



North Tyneside Council

North Tyneside Council Adult Learning Service

Respect and Consideration for Others Procedure

The Adult Learning Service values and respects all learners and prospective learners.

The **Adult Learning Service** pledge describes our values and explains the sorts of behaviour we expect. We will take action if a member of the Adult Learning Service staff, a learner or partner organisation falls below the standards set or behaves in a way that disregards the values outlined in the pledge.

- Employees of North Tyneside Council will follow the Code of Conduct and Performance Management Process for staff.
- Learners will follow the Learner Disciplinary Procedure. (detailed below)
- An employee of another organisation or company will be expected to follow the organisations/company's disciplinary policy.
- 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.

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. **This could lead to learners being suspended from Adult Learning provision.**

Harassment and Bullying Procedure

The Adult Learning Service is committed to ensuring that everyone learning or working with Adult Learning is treated with respect and consideration. **Harassment and bullying is a serious matter and is unacceptable** in any form.

Bullying

Bullying is often seen as a form of harassment. Bullying is behaviour that:

- Is coercive i.e. grooming
 - that leads people to question their beliefs and values to engage in extremist activities and terrorism
 - sexual leading to exploitation
- Is offensive and humiliating
- Is threatening or intimidating
- Is a misuse of power by someone
- Intends to injure or upset the person being bullied

Harassment

Harassment is unwanted conduct that is unwelcome and offensive to either men or women.

It is everyone's responsibility to behave in a way that meets the standards set out in the pledge. This includes offering support to the victim of harassment and not ignoring harassment if it occurs as this indirectly supports unacceptable behaviour.

All staff within Adult Learning must ensure that this procedure is applied and monitored effectively and for them to lead by example.

All staff will treat complaints seriously and be sensitive to the personal feelings and perceptions of others. All cases will be investigated and where proven, appropriate action will be taken under the relevant disciplinary procedure.

The following steps set out how an issue should be dealt with starting with informal action and leading up to disciplinary action for more serious or repeat instances.

Informal stage

A member of Adult Learning staff may:

- Discuss inappropriate behaviour and language as outlined in the Learner Handbook and plan with the learner how to improve their behaviour.

- Offer to support the victim in a face-to-face meeting with the person who has bullied/harassed them to raise their concern.
- Respond to a request made by the victim to contact the person accused of bullying/harassment on their behalf.

These informal actions may lead to an apology and improved behaviour.

If the behaviour does not improve then the issue may become a formal complaint. A complaint can be made using the form Comments, Compliments and Complaints, available from all tutors or the reception desk of learning centres.

If a formal complaint is made

- A complaint against a member of staff will be investigated by a Manager and may result in action (Performance Management Procedure, North Tyneside Council, Human Resources)
- A complaint against a learner will be investigated by a Manager and may result in action under the Learner Disciplinary Procedure.

Record Keeping

If formal action is taken, records will be held at:

1. Adult Learning Service Office (learners)
2. North Tyneside Council Human Resources (staff)

Learner Disciplinary Procedure

If there is reason to suspect that a learner is guilty of misconduct or gross misconduct the disciplinary procedure will be followed. Serious or repeated misconduct may result in a learner being suspended, or excluded from taking part in a learning activity.

Misconduct

The following are examples of behaviour, which may be interpreted as misconduct:

- Failure to follow Health & Safety Regulations and instructions
- Conduct which prevents or disrupts teaching
- Disorderly behaviour or the use of abusive language
- Offensive behaviour or language of any kind, including references to race, gender, age, sexual orientation, faith or disability

Gross Misconduct

Any behaviour involving the following is likely to be treated as gross misconduct

- Violence or threat of violence
- Deliberate damage to property
- Dishonesty
- Bullying, harassment, and coercion
- Any illegal activity
- Serious or repeated failure to follow Health & Safety Regulations and instructions given by a member of staff
- Persistent offensive behaviour or language as listed above
- Attending under the influence of drugs or alcohol

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

The senior manager and any third party involved in the learners programme will be informed immediately.

Disciplinary Process

Stage 1 (Informal)

Tutors 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 meeting to talk to the learner about their behavior. The learner is entitled to be accompanied by a friend, family member/responsible adult or colleague, about his/her behavior 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 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 managerⁱ, 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 behavior 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. The Senior Manager and any third party involved in the learners 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.

ⁱ If the behaviour/issue occurs on site during work placement then the disciplinary meeting could also include site supervisors and partner agencies.