

The Adult College of Barking and Dagenham

Service User Conduct & Performance Policy & Procedure (Service Users)

Lead Responsibility	Service Manager Business Support
Designated Officers	Student Services Manager
Advisory Officer(s)	Service Manager Curriculum & Community Partners
Approved by	Service Manager Business Support
Date of approval	April 2022
Date of next review	August 2024

A note to all teaching staff:

Please click [here](#) using a curriculum device to find a full list of Work and Skills policies & procedures

Please click [here](#) using an LBBB device to find a full list of LBBB policies

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Policy Statement

At Work & Skills, we are committed to providing a learning environment in which service users can fulfil their potential and participate freely in Work & Skills activities.

The purpose of this policy is to detail the Work & Skills' standards for behaviour and the Service's expectations of all individuals enrolled at the College in order to promote a safe and positive learning environment. This policy and the procedures outlined below document the support measures and actions that will apply if a service user (learner or client) does not meet the Service's Conduct and Performance Policy or otherwise behaves in a manner that is inappropriate or adverse for the welfare and/or wellbeing of other Work & Skills' service users and staff. A service user may be asked to refrain from attending sites and/or making contact with a member of staff or other service users whilst an incident is under investigation.

The Service User Conduct and Performance Policy and Procedure applies to **all service users**, learners, and clients at all delivery sites.

AIMS

1. This Policy is designed to:

- ensure that service users understand their responsibilities and what is expected of them
- support service users to achieve in a structured, consistent, and fair way
- support staff working through the different stages of the process through clear explanations of what is expected throughout
- outline the sanctions which may be applied
- ensure that actions taken are individualised, proportionate, and designed to support improvement
- promote a safe learning environment where service users can enjoy learning and improve their social and economic well being

2. Code of Conduct for Service-users

The Code of Conduct at Appendix A explains how Work & Skills expect service users to behave whilst on Work & Skills' premises or taking part in Work & Skills' activities. We also reserve the right to investigate incidents which occur off-site if they are between two (or more) service users or service users and staff.

The Code of Conduct lists Work & Skills' general expectations in terms of:

- Attendance and punctuality
- Behaviour
- Commitment to work/study performance

If service users do not follow the Code of Conduct, action may be taken.

3. Gross Misconduct

Commented [SN1]:

Commented [SN2]: Please remove apprentice from all sections and A&WE Manager as well (any references to apprentices to be removed from policy).
Change Principal to Head of Employment, Skills and Principal of the Adult College throughout.
Change HoE&S to SM E&S.

Gross misconduct is seen as serious misconduct where the Service considers that it is not possible to continue to allow a service user to study at the College, engage in Work & Skills activities or be on Work & Skills premises. A service user may be asked to refrain from attending sites and/or contacting a member of staff or other service user (learner/client) whilst an incident is under investigation. If proven, it would normally result in exclusion from the Service. Whilst it is not possible to compile a comprehensive list of offences which can be termed gross misconduct, examples are given in section 5.

4. Criminal Activity

Work & Skills via the Safeguarding Team reserves the right to report potentially criminal activity to the police, and/or to advise victims of such activity of their right to do so. If an incident is serious and of a criminal nature, we may defer any further action pending the outcome of criminal proceedings. In exceptional circumstances, we may also take the decision to suspend service users until the outcome of the proceedings is known. If the alleged misconduct does not constitute a serious offence, it will be dealt with internally under this Policy and Procedure.

5. Definitions

5.1 Minor issues - Informal stage

Poor punctuality
Poor attendance below 85%
Not being prepared for learning (lack of pen/paper etc).
Lack of commitment to learning
Not handing in homework or regularly handing in homework late
Low level disruption, failing to meet classroom rule
Inappropriate language, attitudes, behaviour which impact on the learning of others
Failure to maintain a safe and clean learning environment

5.2 Minor to Major issues – Stage 1

Repetition of minor issues which impact on learning
Attendance below 60%
Repeatedly refusing to follow tutor instructions
Inappropriate behaviour which disrupts the learning of others and or brings the College into disrepute
Failure to attend exams or controlled assessments
Breaches of key policies: Health and Safety, Equality and Diversity, Safeguarding & Prevent, IT Acceptable User Policy etc

5.3 Major Issues – Stage 2

Failure to address actions on Development Plan
Plagiarism
Cheating in exam/assessments
Severe breaches of key policies: Health and Safety, Equality and Diversity, Safeguarding & Prevent, IT Acceptable User Policy etc which could result in injury or disrepute
Vandalism or theft of Work & Skills equipment or facilities
Verbal abuse or harassment of other service users or staff

5.4 Gross misconduct / severe issues – Stage 3

Repeated failure to address actions on Development Plan
Overt or covert racism through verbal or other means

Severe breaches of key policies: Health and Safety, Equality and Diversity, Safeguarding & Prevent, IT Acceptable User Policy etc which result in actual injury or disrepute
Repeated plagiarism or cheating in external exams
Intoxication due to alcohol or other substance
Any physical violence or threats of physical violence
Bringing offensive weapons on site

Appendix A: CODE OF CONDUCT

1. Service users must attend all lessons. We expect a minimum of 95% attendance and failure to do so could result in further action. Any attendance which falls below 85% could impact on opportunities for a service user to take exams and may result in a service user being withdrawn from their course.
2. Service users are expected to attend punctually and submit course and homework within the designated timeframes.
3. Individuals must abide by reasonable instructions issued by a member of Work & Skills staff.
4. Behaviour towards others must not be discriminatory and should always maintain the dignity of the individual. The bullying or harassment of individuals will not be tolerated.
5. Behaviour towards others must not be threatening, violent, aggressive, abusive, disruptive, or obstructive to their learning. Inappropriate or offensive language will not be tolerated.
6. All individuals must respect the rights of others to a quiet, clean, orderly, and professional working and learning environment.
7. Individuals must not behave in ways that put their own or other people's health, safety or welfare at risk and must observe all instructions about Health and Safety.
8. Individuals must respect the property of other people and that of Work & Skills and its premises. Theft or willful damage of Work & Skills' or another people's property is not tolerated.
9. Individuals must abide by the Acceptable Use Policy (AUP). This includes the use of social media, eStudy and the internet which must not be used for the purposes of downloading or viewing material that is deemed offensive, extremist, or inciting violence, criminal or anti-social activity.
10. Individuals must not bring the reputation of Work & Skills into disrepute through anti-social behaviour either on or off Work & Skills premises or through the use of emails or social networking sites.
11. Individuals must attend all arrangements for assessment including examinations.
12. Individuals must not cheat or plagiarise in course work or examinations.
13. Individuals must not smoke or use e-cigarettes/vaporisers whilst on Work & Skills premises except in designated areas.
14. Individuals must not possess, or be under the influence of, illegal substances or substances formerly known as 'Legal Highs' on Work & Skills premises or on Work & Skills activities.
15. Individuals should not consume, or be under the influence of, alcohol on Work & Skills premises or on Work & Skills activities.
16. Individuals must not carry illegal or offensive weapons on Work & Skills premises or on Work & Skills activities.

APPENDIX B: STAGES OF PROCEDURE

This process uses the terms minor, major and severe (gross misconduct) to describe the levels of importance. *Read all Appendices first.*

1. Informal, routine classroom management

1. Tutor / Learning Support Assistant identifies issues re: performance and / or conduct.
2. The expectations of the course / college are reinforced to the learner.
3. Student Services referral made, if required.
4. Learner Development Plan (formerly Cause for Concern Form) completed and shared with Curriculum Manager (CM).
5. Tutor/ Learning Support Assistant can seek the support of CM to reinforce Learner Development Plan/LDP Review.

2. Stage 1 (verbal warning of failure to meet expectations – formal letter sent)

6. Tutor / Learning Support Assistant identifies recurring issues re: performance and / or conduct and is not resolved through the Learner Development Plan review process (or) a major issue presents itself.
7. A formal meeting is held between Service User*, Tutor / Learning Support Assistant and CM to confirm that the Service User understands this is formal & what specifically s/he needs do as a result of the Learner Development Plan/LDP Review and a date for improvement / review is set.
8. A formal letter confirming the verbal warning, Learner Development Plan and Review date is sent by the CM.
9. If the issue(s) are resolved, then the procedure pauses at this stage.
10. If Learner Development Plan actions are not addressed, progress to Stage 2.

3. Stage 2 (written warning of failure to meet expectations – formal letter sent)

11. Service User fails to address Learner Development Plan by review date (or) a major issue presents itself or a minor issue repeats itself within in an academic year.
12. A Service User may be asked to refrain from attending sites and/or making contact with a member of staff or other learners whilst an incident is under investigation.
13. A formal meeting is held between Service User, Tutor / Learning Support Assistant and CM to confirm that the Service User understands this is formal & what specifically s/he needs do prior to the Learner Development Plan Review and regular (weekly) reviews dates agreed for 4 weeks.
14. A formal letter confirming the written warning, Learner Development Plan and Review dates is sent.
15. If the issue(s) are resolved, then the procedure pauses. Failure to maintain the Learner Development Plan actions over time may result in a return to this stage of the process.
16. If Learner Development Plan actions are not addressed, progress to Stage 3.

4. Stage 3 (gross misconduct or a failure to meet expectations – formal hearing)

17. Learner Development Plan actions are not addressed, or a 'severe' issue occurs.
18. Service Managers can suspend a Service User pending formal investigation.
19. Once formal investigation has completed, the Service User is either given 5 working days' notice in writing of a formal hearing meeting or moved to an earlier stage in the process.
20. Formal Hearing - Service User, the CM and any 2 members of SLT (SMCCP / SM E&S/ SMBS) meet for a formal hearing. The SMCCP / SM E&S/ SMBS listen to the evidence given by the CM allowing the learner to respond to each point. The SMCCP / SM E&S/ SMBS have the option of returning the Service User to earlier stage or making a recommendation to suspend or exclude.
21. The SMCCP / SM E&S/ SMBS will make a formal recommendation to the Head of Employment, Skills, and Principal of the Adult College.
22. The SMCCP / SM E&S/ SMBS will write to the Service User to advise the outcome within 10 working days. The SMCCP / SM E&S/ SMBS will contact staff and other learners to advise outcome as necessary.

5. Stage 4 (appeal against Formal Hearing decision)

23. The Service User has the right to make an appeal (in writing) to the Head of Employment, Skills, and Principal of the Adult College within 5 working days of the Formal Hearing. Service Users must state on what grounds they would like to appeal.
24. The Head of Employment, Skills and Principal of the Adult College decides whether an Appeal Hearing is required and responds to the Service User within 10 working days of receipt of the appeal letter.
25. If required, an Appeal Hearing will be convened. In the event of an appeal hearing:
 26. The Service User will state his / her case for appealing.
 - The SMCCP / SME&S / SMBS will present the evidence to support their recommendation.
 - The Head of Employment, Skills and Principal of the Adult College will make a decision on the appeal.
 27. The Head of Employment, Skills and Principal of the Adult College will write with confirmation of their decision within 10 working days.
 28. The Head of Employment, Skills and Principal of the Adult College will contact staff and other learners to advise outcome as necessary.

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