

## Learner Behaviour Policy. (For 19+ Learners)

### Introduction.

1. Learners are expected to adhere to the behaviour as detailed in the Learner Information booklet “What we expect of you” and “making sure you and other learners are safe” sections. We expect all learners to:
  - behave in a manner which respects other learners
  - behave in a way which respects teaching staff and other York Learning staff
  - takes account of differences and tolerates cultures and communities that are diverse
  - ensure their actions do not have a detrimental affect on others learners or staff
  
2. **This policy is intended to apply to situations where a learner’s behaviour cannot be managed within the normal classroom management arrangements. This procedure should only be applied in exceptional circumstances where behaviour:**
  - contravenes equality of opportunity standards on a consistent basis
  - intimidates or undermines the tutor or other staff in the class
  - intimidates or undermines the other learners in the class to the extent that their learning is adversely affected.
  - consistently undermines good health and safety practice and puts the learner, staff or other learners in a dangerous situation.
  - consistently does not conform to the agreed class “rules” and/or explicit and agreed expectations of the course
  - puts other learners or members of York Learning in physical danger
  
3. In applying the procedure the ultimate aim of the policy should be to ensure that the learner remains in the class and that their behaviour is modified. This procedure is designed to follow a staged process offering the learner opportunities to continue with their learning at each point in the process. However, there may be circumstances where the behaviour of the learner is so serious that a single incident can be escalated immediately to stage 3. This will only be in exceptional circumstances.
  
4. The four stage process is as follows:
  - Stage 1.            Verbal Warning.**
  - Stage 2.            Written Warning.**

**Stage 3. Formal Suspension from the programme pending an investigation**

**Stage 4. Formal Exclusion from the course or whole programme**

### **Stage 1. Verbal Warning.**

5. Where a tutor feels that a learners behaviour falls into one of the categories in paragraph 2, then the following will apply:
  - A verbal warning would be issued by the tutor about the learners behaviour
  - Clear guidance will be given about how the behaviour should be modified
  - This will be recorded in the learners ILP or appropriate record.
6. There might be occasions when the learners behaviour cannot be identified to a single specific incident or specific type of behaviour. Where this is the case the tutor needs to make sure that the learner understands the impact of their behaviour and knows clearly how they should modify it.
7. If the behaviour of the individual is extreme then the verbal warning should be reinforced immediately with a written warning and the process moved to stage 2. This would generally only apply to cases where the behaviour was of an extreme nature and completely inappropriate. In very extreme cases there might be a need to move immediately to stage 3. This should only be done in consultation with a senior manager or the head of service.

### **Stage 2. Written Warning.**

8. If following the verbal warning issued at stage 1 the behaviour of the learner persists, then they should be issued with a written warning. This written warning will come from the manager and include the form attached as annex 1. Managers will ensure the following:
  - They contact the tutor and confirm that a verbal warning has been issued and that all reasonable action has been taken to stop the inappropriate behaviour.
  - Issue the student with letter detailing the behaviour that is causing concern. This to follow the format and wording as set out in Annex 1.
  - If following consultation with the tutor the manager considers that the behaviour of the learner is so serious that they should be suspended from the class, then the process will move immediately to stage three. This would only be in exceptional circumstances and needs the express permission of the Head of Service.

### **Stage 3. Formal Suspension from the programme pending an investigation**

9. If there is a further incident, following the issuing of the written warning at stage 2, then the process will move into stage 3. If this happens and it is practical, then the learner should be told by the tutor that they should no-longer attend the class.
10. This part of the procedure is managed by the Head of Service or appropriate senior manager appointed by the head of service. The following process will be followed:
  - learner contacted to confirm that their behaviour in the class is now the subject of a service investigation and part of a formal process and that they should no longer attend the current class. This to be confirmed in writing
  - An investigation will be carried out gathering all the facts of the case and confirming that the appropriate procedures have been followed
  - Learner will be invited to a meeting with the investigating officer to present any mitigation
  - The report will be compiled within 5 working days of the meeting with the learner and a copy sent to the learner. The report will include a recommendation to either proceed to stage 4 or move the process back to stage 2.

#### **Stage 4 Formal Expulsion from the course or whole programme**

11. If following the investigation the case was proved then this would lead to expulsion of the learner from the programme. The following will then apply:
  - Consideration will be given as to whether the exclusion will be limited to one class or whether the exclusion will include all current and future classes within York Learning.
  - The learner would be informed of the decision in writing and given the opportunity to appeal the decision. The appeal is limited to whether the policy has been followed and is not an opportunity for the learner to offer further mitigation
  - If no appeal is forthcoming then the exclusion will be confirmed in writing

#### **Appeals procedure.**

12. Following the decision of the head of service to exclude the learner, they should be informed of their right of appeal. The scope of the appeal will be limited to ensuring that the service procedure as outlined above has been correctly followed and that the learner has not been unfairly treated. There is no opportunity for further mitigation. It should be made clear that the appeal is not an opportunity for the learner to put their case, but merely to investigate whether the service has implemented procedures correctly. The appeal would be made to the Assistant Director Culture and Lifelong Learning, and he would appoint a service manager from another service within the service arm to investigate.

## **Annex 1**

### **Learner Behaviour Policy – Student Formal Written Warning**

This is a formal written warning as a result of your behaviour as detailed below.

Title of Class:

Tutor:

Nature of the behaviour:

The purpose of this document is to confirm the next steps in our process should a further incident occur. We hope that the behaviour above will not be repeated but if it is then we will have no choice but to ask you not to attend further classes.

If there is a further incidence of inappropriate behaviour you will be asked to leave the class pending an investigation. If you have paid a fee for the class then there will be no refund of the fee until the investigation is concluded. The investigation will be carried out by a senior manager appointed by the Head of Service. You will have an opportunity to speak to the investigating officer to put your side of the case.

If the investigating officer confirms that you have been given sufficient warning about your behaviour and have not made appropriate changes, then you will be informed in writing that you are being permanently excluded from the class. It will also be made clear as to whether this exclusion is from this class only, from other classes you may be attending with York Learning or a complete ban from attending further classes with the service. This will depend on whether the reason for the exclusion is limited to the particular class.

The letter you receive will contain the following:

- An outline of the behaviour that caused the exclusion
- Confirmation of the dates when you were given the opportunity to change your behaviour.
- Confirmation of the scope of the exclusion ( Whether it just applies to the class in question)
- Confirmation or whether you are entitled to a full, part, or no refund of the fee you paid for the course ( As appropriate)
- Your right of appeal

#### **Right of Appeal.**

The right of appeal is confined to the application of the behaviour policy. The appeal process is not an opportunity for you to bring further mitigation or to challenge the exclusion. The investigating officer will simply be concerned with whether York Learning has applied the behaviour policy and the steps outlined above in a consistent and fair manner and to confirm that you have not been discriminated against.

The Assistant Director of Lifelong Learning and Culture will appoint an appropriate manager to carry out the investigation.