearing the Service will make reasonable enquiries as to why they are not present and decide whether, in all the circumstances of the case, it is fair and reasonable to go ahead without them
2. If the meeting or hearing does go ahead without the learner being there, a decision will be made in their absence, and they will be informed of the outcome

#### 4.5 Safeguarding - Refer to Safeguarding Policy and Procedures - Document 3

#### 4.6 Recording and Monitoring and Reporting

1. Formal Stage, Serious Incident and Disciplinary Hearing records are kept on the learner’s file for the duration of their enrolment in the academic year
2. Records of Serious Incidents, Disciplinary Hearings, Exclusions and Appeals are recorded centrally and are kept for 5 years
3. Withdrawals, exclusions, and appeals are monitored by equality and diversity categories and are reported to Head of Service and senior management team
4. Monitoring is used to identify equality and diversity issues and areas of action to address inequalities
5. This policy and Learning and Behaviour Agreement are reviewed as and when necessary

#### 4.7 Roles and Responsibilities

Policy summary (Appendix 1) details responsibilities

1. The Service- It is the responsibility of all Service staff to help make all learners aware of the Learning and Behaviour Policy and associated documents

The Service has a responsibility to tell learners at the start of their course about the behaviour that is required of them and the type of action the service can take if they break the Learning and Behaviour Agreement.

1. Assistant Director Community Learning & Libraries is responsible for the Learning and Behaviour Policy,

On behalf of the Assistant Director the decision to:

1. Suspend a learner is delegated to the Quality Manager or Curriculum Manager
2. Exclude a learner is delegated to the Quality Manager or Curriculum Manager
3. Withdraw a learner is delegated to Curriculum Manager/Team Leader in communication with the relevant tutor/s
4. Learners

All learners are required to follow the Learning and Behaviour Agreement.
By enrolling with the Adult Community Learning, Employment Skills and Culture Service, learners are agreeing to follow the service policies, and the service may act against learners who do not follow them

Learners will be told about the Learning and Behaviour Agreement at the start of their Course

#### 4.8 Cases Involving the Police

1. When the Service suspects that a learner has committed a criminal offence, the matter may be referred to the police
2. When a learner has or may have breached the Learning and Behaviour Agreement and the matter is being investigated by the police or is the subject of criminal proceedings, the Service may start or continue with its own formal sanctions and procedures, or it may decide to postpone further action pending the outcome of the police investigation/criminal case
3. The Service will not be bound by the results of a police investigation or criminal proceedings against a learner. No learner will be automatically dismissed or otherwise disciplined because he or she has been charged with or convicted of a criminal offence

#### 4.9 Related Documents

The following documents associated with the Learning and Behaviour Policy can be found in the Service Policy Folder available in Internal Centres:

* Safeguarding Policy
* Dignity for All
* ICT (Information and Communication Technology) Acceptable Use Policy

Learning and Behaviour Agreement

### 5.- Formal Stage

* The Service will use the Formal Stage to deal with alleged minor breaches of the Learning and Behaviour Agreement.

Minor Breaches may include:

* 1. Poor attendance and/or punctuality
	2. Poor or challenging behaviour such as talking at the wrong time, using mobile phones, inappropriate language
	3. Rudeness towards staff or other students
	4. Failing to follow a reasonable instruction made by a member of staff
* Wherever possible, issues and concerns should be dealt with informally through discussion between the learner and tutor to establish the facts and circumstances. The Formal Stage should only be used when informal action has failed or is considered inappropriate.
* Entering the Formal Stage may result in a learner being withdrawn from their course and/or the service. The Formal Stage has three levels: Cause for Concern, First Warning, and Final Warning. A progress meeting can be held at any time in the Formal Stage if targets have not been met with 3 working days' notice in writing
* Cause for Concern
	1. A Cause for Concern can be raised and actioned by a tutor following informal action
	2. A learner may have multiple Cause for Concerns raised
	3. There is no automatic progression onto a First Warning or Final Warning from a Cause for Concern
* Cause for Concern Review Meeting
	1. Targets are reviewed and progress discussed
	2. Outcome and action decided
	3. Outcomes:
1. No further action at this time and records stays on file and active
2. Cause for Concern is reissued - targets set and a review meeting arranged
3. Case is referred to the learner's tutor
4. First Warning is issued by tutor or Team Leader
* First Warning Review Meeting
	1. Targets are reviewed and progress discussed
	2. Outcome and action decided
	3. Outcomes:
1. No further action at this time, records stay on file and active
2. First Warning is reissued - targets set and a review meeting arranged
3. Final Warning is issued
* Final Warning Review Meeting
	1. Targets are reviewed and progress discussed
	2. Outcome and action decided
	3. Outcomes:
1. No further action at this time, records stay on file and active
2. Final Warning is reissued - targets set and a review meeting arranged
3. Withdraw the learner from the course and/or Service
* Appeal Learners have the right to Appeal against the decision to withdraw them from the course and/or Service (see Appeal section)

### 6.- Serious Incident

* The Service will use the Serious Incident and Disciplinary Hearing to deal with serious alleged breaches of the Learning and Behaviour Agreement.

Serious Breaches may include:

* 1. Persistent and serious disruption to the learning of others
	2. Serious actual or threatened violence, verbal abuse, or bullying
	3. Any illegal activity; including selling or taking non-prescription drugs, and carrying weapons
	4. Using technology to produce, access, send or download violent, obscene, or offensive material or participate in cyber bullying
	5. Discrimination or harassment either directly or indirectly related to a person’s race (colour, nationality, ethnic origin), religion or belief, age, gender, marital status, sexual orientation, gender orientation, or disability
	6. Malicious damage to or theft of Service/staff/learner property
	7. Bringing serious harm to the reputation of the Service

Involvement in a Serious Incident and Disciplinary Hearing may result in a learner being excluded from the Service

* Following an Incident
1. A tutor, Curriculum Manager / Team Leader and/or Learning Hub Officer may require a learner to leave the Service premises immediately if a learner’s continued presence is likely:
2. To constitute a threat to persons or property
3. To cause undue disruption to the normal operation of the Service
4. A learner must not return to Service until they have permission to do so from a member of the management team
5. This is not a disciplinary penalty; it is an interim measure.
6. A member of the management team will act promptly (as soon as possible and usually within 3 working days) and consider whether to:
7. Permit a learner to return to Service
8. Suspend the learner
9. Work and assignments may be sent to a learner’s home, as appropriate
* Suspension
1. Examples of behaviour that may lead to a suspension are physical assault; carrying weapons; selling drugs.
2. Following an incident or at any point during an investigation or prior to a Disciplinary Hearing a member of the management team may suspend a learner:
3. To prevent a threat to persons or property
4. To prevent undue disruption to the normal operation of the Service
5. To prevent interference with the investigation
6. To protect the best interests of a learner
7. A suspension is not a disciplinary penalty; it is an interim measure pending the outcome of a Serious Incident investigation and/or Disciplinary Hearing.
8. When suspended, a learner must not return to the service until they have permission to do so from a member of the management team
9. While suspended, work and assignments may be sent to a learner’s home as appropriate
* Investigation

A senior member of the management team will act as investigating officer. They will:

* 1. Carry out an investigation to establish the facts and circumstances
	2. Obtain statements from the learner or from any third parties, by interview or in writing
	3. Produce a report on the findings of the incident recommend an outcome to the Assistant Director Community Learning & Libraries
	4. No case to answer, no further action
	5. Issue a Formal Stage (First or Final) - targets set and a review meeting arranged
	6. Disciplinary Hearing
	7. The Service will write to learners within 3 working days of the incident, informing them of the outcome of the investigation
* Disciplinary Hearing - Notice

When possible, the hearing will take place within 12 working days of the incident

Learners will be:

* 1. Sent a copy of the case against them as soon as possible, usually within 5 working days of the incident, including:
	2. Confirmation of the alleged breaches of the Learning and Behaviour Agreement
	3. Copies of the evidence gathered during the investigation
	4. Copies of documents that the Service intends to rely upon at the hearing
	5. Given at least 5 working days written notice of the date/time of the Disciplinary Hearing
	6. Asked to provide a written statement of their response to the case at least 2 working days before the Disciplinary Hearing
* Disciplinary Hearing - Learners
	1. Learners can bring 1 person with them (for example: a friend, a relative or representative)
	2. Learners may not bring legal representatives with them
	3. With the agreement of the Service, learners with a particular requirement may bring three people:
	4. Learners with a learning difficulty and/or disability may bring a support worker
	5. Learners for whom English is a second language may have an interpreter
	6. Learners must inform the Assistant Director Community Learning & Libraries
	7. at least 3 working days before the Disciplinary Hearing if they wish to bring more than one person or if they need help with arranging a support worker or interpreter
* Disciplinary Hearing - Service
Service staff present at a Disciplinary Hearing include:
	1. The Disciplinary Hearing panel made up of:
	2. A member of the management team who has not been involved in the case, who will act as Chair
	3. Another member of staff who has not previously been involved with the case
	4. A Manager (usually the investigating officer) to present the case
	5. A Personal Assistant (or equivalent) will take minutes of the Disciplinary Hearing
* Disciplinary Hearing - Process
The process to be followed at the Disciplinary Hearing will be:
	1. The Service (usually the investigating officer) will present the Service case
	2. The learner (or support person) will present their case
	3. The members of the panel may ask questions
	4. The Service (usually the investigating officer) will summarise the Service case
	5. The learner will summarise their case, explaining any exceptional circumstances
	6. The panel will adjourn, to consider their decision
* Disciplinary Hearing - Possible Outcome
	1. Dismiss the case against the learner and readmit the learner to their course/s
	2. Issue a Formal Stage (First or Final) - targets set and a review meeting arranged
	3. Recommend, as and where appropriate, that the learner:
	4. replace damaged items
	5. write an apology
	6. seek support and guidance from external agencies to resolve issues raised because of the incident, for example, anger management
	7. Exclude the learner from all Service courses and premises:
	8. The period of exclusion will vary depending on the seriousness of the breach and the particular facts and circumstances of the case
	9. The exclusion will be for a specific period or permanently
	10. When excluded for a specific period, the learner will be informed of the exclusion end date
	11. While excluded the learner will not be allowed to enrol on a course at any centre of the Service
* Notice of Outcome
The learner will be informed of the outcome with reasons as soon as possible, usually within 3 working days of the Disciplinary Hearing
* Appeal
Learners excluded from the Service have the right to Appeal (see Appeal section)

### 7.- Appeal

Learners have the right to appeal against an exclusion following a Disciplinary Hearing or the decision to withdraw them from the course and/or the Service following a Formal Stage Final Warning

* Requesting an Appeal
	1. The learner must write to the Assistant Director Community Learning & Libraries, Islington 222, Upper Street, N1 1XR within 10 working days of receiving notification of the exclusion.
	2. The letter must clearly explain the reasons for requesting an appeal and include all statements and other documents that they wish to rely upon.

Learners may request an appeal based on the following grounds:

1. New material evidence is available which was not available at the time of the exclusion
2. The belief that the outcome or process of the Formal Stage or Disciplinary Hearing was unfair and/or resulted in a sanction that was excessive or disproportionate to the breach
3. The Learning and Behaviour Policy was not followed correctly, and this considerably disadvantaged the learner
	1. The Service has the right to reject an appeal if the request for an appeal is not received within the set time or the grounds for requesting an appeal set out above are not met
* Appeal Hearing - Notice

If an appeal is to be heard there will be an Appeal Hearing

The learner will be:

* 1. Given at least 5 working days written notice of the date/time of the appeal hearing
	2. Sent copies of all documents that were considered in making the decision that they are appealing against and any other documents the Service intends to use in responding to the appeal
* Appeal Hearing - Learners
	1. Learners can bring one person with them (for example: a friend, a relative or representative).
	2. Learners may not bring legal representatives with them.
	3. With the agreement of the Service, learners with a particular requirement may bring three people:
1. Learners with a learning difficulty and/or disability may bring a support worker
2. Learners for whom English is a second language may have an interpreter
	1. Learners must inform the Assistant Director Community Learning & Libraries at least 3 working days before the Appeal Hearing if they wish to bring more than one person with them or if they need help with arranging a support worker or interpreter
* Appeal Hearing – Service
Service staff present at an Appeal Hearing include:
	1. The Appeal Hearing panel:
1. A Senior member of Management, who will act as Chair
2. A Manager who has not previously been involved with the case
	1. A senior member of management team who will respond to the appeal
	2. A Personal Assistant (or equivalent) will take minutes of the Hearing
* Appeal Hearing - Process
The process to be followed at the Disciplinary Hearing will be:
	1. A Personal Assistant (or equivalent) will take minutes of the hearing
	2. The learner (or support person) will present their appeal
	3. The Service will respond to the appeal
	4. The members of the panel may ask questions
	5. The Service will summarise the Service response
	6. The learner will summarise their appeal, explaining any exceptional circumstances
	7. The panel will adjourn, to consider their decision
* Appeal Hearing - Possible outcome
	1. Allow the appeal (dismiss the exclusion / withdrawal) and readmit the learner to their course/s - previous findings will be removed from the learner's record
	2. Impose a Formal Stage in place of the exclusion / withdrawal
	3. Reduce the length of the exclusion
	4. Uphold the exclusion / withdrawal
* Notice of Outcome
The Learner will be informed in writing of the outcome of the appeal as soon as possible, usually within 3 working days of the Appeal Hearing
* Referral to External Agencies
Learners who have exhausted the Services internal procedures will be informed of their right to take their case to ACL (Adult Community Learning) Funding Bodies or the Councils Complaints Procedure

### APPENDIX 1

#### Learning and Behaviour Agreement

Scope

* The Learning and Behaviour Agreement applies to all learners while they are enrolled with ACL. It also applies to ACL learners taking courses through partners who have been contracted to provide services on ACL behalf
* The Learning and Behaviour Agreement explains what we expect of you as a learner with Adult Community Learning
* The ‘Service’ includes all tutors, team leaders and managers staff, service providers and visitors

Learning and Behaviour Agreement

This agreement explains the commitments and responsibilities expected of you, the Learning Centre, and Adult Community Learning Service

*Please ensure that you understand and agree to the following when enrolling for a course.*

What can you expect?

* To learn in safe and comfortable surroundings
* To have your skills valued and recognised
* To receive the support that you need
* To be taught by an experienced and qualified tutor
* A stimulating and enjoyable learning experience
* To receive helpful feedback from the tutor
* Impartial advice and information
* To be offered a course at the appropriate level for you

What do we expect in return from you?

* To attend your course on time
* To inform your tutor if you cannot attend your class
* To complete your learning diary and work on time
* To treat the tutors and other learners with respect and understanding.
* To listen to your tutor and follow instruction
* To participate in discussions and listen to other people's opinions
* To discuss problems that you are having with your learning, with your tutor
* A commitment to the Health and Safety of yourself and other learners
* A commitment to Islington’s Dignity for All Policy

*If you do not observe the above, we may withdraw your offer of a place on your course and/or may be unable to offer you a place on a course in the future*