Learners’ Code of Conduct



**Procedure and Code of Conduct for Learners**

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## Introduction

The purpose of this Procedure and Code of Conduct is to set out the basic rules of Medway Adult Education (MAE). All learners are expected to adhere to these and failure to do so may result in suspension or exclusion from classes.

At all stages of the process, learners will have the opportunity to give their views of the situation and raise any point which should be considered before a final decision is made.

## Obligation of Learners

MAE expects learners to:

* Follow the Service’s Health and Safety Regulations and behave in a way which does not put you or others in danger.
* Adhere to the Service’s Safeguarding and Prevent Policy and Guidelines which promote zero tolerance of any form of abuse.
* Comply with the Agreed Code of Conduct
* Attend classes regularly and arrive on time (absence can be disruptive and may result in courses being closed) – your tutor can help you if your circumstances mean that this is not always possible.
* Respect all users of the Service, whether learners, staff, volunteers, or members of the public.
* Behave in a way which respects the needs of others to learn, teach and work.
* Respect the property of the Service, of staff and other learners.
* Help keep the buildings clean and tidy, taking care of all equipment and facilities. Please note there is **no** **parking** on site in Rochester or Gillingham for learners.
* Respect the Service’s Equality and Diversity Policy.
* Study to the best of your ability and submit on time any assignments or homework which have been set.
* Bring any concern that may affect your learning promptly to the attention of your tutor or a member of staff so that appropriate support can be offered.

## Misconduct

The following are examples of behaviour considered as misconduct and may result in disciplinary action being taken:

* Failure to follow Health and Safety Regulations.
* Conduct which prevents, obstructs, or disrupts teaching, learning, or the administration of the Service.
* Failure to follow the reasonable instructions of a member of staff.
* Disruptive or disorderly behaviour or the use of bad or abusive language.
* Any form of intimidation, bullying, neglect, discrimination, harassment, or abusive behaviour whether physical, emotional, financial, or sexual.
* Behaviour or language which is racially or sexually abusive or which is offensive to those with disabilities and/or learning difficulties or those who subscribe to a particular belief.
* Behaviour or language which promotes extremist and radicalisation ideals.
* Causing damage to the Service’s buildings, equipment, books, or furnishings.
* Interfere with software belonging to or used by the Service or misuse of computer facilities.
* Drunkenness or the use of illegal drugs.
* Violence or threat of violence.
* Any illegal act, including smoking, on the Service’s premises.
* “Academic misconduct”, defined as ‘any case of deliberate, premeditated cheating, collusion, plagiarism or falsification of information, in an attempt to deceive and gain an unfair advantage in assessment’. This includes inappropriate use of artificial intelligence (AI).
* Contravening exam, accreditation, or assessment regulations.

## Disciplinary Procedure

**This will only be invoked once all informal attempts to address the issue have failed.**

Please note that all issues of misconduct must be raised as soon as possible; this may be to or by the Programme Manager (i.e. the Programme Manager for the sector within which the learner is enrolled). When a case of misconduct has been reported to the appropriate Programme Manager, the learner alleged to have committed the misconduct will be invited to attend a disciplinary interview with the relevant manager, who must have had no prior involvement in the case. At least five days’ notice (usually written or in other formats as appropriate) will be given except in the case of gross misconduct (e.g. threat of violence, deliberate damage to property, endangering the health and safety of others, intimidation, theft) where the matter will be dealt with immediately or as soon as possible.

If you are under 18 years of age, your parents or carers will be sent information about/copies of both verbal and written warnings.

If you are employed, and your employer is contributing to your course and/or exam fees, your employer will be sent information about/copies of both verbal and written warnings.

The notice will inform the learner, parents, or carers and/or employer of:

* The nature of the alleged misconduct and a summary of the evidence for the complaint
* The learner’s entitlement to have an open hearing and to be accompanied by a friend or colleague.
* Confirmation of the time and place of the interview.

### Stage 1: The initial interview

The learner will be given the opportunity to explain all areas as necessary with the Programme Manager. The cause for concern will be discussed with the learner in a non-judgemental way. The Programme Manager will make (written) note of the details and this will be kept on the learner’s confidential file and any future enrolments will be referred to the relevant Programme Manager. After hearing the learner’s case, the Programme Manager concerned may make one of the following decisions:

* No further action will be taken.
* The learner will receive a final warning (usually written or in other formats as appropriate)
* The learner will be suspended from the class, or the Service and the time specified.
* Further investigation is needed before a final decision may be made.
* In the case of gross misconduct immediate exclusion may be imposed and where necessary the police will be informed.

**This decision will be made in writing (or in other formats as appropriate) within five days of the hearing and the right of appeal will be confirmed.**

* 1. If there is a need for further evidence, the relevant manager will adjourn the hearing for a future date within the next ten working days to allow relevant evidence to be made available. The relevant manager may arrange for any witnesses to be made available in person for the reconvened hearing or (where in the view of the relevant manager that is not practicable or appropriate) for written statements to be taken by another member of the staff.
  2. The relevant manager has the right to suspend the learner until the reconvened hearing.
  3. Copies of any documentary evidence, together with copies of any written statements will be provided to the learner at least five days before the reconvened hearing. The learner will have the right to question any evidence presented in the form of a written statement.
  4. If a witness is not available to answer questions, that will be considered by the relevant manager when assessing the weight to be given to conflicting evidence. Written statements which do not reveal the name of the witness will not be considered, other than in the most exceptional circumstances.
  5. The decision may be that the learner should be permanently excluded or formally suspended for a fixed period, that a lesser disciplinary sanction should be taken or that no disciplinary action should be taken.
  6. The relevant manager will contact (usually in writing or in other formats as appropriate) the learner within five working days to give the decision and will also give the reasons for the decision, which will be implemented with immediate effect.
  7. The letter (or other form of appropriate contact) will affirm the right of appeal and the fact this must be made within five working days of receipt of the decision.

### Stage 2: Appeals Process

* 1. The learner will have right of appeal to the Quality and Curriculum Manager. Notice must be given by the learner within five working days of receipt of the decision and must give the grounds for the appeal.
  2. The appeal will be heard as soon as possible and unless otherwise agreed not normally later than 20 working days following the date of receipt of the appeal.
  3. The learner will normally be given no less than 10 working days’ notice, in writing (or in other formats as appropriate) of the date of the appeal hearing.
  4. Quality and Curriculum Manager will chair the appeal hearing and the relevant manager, who made the decision in the first stage of the procedure, will be asked to present the Service’s case, and explain the reasons for the recommendation.
  5. The learner will be invited to explain the grounds of the appeal and state his or her case.
  6. The Quality and Curriculum Manager may ask questions of the learner and of the representative presenting the case and will then consider whether to allow or dismiss the appeal. Witnesses will normally be asked to be on call to answer any questions.
  7. If the appeal is allowed, the Quality and Curriculum Manager may decide on lesser disciplinary action, or no disciplinary action. If the appeal is dismissed the Quality and Curriculum Manager will issue a statement saying that he/she has decided to uphold the decision taken at the first stage in the procedure.
  8. The Quality and Curriculum manager’s decision will be confirmed in writing (or in other formats as appropriate) to the learner within five working days.

### Stage 3: Appeals Process

* 1. The learner will have right of appeal to the Service Manager. Notice must be given by the learner within five working days of receipt of the decision and must give the grounds for the appeal.
  2. The appeal will be heard as soon as possible and unless otherwise agreed not normally later than 20 working days following the date of receipt of the appeal.
  3. The learner will normally be given no less than 10 working days’ notice, in writing (or in other formats as appropriate) of the date of the appeal hearing.
  4. The Service Manager will chair the appeal hearing and the Quality and Curriculum manager and if necessary, the manager who made the decision in the first stage of the procedure, will be asked to present the Service’s case, and explain the reasons for the recommendation.
  5. The learner will be invited to explain the grounds of the appeal and state his or her case.
  6. The Service Manager may ask questions of the learner and of the representative presenting the case and will then consider whether to allow or dismiss the appeal. Witnesses will normally be asked to be on call to answer any questions.
  7. The Service Manager’s decision will be final and confirmed in writing (or in other formats as appropriate) to the learner within five working days.

### Criminal Offences

Where any member of staff has reason to believe that a learner may have committed a criminal offence, the Service may refer the matter to the police and will normally suspend the disciplinary proceedings under this procedure and suspend the learner pending the outcome of the police enquiries and any charges which may be brought against the learner. Where the learner has been suspended under this provision, when the results of those enquiries and any criminal proceedings are known, the Service reserves the right to recommence proceedings.

If you would like this information in another format, please contact:

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