

# Learner Code of Conduct & Disciplinary Procedure

<b>Date established:</b>	May 2001
<b>Updated:</b>	Sept 2022
<b>Reviewed:</b>	Annually
<b>Purpose:</b>	This policy aim sets out MITSkills' Learner Code of Conduct & Disciplinary Procedure.

## CODE OF CONDUCT

### Introduction

MITSkills is committed to creating a working environment which is conducive to effective learning. To achieve this, learners are required to act in a responsible manner. All learners enrolled at our centres are required to adhere to the following Code of Conduct, and not doing so will result in disciplinary action being taken.

### **As a learner attending MITSkills you are required to:**

- ✓ Adhere to MITSkills' Health & Safety rules and any other instruction given to you by a member of staff or authorised person.
- ✓ Observe the centre's rules concerning dress code, the use of mobile phones and other audio equipment.
- ✓ Always wear the correct personal protective equipment and if applicable remove boots and overalls when leaving the workshop for a classroom session.
- ✓ Arrive on time for your lessons.
- ✓ Only operate equipment after having received instruction on its use and authorisation from your tutor/trainer.
- ✓ Keep classrooms, workshops & other work areas tidy and assist in cleaning the premises as required.
- ✓ Wait in the designated waiting area prior to your lesson commencing.

- ✓ Provide any necessary evidence to substantiate absence from your class.
- ✓ Ensure any absence is authorised or that the centre is notified before your scheduled start time on the day of absence.
- ✓ Switch off mobile phones **or other web enabled devices** before entering any teaching area. Phones may only be used as calculators or data storage devices during lessons or exams with permission of your tutor/invigilator. In such cases, keypad tones and vibrate features must be turned off.
- ✓ Jewellery on hands and wrists must be removed when in MITSkills' workshops. Chains should be removed or secured.
- ✓ Not use language that is abusive or offensive to other learners, staff, or visitors.
- ✓ Not physically or verbally bully or harass any other learner, member of staff or visitor to the centre. (MITSkills has a zero-tolerance policy, and you can be disciplined including asked to leave for bullying, harassing any other learner, staff, or visitors)
- ✓ Not tamper with any safety equipment, machines, or any other equipment.
- ✓ Not run anywhere on our premises. (Practical sports sessions excluded).
- ✓ Not bring alcohol or any other harmful or illegal substances into the centre and not consume any alcohol or any other harmful or illegal substances whilst on the centre's premises. Similarly, attending MITSkills whilst under the influence of any of the above is strictly prohibited.
- ✓ Never bring to the centre any item which could be construed as an offensive weapon.
- ✓ Not deface or damage any property belonging to MITSkills or belonging to any other user or visitor of the centre.
- ✓ Not take part in any kind of fighting, whether it is "play fighting" or otherwise.
- ✓ Never drive a vehicle within the building. This also includes your own vehicle.
- ✓ Not interfere with any computer software installed on MITSkills' computers. This includes downloading any software unless you are specifically authorised to do so.
- ✓ Not play ball games of any kind whilst on centre premises. (Practical sports sessions excluded).

- ✓ Not behave in a sexually or racially offensive manner.
- ✓ Not consume food or drink anywhere at the centre, apart from the designated rest areas.
- ✓ Not gather in groups at the front of the building so that the entrance is blocked.
- ✓ Not to smoke anywhere within MITSkills' buildings. This includes the toilet areas.

If you have any questions relating to your code of conduct, please speak with your tutor/trainer. They will be glad to help.

**The following expand on the code of conduct and is provided to help learners understand their right and responsibilities whilst in training with MITSkills.**

### **1.1 Health & Safety**

Health & Safety is very important. You have a responsibility to act in a safe and responsible manner. It is important that you always wear protective clothing at work, for work experience and in the training centre's workshops. You are expected to follow safety signs including where indicated wearing/using the appropriate safety equipment and when instructed to, wearing additional protection. Wearing the instructed PPE (Personal Protective Equipment) is essential for you to be covered by the training centre's Public Liability Insurance.

If you have an accident while under training, then you must report it to MITSkills immediately. You must also ensure it is recorded in the Accident Book. If you have any concerns about Health & Safety, either at work, work experience or in the training centre please notify MITSkills who will investigate the issue on your behalf.

### **1.2 Support**

If you think you are being unfairly treated, please talk to your tutor/trainer or the Learning Support Officer first. If the matter is still unresolved you should follow MITSkills' Grievance/Complaints Procedure which will then progress your grievance/complaint through to senior management.

### **1.3 Punctuality**

Learners are expected to arrive at all lessons on time. Authorised lateness must be agreed with the tutor/trainer beforehand. Persistent lateness will incur a warning or warnings and may result in removal from the programme. Being on time means that you get the most from your course and you do not disrupt other learners.

### **1.4 Holidays**

If you require time off from the training centre, please fill in a Holiday Request Form which is available from your tutor/trainer.

### **1.5 Sickness, Injury or Medical Appointments/Conditions**

You must inform MITSkills as early as possible on the first day of absence. You can remain on the programme for up to three weeks, but if your illness persists for longer than three weeks you may be withdrawn from the programme until you are fit to resume. After the first week, evidence will be required to support this absence. Time off for medical appointments must be accompanied with evidence, such as appointment cards, hospital letters etc.

You must inform us of any medical condition that impact your learning as soon as you are aware of the condition or if you have deterioration in a previously declared condition. This includes food allergies where relevant, and conditions requiring regular medication, or where you may be a risk to yourself or others. This should be supported by a recent letter from a relevant expert, or appropriate medical practitioner. MITSkills reserves the right to seek appropriate advice where a condition may significantly impact or your own or others safety or learning.

The following items are barred from our centres, any illegal substance, smoking inside the building, non-prescribed medical tablets, powders, or liquids, or unpackaged or unlabelled powder, or liquid food supplements or drinks, packaged or unpackaged energy powders or health powder. Under no circumstances should you attempt to share these with anyone on site, this can be potentially dangerous for other learners, and yourself (For example due to allergies). Those breaking this rule will be removed from the course and their employer, and or parents/guardian (where appropriate) will be informed. Prescribed medicines should be declared to the centres, and these should not be shared and only used as prescribed by your doctor.

### **1.6 Unauthorised Absence**

Unauthorised absence will result in your removal from the programme. If you are employed, your employer will be told of your absence.

### **1.7 Mobile Electronics Policy**

Mobile phones and other media devices must be switched off during lessons. Any mobile phone that goes off during a lesson will be removed from the learner and held at the front of the classroom until the end of the lesson. Head and earphones must be put away in bags or pockets. Head and earphones and mobile phones may only be used when directed by the tutor/trainer for educational purposes. Anyone not cooperating with this policy will be asked to leave the classroom.

If anyone needs to get in touch with you, they must call the training centre.

### **1.8 Dress Code**

Please note that the following items of clothing are not permitted to be worn anywhere in the centre: Hats or hoods, sandals, vests, strappy tops, shorts, or long shorts. Anyone wearing such items will be asked to change into more appropriate clothing if they are to remain at the centre. Alternatively, disciplinary action may be taken for refusal to adhere to this MITSkills' policy. (Shorts are permitted in practical sports lessons).

## 1.9 Bullying

MITSkills will not tolerate any form of bullying. If you experience (or witness another learner as a victim of) any sort of bullying including online bullying or abuse such as peer on peer abuse, you must inform us immediately. Learners can talk to any member of staff or alternatively contact our Safeguarding lead, Claire Clark. If you are found to be guilty of bullying at work, on work experience or in the training centre you will be subject to MITSkills' disciplinary procedure and automatically removed from the training programme. Where appropriate authorities including the police will be informed. Learners can access our Anti-Bullying and Anti-Harassment Policy on the website which forms part of our Code of Conduct for Learners and Staff.

## 1.10 Equality & Diversity

All applicants regardless of race, gender, sexual orientation, age, religion, and disability or offender background will be given equal consideration during the selection process. Any test used in an MITSkills lead selection process will not be discriminatory and will be without bias.

- **Harassment**

A particularly obnoxious form of discrimination is the harassment of individuals, which affects their dignity as a person. Harassment is behaviour that is unwanted by the person to whom it is directed. Those found to be responsible for harassment will be subject to the disciplinary procedure, up to and including removal from the course, and reporting to the police or relevant authorities. The most common forms of harassment are sexual, racial and disability.

- **Sexual Harassment**

Can be defined as "conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work which is unwanted, unreturned and which the recipient finds offensive". This can include unwelcome physical, verbal, or non-verbal conduct. It may be a single act or persistent actions directed at a person against his or her gender. This can include sharing of inappropriate content and images with another learner, including text and emails. Learners should report this if it is happening to them.

***Examples include:***

- **PHYSICAL** - such as contact ranging from unnecessary touching, patting, or brushing against someone up to indecent assault.
- **VERBAL** - such as subjecting someone to ridicule or insults because of their sex or sexuality, suggestive remarks or sexual propositions, sexual jokes, or verbal abuse. This includes the use of affectionate names such as 'Gorgeous' or 'Darling' and continued suggestions for social activity outside the workplace if they are unwelcome.
- **VISUAL** - harassment as in the display or circulation of sexually suggestive material and obscene or suggestive gestures.

- **Racial Harassment**

Can be defined as “racially insulting, threatening or demeaning behaviour or language to someone and which they find offensive and believe to constitute unfairness in the way they are treated”. Such conduct can be an act, or a series of acts directed at a person or their property because of their colour, racial or ethnic origin. It can take the form of abuse and threats or verbal abuse including ridiculing a person because of their race or religion.

- **Disability Harassment**

Can be defined as “disadvantaging behaviour or language towards someone and which they find offensive and believe to constitute unfairness in the way they are treated”. Such conduct can be an act, or a series of acts directed at a person or their property because of their disability. It can take the form of abuse and threats or verbal abuse including ridiculing a person because of their disability.

- If you believe you are being harassed or bullied in your learning environment, please contact your tutor or work-based trainer or if appropriate using a complaints form, detail the issue and send it to a Senior Manager via the main training centre. We will take these issues seriously and will contact you within 10 days of receipt of the complaint.

### **1.11 Drugs & Alcohol Misuse**

To ensure your safety MITSkills operates a random drug testing policy. If you are found to be under the influence of or carrying alcohol or any illegal substance whilst on MITSkills’ premises or during any off-site activity, you will be automatically removed from the programme.

### **1.12 Violence**

Learners will not take part in any kind of fighting, whether it is “Play Fighting” or otherwise. You must never bring to the centre any item which could be construed as an offensive weapon. Where a learner has been involved in violence or inciting violence they will be removed from learning and the appropriate authorities or police will be informed.

### **1.13 I.T. Policy**

Computers are available for use by the learners and should be used for matters concerned with training only. MITSkills will not tolerate the use of these computers for any of the following: - abusive emails, bullying or harassment, personal use, online gambling, accessing pornography, downloading, or distributing confidential information, accessing sites promoting racism, radicalisation, or terrorism. Uploading offensive or illegal images or content is banned. Those responsible will be reported to the appropriate authorities, and where appropriate will be removed from learning. MITSkills will use CCTV and computer tracking as part of ensuring learners adhere to this policy, and to ensure learners safety and to support learner, staff, and visitor safety this may be used to support disciplinary action where there is evidence of breaking MITSkills’ policies.

Any unauthorised or improper use of electronic communications will result in disciplinary action.

## 1.14 Disciplinary Procedures

You will be expected to always act in a responsible manner. Misconduct such as lateness, absences, rudeness, disobedience, bullying, harassment, discrimination etc. will result in the implementation of the Disciplinary Procedure. This procedure is designed to help and encourage you to achieve and maintain the standards set out in all MITSkills' policies. MITSkills may action the procedure at any level with gross misconduct or serious misconduct being dealt with under stage three and four.

### The Procedure

Minor breaches will be dealt with informally but where the matter is more serious the following procedure will be used.

#### Stage One – Verbal Warning

If conduct or performance does not meet acceptable standards, you will normally be given a formal VERBAL WARNING. You will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of your right of appeal. A brief note of the verbal warning will be kept on your learner file. After six months, subject to satisfactory performance and conduct, it will be disregarded. Where you are employed, your employer will be informed.

#### Stage Two – Written Warning

If there is still failure to improve and conduct/performance is still unsatisfactory, the infringement is a serious one or if a further infringement has occurred, a WRITTEN WARNING will be given to you by the Departmental Manager. This will give details of the infringement, the improvements required and the timescale. You will be advised of the right of appeal. A copy will be kept on your file for twelve months. A copy will be given to you. Where you are employed, your employer will be informed.

#### Stage Three – Final Written Warning

If conduct/performance is still unsatisfactory and fails to meet the required standards, the infringement is a more serious such as a serious breach of safety, classroom disruption, cheating, plagiarism, or if a further infringement has occurred, a FINAL WRITTEN WARNING will be given. This will give details of the infringement, the improvements required, the timescale, and that the next stage in the disciplinary procedure will be dismissal or removal from the programme. You will be advised of the right of appeal. A copy will be kept on your file for twelve months. Where you are employed, your employer may be informed.

#### Stage Four – Dismissal or Removal from MITSkills' Programme

If the infringement is again a more serious one or such as violence (including inciting violence), theft, drug abuse, bullying, harassment, racial or sexual abuse, a serious safety infringement which puts yourself or others in danger of serious injury or death or a continuing impact on another's ability to feel safe in the learning environment, or within the centre, cheating or plagiarism in an exam or assessed piece of work, bribery etc. These will result in stage four disciplinary action which can include reporting to the

relevant authorities such as the Police, and or immediate removal from site pending until outcome of any disciplinary action. In the event of abuse or violence against staff including verbally, physically or by any other means, will result in a stage four sanction or if a further infringement from a final written warning has occurred following a final warning. A stage four sanction means DISMISSAL or REMOVAL from the programme will normally result. Only Senior Management can take the decision to dismiss or remove learners from the programme. You will be informed, as soon as is reasonably practicable, with written reasons for this action, the date on which the programme will terminate and of your right of appeal.

Dependent on the seriousness of the infringement, MITSkills reserve the right to implement any stage of the Disciplinary Procedure.

Stage four disciplinary procedures where appropriate will be reported to authorities.

### **Disciplinary Appeals Procedure**

If you wish to appeal against any disciplinary action taken against you, you should notify your tutor/trainer in writing, within two working days of the action complained of, giving your reasons for the appeal. A Senior Manager will review the disciplinary action and will make one of three decisions - confirm the action, if appropriate rescind the action, or put the action to the next level. Any learner being abusive during an appeal or complaints procedure, the Senior Manager will have the right to Remove or Dismiss.

The decision made by Senior Management of MITSkills is final.

Throughout the appeal procedure, you have the right to be accompanied by a working colleague or other such person, as may be appropriate to support your appeal (this must be agreed prior to the appeal), if you so wish.



### Verbal Warning

- In line with the procedure initial misconduct such as lateness, rudeness, etc. will result in verbal warning. Copies of Learner Disciplinary Form (LDF) to learner, employer, and admin to add to live file and PICS/Aptem notes.

### Written Warning

- If conduct or performance does not meet acceptable standards and the above "verbal warning" is less than six months old; then a written warning will be recorded on to learner file and Learner Management System updated. Learner and employer to be given copies of LDF. This will become spent and removed from file once six months old.

### Final Warning

- If conduct/performance is still unsatisfactory or the infringement is serious, a final warning will be issued. With bullying or discrimination, a final warning may be issued, or dismissal may take place; an LDF will be completed giving details of the infringement and required improvement with set timescales. Copies to all concerned and Learner Management System updated accordingly. This will become spent and removed from file once twelve months old.

### Dismissal

- If the infringement is again serious or evidence of violence, danger to yourself or others, cheating, theft, or malpractice has been proven; then dismissal or removal from the programme will occur. Final decision will be made by the Senior Management Team (SMT). Notification to all and Learner Management System updated.



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