

<b>Policy title:</b>	Acceptable Behaviour Policy and Procedure - Learners and Apprentices		
<b>Scope:</b>	Achieve Training		
<b>Policy owner &amp; job title:</b>	Hannah Warburton, Head of Learner Development & Wellbeing		
<b>Signed:</b>		<b>Date:</b>	01/07/21
<b>Approver:</b>	Daniel Canavan Executive Director of Achieve Training		
<b>Signed:</b>		<b>Date:</b>	01/07/21
<b>Date:</b>	July 21	<b>Review Due Date:</b>	July 22

## POLICY SUMMARY

This policy outlines the behaviours expected of learners and apprentices in participating in programmes delivered by Achieve Training or its partner organisations and the policy related to learner grievance and disciplinary actions.

### Associated Policies & Procedures:

Includes:-  
 Learner Bullying and Harassment Policy  
 Learner Screening and Search Policy  
 Use of Reasonable Force Statement  
 Learner Disciplinary Procedure  
 Rewards and Incentives policy

Links to Safeguarding Policy, Prevent Policy, Equality and Diversity Policy and E-Safety Policy.

## 1. POLICY STATEMENT

Our aim is to assist all learners and apprentices to gain the social and work-related skills, behaviours and attitudes required to enable progression into the next stage of education, training or employment. To provide learners with the best opportunity to develop and positively progress, we seek to provide a safe, supportive and respectful environment where learners can fulfil their potential.

Achieve Training expect learners and apprentices to take personal responsibility for their own behaviour and to conduct themselves in line with expected standards set out in this policy. We acknowledge the importance of

Fundamental British Values in promoting respect, tolerance, fairness, and equality to all stakeholders regardless of diversities.

When behaviours fall below those expected, we will take a proportionate approach based on the severity and frequency of the issue and where it is deemed appropriate, those individuals involved will be subject to disciplinary action.

All learners and staff have the right to operate without fear of:

- intimidation, harassment or bullying (in relation to all characteristics promoted within the Equality Act 2010)
- the promotion or use of illegal substances or alcohol
- criminal behaviour
- deliberate damage to property

regardless of the medium through which they are delivered (verbally, physically, or online.)

## 2. EQUALITY AND DIVERSITY

This policy has been considered against our Equality and Diversity Policy and is designed to mitigate against potential direct or indirect discrimination.

## 3. RESPONSIBILITIES OF LEARNER

Learners should demonstrate adherence to the expectations listed in the Student Code of Conduct set out in **Appendix A**.

Learners should report any absence via telephone call or email relating to scheduled/ timetabled programme activities (on site, off site or online).

Learners must not engage in any form of bullying or discriminatory behaviour be it verbal, physical or online/via social media.

Any form of bullying or discriminatory behaviour will be treated seriously. (Ref Section 5).

Learners should demonstrate positive engagement with their training programme through excellent attendance, displaying positive attitudes to learning and respectful behaviours. Where this is not the case colleagues will work with the learner to support their progress. However if these opportunities are not taken and performance is consistently below expectations further action via the disciplinary procedure may apply.

Where Learner/Apprentice behaviour and conduct brings Achieve Training into disrepute or impacts on others, whether perpetrated during or outside office

hours, investigation will be undertaken and where appropriate the individual will be subject to disciplinary action.

Serious unacceptable behaviours including fighting, stealing, bullying, sexual harassment/violence, carrying / use of weapons and substance abuse will be treated as gross misconduct and are likely to result in instant dismissal.

Learners should report any concerns to an appropriate member of staff.

#### **4. RESPONSIBILITY OF ACHIEVE TRAINING**

Achieve Training will ensure that all staff have appropriate levels of training in applying this policy in a fair and transparent manner. Staff are expected to set out clear expectations regarding acceptable behaviours and standards of work relating to their department.

We will provide a workplace that is suitable, free from discrimination or fear and provide all learners with the appropriate support to enable them to progress. To uphold this level of safety we reserve the right to implement search and screening and where appropriate use reasonable force as outlined in section 6 and 7.

We will operate the disciplinary procedure in a proportionate, fair and consistent manner. We will designate key staff with the skills and responsibility to investigate any reported potential disciplinary issues.

#### **5. BULLYING AND HARASSMENT POLICY**

Bullying and harassment is behaviour that makes someone feel intimidated or offended. Harassment is unlawful under the Equality Act 2010.

All colleagues and learners have the right to feel safe, valued, and free from any form of harassment at all times. Achieve Training exercises Zero Tolerance of bullying and harassment (including sexual harassment), whether it be verbal, physical, cyber or by isolation. We value difference and our expectations of this are set out during induction.

The overall aim is to create a learning culture where learners and colleagues always treat each other with respect and there is a duty of care to ensure that Achieve Training is a safe place to undertake learning.

Learners can report any incidents to a member of staff and will be taken seriously. Appropriate action will be taken, and certain instances can be deemed as severe and as such will warrant immediate formal proceedings which could result in instant dismissal.

It should be noted that where an allegation is found to be fictitious or malicious, this too will be taken equally as seriously, and disciplinary action will be taken which also could result in dismissal.

## 6. SEARCH AND SCREENING POLICY

This section explains Achieve Training's powers of screening and searching learners (including apprentices) whilst adhering to government legislation and guidelines so that staff have the confidence to use them.

It explains the use of the power to search learners without consent. It also explains the powers Achieve Training has, to seize and then confiscate items found during a search and to inform the police, as necessary.

It is the aim of Achieve Training to ensure that students feel safe at all times. This policy represents this aim through ensuring that any screening or search is conducted according to government legislation and guidelines. Legislation references Education and Inspections Act 2006 and Health and Safety at Work Act 1974.

### **Screening - What the law allows:**

- Training Providers can require their learners to undergo screening by a walk-through or hand-held metal detector even if they do not suspect them of having a weapon and without the consent of the learners.
- Providers have statutory power to make rules on student behaviour and their duty as an employer to manage the safety of staff, learners and visitors enables them to impose a requirement that learners undergo screening.
- Any member of staff authorised can screen learners

### **SEARCHING - WITH CONSENT**

Common law powers to search:

- Training provider managers and staff authorised by them can search Learners with their consent for any item.
- Providers are not required to have formal written consent from the learner for this sort of search – it is enough for a staff member to ask a learner to turn out his or her pockets or ask if the staff member can look in the learner's bag or locker, and for the learner to agree.
- Providers should make clear in their behaviour policies and in communications to learners, and to parents of learners aged under 18, what items are prohibited and what the consequences are for possession of prohibited items.
- If a member of staff suspects a learner has a prohibited item in his/her possession, they can instruct the learner to turn out his or her pockets or

bag. If the learner refuses, the member of staff can invoke an appropriate disciplinary action, in accordance with the acceptable behaviour policy.

## **SEARCHING WITHOUT CONSENT**

What the law says:

### ***What can be searched for?***

For learners of all ages:

- knives or weapons
- illegal drugs
- stolen items

For learners aged up to 18:

- Alcohol
- tobacco products
- fireworks
- pornography

Learners aged over 18 cannot be searched without consent for these last four items simply on suspicion of possession.

Any learner, of any age, can be searched for any article that a member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury, or damage to property

***Can I search?*** Yes, if you are an education leader or a member of staff authorised by the leader.

***Under what circumstances?*** You must be the same sex as the student being searched; there must be a witness (also a staff member) present and, if at all possible, they should be the same sex as the student being searched.

You may not require the student to remove any clothing other than outer clothing. There is a limited exception to this rule. You can carry out a search of a learner of the opposite sex to you and without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

***When can I search?*** If you have reasonable grounds for suspecting that a learner is in possession of a prohibited item. The law also says what must be done with prohibited items which are seized following a search.

Complaints about screening or searching should be dealt with through the normal college complaints procedure.

## **AFTER THE SEARCH**

### ***The power to seize and confiscate items***

1. The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon or other illegal item, it must be passed to the police.
2. Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

## **7. USE OF REASONABLE FORCE**

**(Adapted for Achieve Training from DfE Use of reasonable force: Advice for headteachers, staff and governing bodies July 2013.)**

### **What is reasonable force?**

The term 'reasonable force' covers the broad range of actions used by most teachers/tutors at some point in their career that involve a degree of physical contact with student.

Force is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

'Reasonable in the circumstances' means using no more force than is needed.

As mentioned above, schools/ FE Providers generally use force to control individuals and to restrain them. Control means either passive physical contact, such as standing between individuals or blocking a pupil's path, or active physical contact such as leading an individual by the arm out of their current environment/location.

Restraint means to hold back physically or to bring an individual under control. It is typically used in more extreme circumstances, for example when two individuals are fighting and refuse to separate without physical intervention.

Achieve Training staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the individual.

### **Who can use reasonable force?**

(Section 93, Education and Inspections Act 2006) All members of school/FE Provider staff have a legal power to use reasonable force

This power applies to any member of staff at the organisation. It can also apply to people whom the headteacher/relevant person acting in this authority has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a Achieve Training organised visit.

### **When can reasonable force be used?**

Reasonable force can be used to prevent individuals from hurting themselves or others, from damaging property, or from causing disorder.

In a school/FE Setting, force is used for two main purposes – to control individuals or to restrain them.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can be used.

Reasonable force can be used to:

- remove disruptive individuals from the classroom where they have refused to follow an instruction to do so;
- prevent an individual behaving in a way that disrupts a school event or a school trip or visit;
- prevent an individual leaving the classroom where allowing the individual to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent an individual from attacking a member of staff or another individual, or to stop a fight; and
- restrain an individual at risk of harming themselves through physical outbursts.

Achieve Training will record all incidents where reasonable force has been used. Whilst, we recognise that this may be required within exceptional circumstances, we aim to promote standards of behaviour and apply behaviour management approaches to reduce the likelihood of having to implement techniques described above.

## **8. DISCIPLINARY PROCEDURE**

Achieve Training recognises that relationships with parents and carers are very important and seeks to foster positive relationships to provide a support networks for learners/ apprentices. Where appropriate, we will seek to keep parents/guardians involved and informed throughout any formal disciplinary process.

Disciplinary matters will usually be escalated through the following stages. However, stages may be skipped subject to the severity of the disciplinary matter being considered.

Informal Stage:

Where there is unacceptable behaviour or where levels of conduct or performance have fallen below expected levels, this will initially be considered by an appropriate member of staff.

In the first instance, this will be addressed by the immediate responsible member of staff who will discuss the issues informally with the learner and agree what needs to be improved.

Stage 1:

If the issue persists, a meeting will be arranged to discuss and agree the expected improvement in performance or behaviour required within a given time. A record of the discussion will be made (see appendix B) and retained and a **First verbal warning** issued.

If the improvement required is not forthcoming within the agreed timescale or further misdemeanours committed, a further meeting will be convened and a **second verbal warning** will be issued, recoded again in the learners file using the form outlined in Appendix C.

Stage 2:

In the case of any further unsatisfactory behaviour or if the required improvement is still not forthcoming, a further meeting will be convened, and a final **written warning** will be issued. In this case the learner may be accompanied in the meeting (e.g., parent/legal guardian or staff representative) and where a learner is on an apprenticeship, the employer will be invited. A copy of the final Written Warning form is attached as Appendix B.

Stage 3:

If no improvement is forthcoming following the final warning within a specified timescale, the learner may be **dismissed from the programme** or **removed from the apprenticeship**.

**Parents/Guardians and/or Employers (where a learner is employed as an apprentice) will be informed via telephone or email communication when a first or second verbal warning is issued. They will be informed via written letter on issue of a final written warning.**

Warnings will remain on file but may be considered as spent if required improvements have been achieved and maintained for a suitable period of time.

Suspension:

In some cases, it may be necessary to suspend learners from their programme due to the nature of the alleged incident until an investigation can take place. In these cases, learner allowance/bursary payments will be suspended.

Gross Misconduct:

In cases of gross misconduct (this would include for example weapons, fighting, theft, substance abuse) we reserve the right to dismiss immediately without following the procedure stages outlined above.

Responsibility for all decisions relative to suspensions or dismissals from the programme lie with the relevant Head of Department/s.

Appeal:

Learners have the right of appeal for disciplinary outcomes to the Training Operations Director by providing a written appeal. They may then be invited to attend the centre for the appeal hearing if required to enable the Training Operations Director to reach a sound decision.

Induction Periods:

Where a learner is completing an induction period of their learning programme, Achieve Training reserves the right to end their programme of learning without following procedures outlined above; if the individual has failed to demonstrate suitability for continued programme learning, for example through poor behaviour, lack of engagement.

## **9. REWARDS AND INCENTIVES POLICY**

Achieve Training will recognise learners who consistently demonstrate positive behaviours and achieve/exceed their set targets.

Recommendations will usually come from Achieve Training staff but may also be based on recommendations from Homeworks customers, other learners and employers.

In the first instance there will be a certificate of recognition, a record of which will be kept in the learner file.

**At our own discretion, other rewards may be given where a learner has maintained consistent high achievement and/or standard of behaviour or where there is an instance of outstanding achievement.**

## **Appendix A Student Code of Conduct**

- Complete all work tasks set (during classroom, workshop, experience activities, or online learning) to the expected level advised by Tutors. The level of acceptable standard will be based on the Tutors knowledge of the individual's abilities and where appropriate, relevant support needs.
- Do not use mobile phones within classrooms or other designated 'no phone' areas of the Centres unless given permission by staff to do so.
- Use Achieve Training Technical devices and internet in line with expectations set out in Internet and Devices Acceptable Use Agreement and E-safety Policy.
- Do not partake in any bullying or harassment (this includes sexual harassment/ violence) towards peers, face to face or online.
- Respect Achieve Training property and resources by ensuring appropriate care is taken when using any equipment and/or materials and returning any equipment loaned to you during your time on programme, in a condition fit for purpose.
- Complete all independent study tasks and remote learning tasks (including your reflective learner logs), by given dates and to the expected standard.
- Attend all scheduled learning and support sessions, turning up on time and where appropriate with the expected equipment and/or resources as advised by the relevant staff member/ Department.
- Where applicable, wear work wear issued by Achieve Training during working/training hours and maintain these items (general wear and tear will be taken into consideration), returning at the end of programme. Lost or non-returned items can be charged.
- Communicate with peers and staff using appropriate language and positive body language both inside the building and in its surrounding grounds- this to demonstrate mutual respect to all including our neighbouring community.
- Learners should dress appropriately for the various activities on programme and wear all personal protective equipment as instructed.
- Learners should ensure they work and act in a safe and responsible manner at all times and follow instructions relative to health and safety matters, advising their tutor/supervisor of any concerns.
- Learners will be required to remove outdoor coats as well as hats during taught sessions with no food or drink allowed in classrooms (other than in exceptional circumstances which will be communicated by Staff) other than bottled water allowed.
- Correctly follow Achieve Trainings clocking on/signing in procedure as advised in induction- ensuring that you do not leave centre grounds without staff knowledge during your learning hours apart from allocated lunch break.
- To wear ID Badges when engaged in training activities in centre or on Homeworks.
- Smoke/Vape only in the designated areas.

**In a few rare instances- Achieve Training may make temporary reasonable adaptations to the above to support students with needs relating to culture, religion, disability, or emotional wellbeing. This decision will be made following a review by the relevant Head of Department and where it is confirmed that adjustments will be made, this will be reported to the Executive Director.**

## Appendix B Verbal Warning Template

# Record of Verbal Warning

Name		Date	
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### Warning Procedure

Please be aware that the warning procedure is as follows:

- ① First Verbal Warning
- ② Second Verbal Warning
- ③ Final Written Warning
- ④ Managed Suspension
- ⑤ Dismissal

**N.B. In the event of gross misconduct, the above procedure does not apply. Achieve Training reserve the right to instantly suspend and ultimately dismiss learners who break mandatory rules, as outlined during induction.**

### Warning Issued

You have been issued with an official warning as detailed below:

#### Warning Issued

- First Verbal Warning
- Second Verbal Warning

#### Reason for Warning

- Inadequate Attendance
- Inadequate Timekeeping
- Unacceptable Behaviour
- Unacceptable Attitude

**Warnings are entered on your personal file and can lead to a final written warning. If there is no improvement, the next step will be managed suspension of your training.**

Staff Signature		Staff Print Name	
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**'I understand this warning and that I must improve with immediate effect in order to continue and progress with Achieve Training'**

Learner Signature		Learner Print Name	
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Appendix C Written/Final Warning Template

## Final Written Warning

Name		Date	
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### Warning Procedure

Please be aware that the warning procedure is as follows:

- ① First Verbal Warning
- ② Second Verbal Warning
- ③ Final Written Warning
- ④ Managed Suspension
- ⑤ Dismissal

N.B. In the event of gross misconduct, the above procedure does not apply. Achieve Training reserve the right to instantly suspend and ultimately dismiss learners who break mandatory rules, as outlined during induction.

### Warning Issued

You have been issued with a Final Written Warning:

Warning Stage	Reason for Warning
<input type="checkbox"/> Further to 2 Verbal Warnings	<input type="checkbox"/> Inadequate Attendance
<input type="checkbox"/> Gross Misconduct	<input type="checkbox"/> Inadequate Timekeeping
	<input type="checkbox"/> Unacceptable Behaviour
	<input type="checkbox"/> Unacceptable Attitude

This warning is entered on your personal file. If there is no improvement, the next step will be managed suspension of your training.

Staff Signature		Staff Print Name	
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**'I understand this warning and that I must improve with immediate effect in order to continue and progress with Achieve Training'**

Learner Signature		Learner Print Name	
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