

# **LONDON BOROUGH OF BROMLEY BROMLEY ADULT EDUCATION COLLEGE**

## **Zero Tolerance Policy 2021/2022**

**How we manage unreasonable, repeated, persistent or aggressive BAEC user contact**

### **1 | INTRODUCTION & PURPOSE**

Bromley Adult Education College (BAEC) has responsibility for a wide range of services which can impact on its learners in a variety of ways. We recognise that our learners will not always agree with our decisions or accept the effects of the work we do.

Whilst our staff will always endeavour to respond with patience and understanding, there are occasions when learners do not communicate with the staff in an acceptable way. Regardless of why that might be, we have a duty not only to use our limited resources responsibly, but also to protect our staff from repeated, unreasonable or threatening behaviour from those they come into contact with.

This policy sets out how BAEC will assess what behaviour is unacceptable and what steps it will take as a result.

If a learner is behaving unreasonably, we will not delay ensuring that the learner understands the standards of behaviour expected of them so they can make the appropriate changes.

The procedures set out in this policy will only be used when it is considered that all possible alternatives have been tried to resolve the dispute with the learner. Nothing in this policy is intended to override a learner's right to seek their own legal advice on their circumstances or the options available to them.

### **2 | WHEN THIS POLICY WILL APPLY**

Contravention of the BAEC Learner Code of Conduct 2021/22 may trigger the implementation of this policy.

Learner Code of Conduct can be found on this link

**<https://baec.ac.uk/index.php/policies-and-procedures/>**

Concerns about learner behaviour sometimes arise out of complaints, Freedom of Information requests or other data protection issues, but not always. The learner may well have a genuine dispute with BAEC but expresses that disagreement unreasonably. There may or may not be some merit in the points they are making, but it is the way they are making them that is unreasonable. This policy will apply regardless of how the contact is made – whether in person, email, telephone or some other means.

Contact comes in many forms and there is no one-size-fits-all definition. Examples of contact include: teaching, learning and assessment, electronic communication, tutorials, one to one support, invigilation of examinations, interviews, meetings or administration support. Concerns may arise not only due to the nature of the contact, but also due to the effect that behaviour is having on one or more members of staff. Where there is a subjective judgement to be made, that will be the responsibility of the relevant senior manager identified by this policy.

### **3 | CONSIDERATIONS BEFORE ACTION**

#### **Safeguarding Vulnerable Adults**

Some learners make repeated contact because of mental health problems. Where this is the case, any concerns that staff may have about vulnerability should be raised in line with the BAEC policies and procedures for safeguarding adults, including but not limited to a referral to the Designated Safeguarding Lead for urgent attention where appropriate.

Consideration should be given as to how any additional support can be provided. If the learner already receives support from BAEC or any agency on its behalf, contact should be made with them in the first instance. Advocacy groups can be involved at the learner's request.

#### **Confidentiality**

Information about those learners made subject to restrictions under this process should only be shared where necessary, respecting the confidentiality of those involved.

#### **Current complaints or requests**

BAEC should be satisfied either that any complaint or information request has already been properly responded to, or that the circumstances justify invoking this policy even though other procedures have not yet been completed.

### **4 | EXAMPLES OF UNACCEPTABLE BEHAVIOUR**

The following is a non-exhaustive list of the sort of behaviour BAEC is likely to consider unreasonable – where a learner:

- Displays abusive behaviour over a period of time which, whether intentional or not, may undermine a member of staff and affect their confidence to deal with that learner.
- Is abusive about staff, either repeatedly over a period of time or on a single occasion where the comments are extreme.
- Makes unsubstantiated allegations of dishonesty and/or professional misconduct which, whether intentional or not, may undermine a member of staff and affect their confidence to deal with that learner.
- Displays abusive behaviour or makes unsubstantiated allegations as above,

which, whether intentional or not, may undermine a member of teaching staff and affect their confidence to deal with the whole class, a group of learners within the class, individuals or groups of learners attending other classes that the member of staff teaches.

- Uses language or behaves in a way that would be considered a hate crime.
- Uses swear words in an attempt to abuse, influence or undermine a member of staff.
- Harasses or is personally abusive or verbally aggressive on more than one occasion towards staff, or their families and/or colleagues.
- Records meetings or conversations without the prior knowledge and consent of the member of staff involved, whether or not that recording meets the definition of a criminal offence.
- Acts in a vexatious or vindictive way that causes harm or distress to a member of staff, or their families/colleagues.
- Uses or threatens physical violence towards staff or their families/colleagues.

It should be noted that the last of these will automatically lead BAEC to invoke the procedure set out in this document and possibly, where the conduct is sufficiently severe, move straight to the restriction stage.

### **Serious Incident**

Examples might include wilful damage to property, downloading inappropriate material, physical violence, serious breach of health and safety, verbal or physically abusive behaviour.

A serious incident is dealt with by the most senior person on site and can lead to immediate dismissal from the premises. The police will be called (if appropriate) and or where it appears a criminal offence may have been committed.

## **5 | OUR INITIAL RESPONSE**

When staff believe that a learner's persistence or behaviour means that this policy should be invoked, it will be the responsibility of the Head of Adult Learning to decide whether it is appropriate for BAEC to send a formal warning to the learner. The Head of Adult Learning should have sight of sufficient examples/details of the learner's conduct for them to be satisfied that a formal warning is appropriate.

Examples might include deliberate disruption in class or during online meetings, derogatory or inappropriate comments to staff or other learners (whether verbally or via email/social media/chat facility during meetings and on the BAEC website), littering, refusal to comply with agreed ground rules, follow tutor's instructions or comply with assignment/homework requirements.

### **Stage 1**

A senior manager issues a verbal warning informing the learner that his/her behaviour is unacceptable and infringes the BAEC Code of Conduct.

## Stage 2

A senior manager issues a second verbal warning. A written report of the incident will be made. A formal letter is sent by the relevant senior manager with a copy to the tutor involved.

## 6 | OUR RESPONSE – RESTRICTION OR EXCLUSION STAGE

If the learner's unacceptable behaviour continues notwithstanding their receipt of a warning letter, or is of a sufficiently serious nature so as to justify BAEC moving straight to this stage, the matter may be referred to the Head of Service.

The Head of Service should be provided with sufficient detail of the learner's conduct and of the attempts already made to persuade the learner to desist, as well as (wherever possible) a draft of any letter he/she is being asked to sign. The Head of Service should also be provided with a summary of the content and progress of any complaint, information request or other matter that is related to the conduct.

The Head of Service will review and consider the evidence provided. The outcome of this review may include one or more of the following:

- The issue is referred back to the BAEC management team with a recommendation for further intervention work before restriction or exclusion is considered.
- A recommendation for restriction or exclusion is submitted to the Director of Education for agreement.
- Details of the incident to be recorded on an AR3 form and submitted for inclusion on the Cautionary Contacts register. [Accident Report Form \(AR3\).doc](#)

Any restriction or exclusion action may include, but is not limited to:

- Requiring the learner to sign a written agreement (if appropriate, involving the relevant service head) setting out a code of conduct they will adhere to in order for BAEC to agree to continue dealing with the individual
- Declining and/or blocking further contact with the learner, or other third parties on their behalf, save that the learner shall be permitted to communicate with BAEC through one specific email address and/or telephone number, when further communication will be acted upon as appropriate.
- Restricting contact to liaison through a third party and/or to specific days or times
- Requiring any telephone calls or face to face meetings to be recorded
- Informing the learner that BAEC has responded fully to the points they have raised, that the College has nothing more to add, that continuing contact on the matter will serve no useful purpose and the College will not therefore be doing so
- Temporarily suspending all contact with the learner, the response to a complaint or information request pending receipt of legal advice or guidance.

- Banning the learner from specific BAEC delivery sites, or all of them, if necessary by means of an injunction.
- Limiting or regulating the learner's use of BAEC's facilities and services.

The student will be informed in writing by the Head of Service of a restriction or exclusion, including the length of time the restrictions or exclusions will apply.

## **7 | AFTER RESTRICTION or EXCLUSION**

### **Review**

The justification for continuing restrictions/exclusion will be reviewed at the end of any agreed period or, if that is indefinite, on an annual basis to consider whether a more reasonable approach is being used by the individual and whether restrictive measures should be extended, altered or discontinued.

The learner will be informed in writing of the outcome of that review by a senior manager as soon as practicable following the conclusion of that review.

### **Monitoring**

A list should be maintained of those learners currently subject to restrictions or exclusions by the Head of Adult Learning or Head of Service. This will be kept in accordance with the Council's data protection policies. Anonymised information about those restricted/excluded under this may be included in reports.

### **Request to be derestricted**

A learner whose dealings with BAEC have been restricted under the terms of this policy may write to the Head of Adult Learning requesting that some or all of those restrictions be lifted. The Head of Adult Learning will consult with such staff as she/he considers appropriate before deciding whether that request should be acceded to.

The learner will be informed in writing of the outcome of that review by the Head of Adult Learning as soon as practicable following the conclusion of that review.

### **Future unrelated complaints**

Where the restriction/exclusion arose out of a complaint the learner raised with BAEC, the learner will not be automatically barred from raising concerns or complaints on an unconnected matter.

New complaints or requests will be treated on their merits and responsibility for determining whether such a complaint should be accepted and responded to by BAEC, falls to the Customer Care Team.