

BISHOP WORDSWORTH'S SCHOOL

STAFF DISCIPLINARY PROCEDURE & CODE OF CONDUCT (Including Capability Procedure)

A Statutory Policy

Note: *'Is to', 'are to' and 'must' are obligatory. 'Should' is not obligatory but is good practice and is to be adhered to unless non-compliance can be justified.*

INTRODUCTION

1. This Procedure accords with employment and education legislation and takes due account of the ACAS Code of Practice on Disciplinary Procedures March 2015. In summary the Code requires that:
 - a. Employees and employers raise and deal with matters promptly and consistently.
 - b. Necessary investigation is carried out.
 - c. Employers inform employees and give them the opportunity to put their case before decisions are made.
 - d. Employees are able to be accompanied at all formal meetings by a single companion who may be a fellow worker, a trade union representative or an official employed by a trade union.
2. It is important in any organisation to operate suitable rules and procedures which will promote order, fairness and standard practice in the treatment of individual employees and the setting of standards of conduct and safety. This Procedure has been written so that employees who may become subject to disciplinary action are dealt with in a fair and equitable manner. All stages of the formal procedure are to be carried out as promptly as possible.
3. The Procedure is not intended to replace the normal responsibilities of the Head who supports, advises and encourages those employed at Bishop Wordsworth's School (the School) but is to be used when normal professional and managerial approaches have failed.
4. This document is available to all employees on the 'G' drive under 'School Admin', also on the School's website under 'School Policies' (http://www.bws-school.org.uk/The_School/Policies/), and is referred to in the Staff Handbook.
5. **Capability Procedure.** Relevant elements of this Policy are to be used for a formal Capability Procedure in particular Annex B, the procedure for the conduct of a governors' panel.

INFORMAL ADVICE OR VERBAL REPRIMANDS

6. Informal advice or verbal reprimands may be given by the relevant senior line manager but the Head is to be kept informed and is to advise if appropriate.
7. Where there is concern regarding an employee's conduct, the Head is to satisfy himself that any shortfall in conduct is not due to a lack of understanding by the employee of the reasonable standards of behaviour/conduct required. If the Head is satisfied that this is not the case, the employee is to be informed privately of the nature of the concerns regarding their behaviour/conduct and given the opportunity to reply. If the reply dispels the concern, the employee is to be made aware of this. However, where specific improvements are sought, the employee is to be counselled as to how best these can be achieved (in writing if appropriate) and the timescale over which their response will be monitored.
8. A verbal reprimand or advice is normally to be noted on the employee's file with details of the circumstances.

GENERAL PRINCIPLES

9. The Procedure is designed to ensure that, when a complaint or allegation is made against an employee, he/she is given every opportunity to respond before it is decided whether any disciplinary action is appropriate.

10. The Procedure does not prejudge the outcome of any particular hearing or case but indicates how to proceed if disciplinary action is considered necessary. The use of one stage of the Procedure does not mean that the next stage follows automatically.

11. Employees have a statutory right to be accompanied by a companion where the disciplinary meeting could result in any of the following circumstances:

- a. A formal warning being issued.
- b. The taking of some other disciplinary action.
- c. The confirmation of a warning or some other disciplinary action.

12. There is no entitlement to representation during an investigation.

13. Nothing in these procedures shall be construed as preventing the Governing Body from giving notice to an employee in circumstances which do not involve disciplinary considerations.

14. **First Breach of Discipline.** No employee is to be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice. Examples of offences that would be considered as gross misconduct are at Annex A; the list is not exhaustive.

15. **Time Limits.** The time limits referred to in the document may be varied provided that all parties agree.

16. **Expiry of Warnings.** Normally, the validity of disciplinary warnings will expire after one year provided that no further warnings have been issued and no disciplinary action has been taken against the employee during that period. Exceptions are set out below. Expired warnings are generally to be disregarded in the event of any future disciplinary action (although a record of the warning is not to be removed from the personal file) but the fact that there is an expired warning may explain why the employer does not substitute a lesser sanction. There may be occasions, however, where the nature or pattern of misconduct and the post concerned do not make it desirable and appropriate for the one year time limit to apply. In these circumstances the employee is to be notified in writing of the period applicable to the warning, which should not normally exceed 5 years. Exceptionally, there may be circumstances where the misconduct is so serious, relating for example to the care of vulnerable people, that it cannot be disregarded for future disciplinary purposes. In such circumstances, the written warning can never be disregarded and any recurrence may lead to dismissal. Where, following investigations, a case is withdrawn or not upheld, any reference to the alleged disciplinary offence is to be expunged from the employee's personal file except where this conflicts with Statutory Regulations.

17. **Trade Union Officials.** No disciplinary action beyond a verbal warning is to be taken against a trade union official until the circumstances of the case have been discussed with a senior trade union representative or full-time official.

DUTIES RESPONSIBILITIES AND POWERS OF THE GOVERNING BODY

18. The Governing Body has the power to dismiss a member of staff. This power is delegated jointly to the Headmaster and the Chair of the Pay & Staffing Committee for staff on probation and to a Discipline Panel for all other staff. An appeal against the decision of the Headmaster or of the Panel is delegated to an Appeals Panel. Compositions of the

panels are at Paragraph 20 below.

19. The Governing Body must provide a means by which staff whom it proposes to dismiss from the School are able to make representations and, where such a determination for dismissal is made, to appeal against it. It will also be answerable before an employment tribunal for any deficiencies in complying with statutory requirements in the handling of any dismissal.

20. Both Discipline & Appeals panels are to consist of at least three non-staff governors nominated by the Chair or Vice Chair of the Governing Body. The Chair of the Governing Body may not be a member of the panels. Additionally, the Appeals Panel may not consist of fewer members than the Discipline Panel which made the decision which is the subject of the appeal and may not include any member of that Discipline Panel. A non-voting HR professional may attend both panels to advise on the Law and procedures and a secretary may be appointed to take notes.

21. The Head (except where he or she is the person concerned) is entitled to attend, in an advisory capacity, all proceedings of the Governing Body in relation to a decision to dismiss a member of staff. The Governing Body must consider any advice given by the Head.

22. Care is to be taken at meetings of the Governing Body (or of any committees or panels) where the dismissal, promotion, retirement, suspension or transfer from one post to another of an employee at the School requires consideration. If a person present at such a meeting has a pecuniary interest, direct or indirect, in the matter in question they must take no part in its consideration or discussion (and are to withdraw from the meeting during its consideration or discussion) and are not to vote on any question about it. Persons are to be regarded as having a direct interest if they or their relatives (including partners) are also employees at the School and could be a candidate for any vacant post resulting from a decision on the matters under consideration.

SUSPENSION

23. The Governing Body has the power to suspend School staff including the Head. This power is delegated to a Discipline Panel but the Head may suspend staff if the Head considers immediate suspension appropriate. The Head is to report such action to the Chair of the Pay & Staffing Committee for ratification by that Committee and copy the report to the Chair of Governors.

24. Suspension may take place at any time before or during the course of investigations into an employee's conduct, work or performance and must be confirmed in writing. Guidance notes are also to be issued to ensure the employee understands their position.

25. Suspension is a neutral act and is not a disciplinary penalty. It is a power which may be exercised in particular cases where it is considered that an employee should not remain on the premises whilst investigations are proceeding.

26. Suspension of any member of staff can only be ended by the Governing Body and is delegated to a Discipline Panel.

27. Suspension should normally be on full pay. However, where the employee is certified as unfit to attend work owing to ill health or takes maternity leave, payments are to be made in accordance with the relevant conditions of service.

THE PROCEDURE

28. The Procedure is described below and consists of the following elements:

- Investigation
- Hearing
- Outcome, Sanctions & Notification
- Further Breaches of Discipline

Appeals

29. Investigation.

a. Where there is a suspected breach of discipline an investigation is to be carried out by the Head, (unless it is likely that the Head will conduct any Disciplinary Hearing) a senior member of staff appointed by the Head or the Governing Body's nominee (the Investigator). An employee being investigated is to be informed of the investigation which may comprise, among other things:

- (1) Interviewing witnesses and preparing witness statements.
- (2) Checking information provided by witnesses.
- (3) Interviewing the employee to obtain an initial response.
- (4) Collating relevant documents.

b. The Investigator is to investigate the complaint and collect any evidence. Note that CCTV imagery may be used as evidence, if appropriate. The employee has the right to be accompanied by a trade union representative or work colleague and an HR Advisor may be requested if appropriate to support the Investigator. Notes are to be made of these interviews and signed by the relevant parties as an accurate record.

c. Where the suspected breach of discipline is an allegation of abuse of a child then Paragraphs 38 to 40 below apply.

d. If at the end of the investigation the Investigator finds that there is a case to answer the Head and the Chair of Governors are to consider whether a Disciplinary Hearing should be convened.

30. **Disciplinary Hearing.** A Disciplinary Hearing is to be conducted by the Head except that in the following circumstances it is to be heard by a Discipline Panel:

- a. The allegation is after an unexpired (defined at Paragraph 16) final written warning.
- b. The allegation is for gross misconduct.
- c. The Head has been involved in the investigation or otherwise thinks it appropriate for the case to be heard by a Discipline Panel.

31. **Notification of a Disciplinary Hearing.** The employee is to be informed by letter or email at least 7 days before the Hearing if a Disciplinary Panel is to be convened, of the possible consequences, that the employee may be accompanied by a companion and where the Disciplinary Procedure is held on the School database. The employee is also to be sent all the evidence. A request by the employee for a delay in the Hearing to gather evidence in his defence, so that his companion may attend or for any other relevant reason, is to be considered on its merits. A rearranged date should not be later than 7 days of the original date. Failure to attend the Disciplinary Hearing without a satisfactory reason could result in a decision being taken on the evidence available in the employee's absence.

32. **Conduct of a Disciplinary Hearing.** The procedure for a disciplinary panel hearing is at Annex B.

33. **Outcome & Sanctions of a Disciplinary Hearing.** The range of outcomes are as follows:

- a. **Hearings Conducted by the Head.** Following the Hearing the Head may:
 - (1) Dismiss the case.
 - (2) Issue a first written warning.
 - (3) Issue a first and final written warning.

(4) Issue a final written warning (where a first warning is already in force).

(5) For staff on probation only and with the agreement of the Chair of the Pay & Staffing Committee, dismiss from the School's employ.

b. **Hearings Conducted by a Discipline Panel.** The Governors' Discipline Panel has the range of options as at Sub-Paragraph 33a above but also has the power to dismiss the employee or, for a case of serious misconduct, refer the finding to the Teaching Regulation Agency (see Paragraph 37).

34. Notification of Outcome of a Disciplinary Hearing. The outcome of the Hearing is to be confirmed in writing to the employee, copy to the Chair of Governors, within seven days by the Head/ Chair of the Panel giving details of the nature of the sanction, the nature of the complaint and where appropriate the improvement required.

35. Further Breaches of Discipline. Where there is a further suspected breach of discipline following a formal written warning, the stages at Paragraphs 29 to 31 are to be repeated.

36. Appeals. An employee who has been issued with a formal written warning or a final written warning or who has been informed by the Discipline Panel that he/she is to be dismissed has the right to appeal to the Appeals Panel of the Governing Body. The procedure is as follows:

a. An appeal is to be lodged by email to the Company Secretary, copy to the Headmaster, within 14 days of receipt of the letter informing the employee of the decision and is to include the ground for appeal.

b. The Company Secretary in conjunction with the Chair of Governors is to form up an Appeals panel and plan a convenient date.

c. The Appeal hearing is to take the form of a review of the disciplinary sanction or a rehearing depending on the grounds of the appeal.

d. The employee may be accompanied by a companion at the Appeal Hearing.

e. The Hearing is to follow the procedure for a discipline panel hearing (see Annex B) except that normally, at the discretion of the Panel Chair, the employee will present the grounds for appeal immediately after the introductions.

f. When hearing an Appeal against a warning, the Appeals Panel may take one of the following decisions:

(1) Dismiss the Appeal.

(2) Allow the Appeal.

(3) Substitute a different sanction (greater or lesser).

(4) Dismiss the employee.

g. When hearing an appeal against dismissal, the Appeals Panel may take one of the following decisions:

(1) Dismiss the appeal.

(2) Dismiss the appeal but offer to re-engage the employee in the same or another post with effect from a date to be decided.

(3) Allow the appeal and reinstate.

(4) Reinstate with a written or final written warning.

h. The decision at appeal is final, and must be notified in writing within seven days.

i. Where an Appeals Panel hears an appeal against a decision other than a decision to dismiss and, during the Appeal, considers that it may determine that dismissal is a

possible outcome to the Appeal, it is to advise the appellant of this possibility and invite the appellant to present her/his case giving due consideration to this possibility. The appellant may at this stage request an adjournment in order to prepare further to make representations against the possibility of dismissal.

37. Referral to the Teaching Regulation Agency (TRA). If a Discipline or Appeal Panel has agreed that an offence amounted to serious misconduct then referral to the TRA should be considered which may result in an Interim Prohibition Order being issued and, after an investigation by the TRA, a Prohibition Order(for teaching) being applied.

ALLEGATIONS OF ABUSE AGAINST CHILDREN

38. If the allegation is made by or concerns a child, the Procedure in the Child Protection Policy is to be followed.

39. If an allegation concerning a child is against a member of staff, it is likely that Social Services or the Police will lead any investigation and the appropriate elements of the procedure above are to be followed after that investigation.

40. Where an external investigation is to be carried out, suspension of the employee against whom the allegations are being made is to be considered.

RELATIONSHIP WITH CAPABILITY PROCEDURE

41. Concerns about an employee raised under this procedure may be progressed under the Capability Procedure if it is established at any stage that the real problem is the employee's performance in post. Action taken within this procedure has equal status to action taken under the Capability Procedure.

MISCONDUCT BY THE HEAD

42. Where the Head is to be the subject of a disciplinary investigation, the investigation is to be carried out by a nominee of the Governing Body with professional HR assistance if necessary.

43. Where it is decided that there is a case to answer the Head will be required to attend a disciplinary hearing where the investigator is to present the case to a Discipline Panel.

STAFF CODE OF CONDUCT

44. The Staff code of Conduct is at Annex C.

EVALUATION AND REVIEW

45. This Procedure is to be reviewed annually by the Governors.

46. This Procedure was adopted after a major re-write by the Governing Body on 19.10.12 and re-adopted on (dates in parenthesis indicate no change) (Annex A was transferred from the Discipline Committee constitution on 10 10.13): (13.06.13) (12.06.14), 01.12.14, 02.07.15, (28.06.16), 21.07.16 (minor amendment), 23.03.17 (Staff Code of Conduct added), 20.06.17, 26.06.18, 25.06.19, 23.06.20

Annexes:

- A. Examples of Gross Misconduct.
- B. Conduct of a Disciplinary Panel Hearing.
- C. Staff Code of Conduct.

EXAMPLES OF OFFENCE THAT WOULD BE CONSIDERED GROSS MISCONDUCT

1. Certain breaches of the disciplinary rules are so serious that they constitute gross misconduct which gives rise to summary dismissal (without notice).
2. The following represents some examples of conduct, serious cases or instances of which might lead to an employee being immediately dismissed; this list is not exhaustive:
 - a. Extreme violation of safety regulations, e.g. smoking in restricted areas, failure to report a serious accident/injury, etc.
 - b. Intoxication from alcohol/non-prescribed drugs resulting in incapacity for work.
 - c. Being in possession of illegal drugs.
 - d. Fighting or causing a disturbance.
 - e. Malicious damage or destruction of the School's, employees' or student's property.
 - f. Serious bullying, harassment or abuse of a student, employee or visitor to the School.
 - g. Serious transgressions under the School's Equality Policy such as discrimination, racial abuse etc.
 - h. Dishonesty, including asking for or accepting a bribe, theft, fraud or misuse of School property including malicious damage to School property. Property includes intellectual property owned by the school and includes any intellectual property that has been produced as part of a staff member's work in school.
 - i. Theft from, or violence to, other members of the School, students or members of the public, including malicious damage to their property.
 - j. Obscene or indecent behaviour or sexual misconduct or the circulation of offensive material
 - k. Accessing or downloading unauthorised images via the internet.
 - l. Serious misuse of any hardware, software, intranet, internet or email.
 - m. Serious breach of security or of financial regulations and/or procedures.
 - n. Serious breach of confidentiality or misuse of information including disclosure of confidential/personal information or any unauthorised circumstances or to unauthorised persons. This may include breach of the Data Protection Act 1998.
 - o. Dishonest or fraudulent use of the School's name, time, facilities, services and/or suppliers for private use whether or not for financial gain.
 - p. Extreme cases of unauthorised absenteeism.
 - q. Gross negligence in duties resulting in any of the above.
 - r. Gross dereliction of duty for example in not following Child Protection procedures.

PROCEDURE FOR CONDUCT OF A DISCIPLINARY PANEL HEARING

GENERAL

1. The case for the School is to be presented by the Head or the Investigator (defined at Main Body Subparagraph 29a). The Head, the employee and the employee's representative should be present during the hearing and the last may speak on behalf of the employee.
2. Reference in this procedure to the Head includes the Investigator and reference to the employee/appellant includes his/her companion. It is the responsibility of the employee to ensure that their companion is adequately briefed.

HEARING PROCEDURE

3. The Chair of the Panel is to introduce the Panel members and anybody else present, state the function of the Panel and establish who is to present the case for each party, whether they are to call witnesses and if so, how many.
4. The Head presents the case and may call witnesses.
5. The employee/appellant may ask questions of the Head and/or witnesses.
6. The Chair and members of the Panel may ask questions of the Head and/or any of the witnesses.
7. The employee/appellant may make a submission in the presence of the Head, produce evidence and call witnesses.
8. The Head will have the opportunity to ask questions of the employee/appellant and/or his/her witnesses.
9. The Chair and members of the Panel may ask questions of the employee/appellant and/or his/her witnesses.
10. The Head and the employee/appellant are to be asked if they have any further comments.
11. All except panel members and the Secretary to the Panel (if appointed) are to withdraw.
12. The Panel deliberates. Note that, if the Panel wishes to ask either party any supplementary questions, both parties are to return.
13. The Panel may communicate its decision verbally to the parties immediately but is to confirm in writing to the employee/appellant within seven days of the Hearing.
14. If there is an aggrieved third party to the case, the Chair of the Panel is responsible for notifying that party of the Panel's decision.
15. If all parties are present throughout then they may make their own notes. If a Secretary to the Panel is appointed, the Secretary is to take notes and circulate copies to all parties.

STAFF CODE OF CONDUCT

Parent(s) refers also to guardian(s) or any person who has parental responsibility for the pupil or who has care of the pupil.

INTRODUCTION

- 1 **Aim.** The aim of this Code is to advise staff of the standard of conduct expected by governors.
- 2 **Scope.** This Code applies to all School employees whether permanent, temporary, casual, agency workers, supply or visiting staff and, where relevant, to volunteers particularly regarding Child Protection and Safeguarding.
- 3 **Principles.** The following principles are central to this Code:
 - a. That all staff maintain exemplary standards of conduct and integrity.
 - b. That the Governing Body's visions, values, policies and procedures are followed and therefore staff are to study and note all policies applicable to them.
 - c. That all employees treat colleagues and others with dignity and respect.
 - d. That staff act as role models for the pupils at the School.
 - e. That there is to be no discrimination on any grounds including sex, race, trade union activities, disability, age, sexual orientation, trans-gender status, religion, belief or any other personal characteristic or quality.
 - f. That staff should always give balanced views and arguments regardless of their personal opinions on politics, religion, etc.
 - g. That child protection and safeguarding are paramount.
- 4 **Breaches of Code of Conduct.** Failure to comply with this code and associated School policies may result in disciplinary action being taken or the police being informed if criminal activity is suspected.

SAFER WORKING PRACTICE - CHILD PROTECTION AND SAFEGUARDING

- 5 The Child Protection and Safeguarding Policy is to be noted and complied with by all staff and volunteers. Specific Code of Conduct considerations regarding safer working practice with pupils are at Appendix 1 to this Annex.

COMMUNICATIONS AND CONFIDENTIALITY

- 6 **Disclosure of Information and Confidentiality.** Personal or other confidential information is to be protected in accordance with the Law and in particular the Data Protection Act: therefore it is to be treated as confidential and only disclosed as necessary and when allowed by the Law. Further guidance is in the Data Protection Policy. Additionally, staff are not to use information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Information concerning an employee's private affairs is not to be supplied to any person outside the School unless the consent of the employee is obtained first in accordance with the Data Protection Policy or otherwise allowed by that Policy. When using social networking websites staff should be aware that these sites may be accessible to pupils, parents and colleagues and take care accordingly that whatever they publish will not damage an individual's professional reputation, the reputation of others or the good name of the School.

7 Communication. Communication is an essential part of working in a school community. All staff are to communicate promptly, courteously, clearly and appropriately for the context. The use of emails is encouraged and response to emails is normally to be within two working days. The 'out of office assistant' is to be invoked when staff are absent and out of email contact. Staff are encouraged to respond also during holidays for urgent issues. To avoid receipt of excessive numbers of emails, staff are only to copy others into correspondence if those others need to know. Email communication is to be used judiciously, especially where sensitive issues are involved, and 'all staff' emails are to not be sent unless relevant to all or the great majority of staff and then only if concerning work except that the occasional use for social, personal advertising and similar is permitted. Use of a hectoring or bullying manner is not appropriate and may result in disciplinary action.

8 Use of IT Equipment. Use of the School's equipment, systems and network is provided as part of an individual's work role. Employees are to note and understand the relevant School policies concerning computer use, internet access and electronic communications particularly with regard to logging out when leaving the room. Staff are not to use school equipment to access or publish inappropriate material or to publish private blogs which could be construed as detrimental to the School or School community. Any such use may result in disciplinary action for gross misconduct.

STAFF WORKING PRACTICES & CONDUCT

9 Commercial Practices Including Gifts and Hospitality. The School's business is to be conducted with integrity in the delivery of its services and the management of its resources and assets. Staff are not to use their position for personal gain and are to uphold and enhance the reputation of the School by:

- a. Maintaining exemplary integrity in all professional relationships;
- b. Maintaining exemplary standards of professional competence within their individual ambit.
- c. Complying with the letter and the spirit of the law, their contracts of employment, line managers' instructions and Governing Body directives.
- d. Complying with the instructions in the Staff Handbook regarding acceptance of hospitality, gifts or any other benefit.

10 Dignity and Equality at Work. All staff are to be treated with dignity and respect by other staff and the Harassment and Bullying Policy is to be adhered to.

11 Personal Relationships at Work. The Governing Body may take action if close personal relationships between staff at work have an actual or potential impact on School services or the professional performance of staff.

12 Work for Other Employers. Applicants for employment at the School are to be asked to disclose any employment they may have with other employers. Failure to do so could result in the withdrawal of the offer of employment or dismissal if already appointed. All employees are to notify the Headmaster or Bursar if they are working for another employer.

13 Personal Conduct Beyond Employment. Staff are not to engage in conduct outside work which could damage the reputation and standing of the School or the staff member's own reputation or the reputation of other members of the School community. Criminal offences that involve violence, possession or misuse of drugs, or sexual misconduct are unacceptable and action may be taken under the School's Disciplinary Policy for gross misconduct. Employees must exercise caution when using social media and be aware of the risks to themselves and others.

14 Private Use of School Facilities. Staff are not to use School stationery for private purposes nor carry out private correspondence and work during working time. Staff who have to make private telephone calls during working hours are normally to use their mobile phones; exceptionally, a School telephone may be used but calls are to be minimised in duration and cost.

15 Borrowing School Property. Staff may borrow School property to use for School work at home with prior approval from their line manager and, if appropriate the IT Manager (for laptops etc).

16 Dress and Appearance. Staff are to dress smartly and appropriately to carry out their professional roles and are to set a good example for pupils who are also expected to have a high standard of dress.

17 Corporate Responsibility. Staff are to exercise corporate responsibility in the course of their employment, that is to:

- a. Comply with this Code of Conduct.
- b. Be vigilant and be proactive in enforcing School rules particularly concerning pupils' appearance and behaviour; full details are in the School's Behaviour Policy and Staff Handbook.
- c. Be aware of and understand standard operating procedures including emergency procedures.
- d. Be punctual, keeping to deadlines and ensuring that planning, lesson delivery, marking and record keeping are of a high standard.
- e. Ensure that class rooms that they have been using are clean and tidy at the end of their lesson so that the next teacher and class are not inconvenienced eg: a clean whiteboard, tables returned to normal layout, heater settings as appropriate, discarded paper, wrappers etc removed by pupils and pupils to be correctly dressed when dismissed from their class or tutorial, thus enforcing common corporate standards and school identity.
- f. Leave offices tidy and any confidential papers secured if an office or workroom is left at any time. Resources (paper, pens etc) are to be used sparingly and redundant paperwork/resources disposed of and the former by shredding if containing confidential data.

18 Alcohol and Drugs Misuse. Staff are personally liable for their conduct, specifically in relation to consumption of drugs and alcohol. Inappropriate behaviour as a result of substance misuse is to be dealt with as a disciplinary matter. Alcohol should not normally be consumed by staff during school hours except as part of a School social event.

19 Convictions, Cautions etc. If during their employment with the School a member of staff is convicted or receives a caution, reprimand or warning from the Police for any reason, they are to inform the Headmaster or Bursar within two days. Failure to do so may result in disciplinary action for gross misconduct.

Appendix:

1. Staff Code Of Conduct – Safer Working Practice.

**APPENDIX 1 TO
ANNEX C STAFF CODE OF CONDUCT TO
STAFF DISCIPLINARY PROCEDURE & CODE OF CONDUCT**

STAFF CODE OF CONDUCT – SAFE WORKING PRACTICE WITH CHILDREN

INTRODUCTION

- 1 This Appendix draws into one document the Code of Conduct principles and requirements for child protection and safeguarding. It applies to all staff and in this context 'staff' includes volunteers assisting the School.
- 2 Further guidance is at:
<https://www.saferrecruitmentconsortium.org/GSWP%20Sept%202019.pdf> and
<https://www.saferrecruitmentconsortium.org/GSWP%20COVID%20addendum%20April%202020%20final-1.pdf>

CONTACT WITH PUPILS

- 3 Apart from verbal and written messages, the normal method of contact with pupils and parents is to be via school email accounts or by School telephone if necessary. This does not preclude an acknowledgement (from the staff member's school email account) to a pupil's personal email account of work received or similar but such use of personal email accounts is to be minimised. Whenever correspondence is directed to a pupil's personal email address another (appropriate) member of staff is to be copied in.
- 4 The use of inappropriate technology to contact students can suggest an informality which is inappropriate and can also make a staff member vulnerable to allegations of inappropriate behaviour. Therefore, there is to be no one to one communication with pupils by staff on their personal email, mobile telephone, landline telephone or any type of social media. When social media is used the School's Twitter feed or other social media that may be developed is to be used. When contact is made by social media it is to be open to the whole group concerned.
- 5 Staff are never to disclose their private (ie non School) telephone numbers, email addresses etc to pupils and not normally to parents. Exceptions to the latter include where a staff member has a social, sporting etc relationship with parents that is independent of their professional relationship.
- 6 A member of staff who is contacted by a pupil via the staff member's personal telephone or email is not to respond but to report the contact to their line manager. The pupil is to be informed that such contact is not to be made.

PERSONAL RELATIONSHIPS WITH PUPILS

- 7 Close personal relationship between a staff member and a child who is under the age of 18 (19 if still at school) whom they meet as a result of their employment (or under the age of consent and met anywhere) will not be tolerated and is to result in disciplinary action and, if appropriate, the police being informed.
- 8 Sexual behaviour or a close personal relationship between a staff member and a child who is under the age of 18 (19 if still at school) whom they meet as a result of their employment (or under the age of consent and met anywhere) is an abuse of trust, will not be tolerated and is to result in disciplinary action and, if appropriate, the police being informed.

USE OF IT EQUIPMENT

9 Attention is drawn to the ICT policy and, in particular, to the sections concerning acceptable use and e-safety.

10 No school equipment is to be used to access pornography or other unsuitable adult material. Personal equipment containing such content or links to it is not to be brought onto the School site nor taken on any School trips.

PHYSICAL CONTACT BY STAFF

11 The Behaviour & Discipline Policy paragraphs 13 to 16 identify when physical contact may be made with pupils (essentially 'when it is necessary or appropriate to do so'), defines 'reasonable force' and the protection staff have within the Law providing the guidelines are followed. There is further amplification at Annex H to that Policy.

GIFTS AND HOSPITALITY

12 Paragraph 9 of Annex C to this Policy (the Staff code of Conduct) details the rules for accepting gifts and hospitality but staff are also to note that such receipts could lead to accusations of favouritism or an expectation of rewards to pupils and are to be vigilant regarding this possibility when accepting any gifts. This does not preclude the acceptance of small gifts eg at Christmas or in recognition of a specific event but gifts are not to be accepted regularly or if of significant value.

13 Similarly, except in exceptional circumstances and only if reported to their line manager, staff are not to give personal gifts to pupils or their families because this could be interpreted as a gesture either to bribe or groom. It might also be perceived that a return favour of some kind is expected.

14 Rewards for pupils are to be made in accordance with the Schools Rewards Procedure at Annex A to the Behaviour & Discipline Policy.

STAFF DRESS AND APPEARANCE

15 Staff are to dress decently, safely and appropriately for the tasks they undertake. Therefore their dress is to:

- a. Promote a positive and professional image compliant with professional standards.
- b. Be appropriate to their role.
- c. Be unlikely to be viewed as offensive, revealing, or sexually provocative.
- d. Not distract, cause embarrassment or give rise to misunderstanding.
- e. Be absent of any political or otherwise contentious slogans.
- f. Not be likely to be considered to be discriminatory.

INFATUATION AND CRUSHES

16 A pupil may develop a 'crush' or infatuation with a staff member. Therefore staff are to ensure that their own behaviour cannot be brought into question, does not appear to encourage the crush/infatuation and must be aware that such infatuations may carry a risk of their words or actions being misinterpreted.

17 Staff members are to report any suspicion of infatuation/ crushes to their line manager who is to involve the pastoral Head in developing and monitoring a plan to manage the situation.

INTIMATE AND PERSONAL CARE

18 The necessity for intimate or personal care is only likely for an injured or disabled pupil.

19 When assistance is required, this should normally be undertaken by one member of staff with, if possible, another appropriate adult is in the vicinity who is aware of the task to be undertaken and who is visible and/or audible. Intimate or personal care procedures should not directly involve more than one member of staff unless the pupil's care plan specifies the reason for this.

20 A signed record is to be kept of all intimate and personal care tasks undertaken including timings.

BEHAVIOUR MANAGEMENT

21 Where pupils display difficult or challenging behaviour, staff are to follow the School's Behaviour and Discipline Policy using strategies appropriate to the circumstance and situation.

ONE TO ONE CONTACT AND HOME VISITS

22 Staff are to minimise working one to one with pupils because they will be more vulnerable to allegations or complaints.

23 Arrangements to meet with pupils off the School site is not permitted without clear necessity and approval by the line manager, the pupil and their parents.

TRANSPORTING PUPILS

24 When practicable vehicles should have at least one other adult present in addition to the driver when pupils are carried. The use of staff private vehicles is to be avoided if possible.

25 Other than in an emergency to avoid risk to a pupil, staff are not to offer lifts to pupils unless authorised by their line manager or, if appropriate, a trip leader.

26 Other than in an emergency, staff are not to transport pupils outside of their normal working duties. If a pupil has been so transported this is to be recorded and reported to both the line manager and the pupil's parents.

EDUCATIONAL VISITS

27 The safety policy for outdoor education activities is at Annex B to the Health & Safety Policy.

FIRST AID AND MEDICATION

28 First Aid procedures are in the Health & Safety Handbook.

29 The procedure for the School to be notified by parents of any prescription or non-prescription medicines their son is required to take and the procedure for the storage and administering of medication is at Paragraph 22 of the Home School Liaison Policy.

PHOTOGRAPHY AND IMAGES

30 The rules and restrictions concerning photographing pupils are in the Child Protection and Safeguarding Policy.

WHISTLEBLOWING

31 Whistleblowing is the mechanism by which staff can voice concerns, made in good faith, without fear of repercussion and, in particular, with their employment rights protected.

32 Staff are to recognise their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies and that to not do so may result in charges of serious neglect on their part where the welfare of children may be at risk.

33 Further detail is in the Whistleblowing Policy.