



1. Purpose and Scope

1.1 Purpose

This policy should be read in conjunction with the Staff and Volunteer Grievances Policy and the Grievances and Dispute Resolution Policy. It provides guidelines to the facilitators, Management Committee, Staff, volunteers and members of South Perth Learning Centre Inc (**Centre**) so that adequate measures are in place to identify, manage and prevent disruptive classroom behaviour affecting the equal participation, enjoyment and learning of all members.

1.2 Scope

All Management Committee members, Staff, volunteers, and members of the Centre.

2. Related Documents

The following documents either contain references to this policy or are referred to in it:

- Staff and Volunteer Grievances Policy
- Grievances and Dispute Resolution Policy

3. Relevant Legislation

As amended from time to time:

- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Equal Opportunity Act 1984
- Privacy Act 1988
- Privacy Amendment Act 2012 and 2017
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Workplace Gender Equality Act 2012

4. Definitions

Staff	All Management Committee members, Staff, volunteers and facilitators at the Centre.
Disruptive Behaviour	Behaviour on the part of that learner, that obstructs learning at the Centre.



5 Background

5.1 Disruptive behaviour is not acceptable

It is against our policy as it denies other participants their right to a positive learning and social experience.

5.2. Unintended consequences

Disruptive behaviour, repeatedly demonstrated may not be intended to offend or harm but may indicate personal issues affecting the learner's ability to participate positively in class, causing other participants to be uncomfortable and unable to enjoy their learning experience.

6 Policy

6.1 Approach to disruptive behaviour

Such behaviour will be identified and reported by the facilitator and /or a participant.

6.2 Legal responsibility

We have a legal responsibility to ensure the wellbeing of all participants while providing a safe working and learning environment.

6.3 Operational Responsibility

The facilitator has day-to-day responsibility for implementing this policy; identifying the issue, discussing with the participant, informing the coordinator, monitoring and referring the situation to the coordinator if required. The coordinator will offer support to the facilitator, if required.

6.4 Approach to complaints

The centre will offer the participant and facilitator a safe environment to discuss any issues in a sympathetic, fair and confidential manner. The centre may suggest appropriate organisations which could offer assistance to the participant deal with personal issues.

7 General Guidelines

If the disruptive behaviour occurs, and the issue is not able to be self-managed as outlined in 8.1 below, the following procedure has been written for making and dealing with complaints related to this issue.

The facilitator and coordinator are responsible for the prompt, impartial, serious and sensitive implementation and ongoing review of this procedure.

If the matter cannot be resolved and the participant continues the disruptive behaviours, the participant may be referred to the harassment policy.



Response	Measure
Act promptly	Issues should be responded to as soon as possible. Relevant parties should be advised of how long it will likely take to respond to the allegation and should be kept informed of the progress to provide reassurance the allegation has not been forgotten or ignored.
Treat all matters fairly	All issues should be treated fairly and assessed on their merits and facts.
Maintain confidentiality	The confidentiality of all parties involved should be maintained. Details of the matter should only be known by those directly concerned.
Ensure procedural fairness	<p>The person who is alleged to have shown disruptive behaviour should be treated as innocent unless the observations are corroborated. These behavioural observations must be put to the person displaying them and they must be given a chance to explain his or her version of events.</p> <p>The opportunity to have decisions reviewed i.e., the right to appeal, should be explained to all parties.</p>
Be neutral	Impartiality towards everyone involved is critical. This includes the way people are treated throughout the process. The person responding to the report should not have been directly involved and they should also avoid personal or professional bias.
Support all parties	Once a report has been made, the parties involved should be told what support is available, for example referral to support organisations, and allowed a support person to be present at interviews or meetings.
Communicate process and outcomes	All parties should be informed of the process, how long it will take and what they can expect will happen during and at the end of the process. Should the process be delayed for any reason, all parties should be made aware of the delay and advised when the process is expected to resume. Finally, reasons for actions that have been taken and, in some circumstances, not taken should be explained to the parties.
Keep records	<p>The following should be recorded:</p> <ul style="list-style-type: none"> ● the person who made the report ● when the report was made ● to whom the report was made ● the details of the issue reported ● action taken to respond to the issue ● any further action required – what, when and by whom. <p>Records should also be made of conversations, meetings and interviews detailing who was present and the agreed outcomes.</p>



8 Procedures

8.1 Self-management of the situation

A facilitator may choose to resolve the issues by self-managing the situation. This usually involves telling the other person the unreasonable behaviour is not welcome and asking for it to stop.

8.2 Seek assistance

If a facilitator does not feel safe or confident with approaching the other person, they can seek the assistance of the coordinator and Chair of the Management Committee.

Assistance will also be provided if the participants if requested.

8.3 Responding to Disruptive Behaviours

Facilitators are encouraged to consider each of these options:

Step 1: Once behaviour has been observed and deemed to be repetitively disruptive, the facilitator can approach the participant privately and discuss the issue, giving examples and listening for reasons for the behaviour.

Step 2: If the behaviour does not cease, it may be appropriate for him/her to ask the coordinator to assist and intervene.

Step 3: Formal Complaint – If the issue cannot be resolved and the participant continues to attend and disrupt classes, the matter will be dealt with under the harassment policy and procedures.

At all times, the Management Committee will be kept informed of developments.

No action will be taken without the knowledge or consent of the person making the complaint.

8.4 Support for all those involved

At all stages of this procedure the participant involved can be supported by the person of his/her choice.

While the Centre would prefer to deal with the complaint internally in the first instance, and is committed to doing so efficiently and sensitively, Staff have the right, at any stage of the procedure, to contact:

- the Equal Opportunity Commission
- the Federal Human Rights and Equal Opportunity Commission or
- the Australian Industrial Relations Commission



8.5 Resolution of Complaints

Agreement	Many complaints can be settled by agreement between the people involved.
Not enough evidence to act	If there is not enough evidence to decide whether or not the matter(s) alleged happened, no disciplinary action will be taken. Instead, the decision may be to keep a closer watch on the people involved, consider wider Staff education or training on the particular policy or standard involved.
Documentation	Confidential records will be kept on discussions, procedures and outcomes.
Disciplinary action	The issue cannot be resolved to the satisfaction of the facilitator, participant and facilitator, the participant's enrolment may be suspended for a period or terminated, as determined by the Management Committee.
Level of Disciplinary Action	The level of discipline will depend on the seriousness of the behaviour, whether it was done intentionally or maliciously, if there have been previous official warnings about this type of breach given to the person/people involved, whether there are any circumstances (known as mitigating circumstances) that mean disciplinary action should not be taken or serious disciplinary action should not be taken.
Range of Disciplinary Action	Discipline could involve one or more of the following: a written apology, counselling, an official warning or membership and enrolment suspended or terminated.

8.6 Appeals

The person who handles an appeal will be more senior in the organisation than the person who first handled the complaint, for example the Chair. They will generally rehear the complaint. This means they may go through the same steps as the person who originally handled the complaint. They may also decide to interview more witnesses if they think those extra witnesses will be able to help.

8.7 Result of an Appeal

The person who handles the appeal may confirm the original decision or overturn it. If they believe the original complaint handler mishandled the complaint in a way that breaches this complaint procedure, they may recommend disciplinary action against that person.



9 Document History

Document name:			
Version number	Version date	Approved by	Description of changes
1.0	16 Jan 2021	Management Committee	Adopted
2.0	22 June 2021	Management Committee	Revised for relevancy and clarity.

10 Approval

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Position	Management Committee, Chairperson
Date	22 June 2021