



**Flying
High
Trust
Partnership**

**HR Policies and
Procedures –
Guide for Employees**

June 2017

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Welcome

Welcome to The Flying High Trust, a primary, multi academy trust with an ethos of sustainable school improvement, each school supporting another to become or remain an outstanding school.

We believe that the success of the Flying High Trust, and that of its employees, depends largely on the employees themselves and so we look to you to play your part as we continue to play ours.

We welcome you and express our sincere hope that you will be happy here in our team. We ask that you study carefully the contents of this document as it contains a great deal of helpful information.

It is the aim of this document is to emphasise and encourage improvement in the conduct and performance of individual employees.

Throughout this document the Flying High Trust will be referred to as FHT, we, the Trust or us and refers to the Trust itself and the schools within. Our employees will be referred to as employees, colleagues, staff (on occasion) or you. The title line manager has been used to cover the CEO of the FHT, head teachers, senior leaders and managers within schools and the central team.

This document sets out the main policies and procedures that you will need to be aware of whilst working for us and follows the usual employment lifecycle; **pre-employment**, **during employment** and **ending employment**.

Unless otherwise indicated, the policies and procedures apply to all employees regardless of their length of service, contract type and include trainees, fixed-term employees, casual and agency staff and volunteers.

Your contractual rights and obligations are as set out in your individual Contract of Employment. This document **does not form part of your contract**. However, it is a useful source of information and guidance on the employment policies and procedures that you are expected to reflect in your behaviour and attitudes.

All policies and procedures are based on employment and education related legislation that is applicable to multi academy trusts.

We reserve the right to make changes from time to time to this document; any changes or additions will be notified to you in writing. Where major changes, that affect your terms and conditions of employment are proposed, a period of consultation will commence.

Overarching guidance

Within this document there are a number of procedures that have the same overarching principles and therefore they have been included below rather than in the individual policies to avoid repetition.

Appeals

You have a right to appeal a formal warning or outcome. You should appeal in writing, stating your full grounds of appeal, to the head teacher, Chair of Governors or CEO of the FHT within 5 working days of the date on which you were informed of the decision.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.

We will give you written notice of the date, time and place of the appeal hearing. This will normally be 10 working days after you receive the written notice.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.

Appeal hearings will be conducted by a panel made up of Governors and/or appropriate management from the FHT.

You may bring a companion with you to the appeal hearing.

We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing we may:

- (a) confirm the original decision;
- (b) revoke the original decision; or
- (c) substitute a different penalty.

We will inform you in writing of our final decision as soon as possible, usually within 5 working days of the appeal hearing. There will be no further right of appeal.

If the outcome of a hearing is dismissal, the date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

Right to be accompanied at hearings

You may bring a companion to any hearing or appeal hearing under formal procedures. The companion may be either a trade union representative or a colleague. You must tell us who your chosen companion is, in good time before the hearing.

Your companion may make representations, ask questions, and sum up your case, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

If your choice of companion is unreasonable we may require you to choose someone else, for example:

- (a) if in our opinion your companion may have a conflict of interest or may prejudice the hearing; or
- (b) if your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family or a friend) where this will help overcome a particular difficulty caused by a disability, or where you have difficulty understanding English.

Pre-employment

1. Recruitment and Selection

It is recommended that the Head Teacher and/or the CEO of the FHT takes the lead in making appointments other than for posts on the leadership spine. Decisions to appoint can be delegated to the Head Teacher or a panel consisting of one or more governors/Board Members and the Head Teacher. It is advised that wherever possible, the interview panel should comprise 3 interviewers of whom at least one member should be appropriately trained.

Senior management and/or the CEO of the FHT will be responsible for recruitment of the central team.

The **equal opportunities policy** will be referred to in relation to recruitment and selection procedures.

We are committed to safeguarding and promoting the welfare of children and these recruitment procedures are in line relevant safeguarding requirements, in particular the DfES document "Safeguarding Children and Safer Recruitment in Education" issued in January 2007. Governors are also advised to refer to the latest DFE

Safeguarding guidance and ensure that at least one member of each recruitment panel has undertaken the Safer Recruitment on-line training.

Vacancies will be advertised either internally or both externally and internally.

An application pack will be available where applicable.

During Employment

1. Code of Conduct

A code of conduct is essential to inform you of the required expectations of you whilst working for the FHT.

Part of the responsibilities of Ofsted Inspection is to assure safe and secure provision for children, young people and learners across all remits through effective inspection and regulation. Safeguarding the welfare of children is part of Ofsted's core business for all employees, and you are expected to be aware of your responsibilities in this regard.

While working for the FHT you should at all times maintain professional and responsible standards of conduct. In particular you should be aware of your duties to:

- maintain conduct in keeping with the interests and standards of the school and the FHT;
- be honest, trustworthy and beyond the reach of suspicion and dishonesty;
- maintain at all times a high standard of integrity and conduct;
- not put your private interest or those of relatives or friends before your duty to the school/FHT;
- not use your position to further private interests or those of relatives or friends;
- to observe the terms and faithfully perform the duties specified in your contract of employment, to observe the FHT policies, values and regulations
- observe the terms and conditions of your Contract;
- observe all our policies, procedures and regulations which are included in this document and accompanying policies or procedures, manuals or notices;
- take reasonable care in respect of the health and safety of colleagues and third parties and comply with our Health and Safety Policy;

- comply with all reasonable instructions given by management;
- act at all times in good faith and in the best interests of the school and the FHT, our pupils, parents, carers, volunteers, Governors and other employees.
- act within the law whilst undertaking your official duties.
- ensure equalities policies are adhered to and uphold fundamental values, including democracy, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs. Ensure that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law or the policies and procedures of the school. You should always show respect for the rights of others.
- always act within, the statutory frameworks which set out your professional duties and responsibilities and comply with any standards of conduct which are set by your professional body.
- have proper and professional regard for the ethos, policies and practices of the FHT, and maintain high standards in your own conduct, performance, attendance and punctuality.
- always treat pupils with dignity, building relationships rooted in mutual respect, observing proper boundaries appropriate to their position.
- always act in a courteous, efficient and impartial manner towards all individual pupils, groups of pupils, employees and individuals.
- provide the highest possible standard of service and report any contraventions of this Code, illegality, misconduct or breach of procedure.
- safeguard children's well-being, in accordance with statutory provisions, the local Safeguarding Children Board procedures and the child protection policy.
- report any safeguarding concerns immediately to the designated safeguarding lead person in school and head teacher.
- do not put yourselves in any situation where your conduct or behaviour with any pupil could be misconstrued and work within appropriate professional boundaries at all times with children and young people with whom they are in a position of trust.
- do not have personal contact other than in certain exempted circumstances with current/former pupils of school age outside the normal school work environment.
- be aware that it is a criminal offence under the Sexual Offences Act 2003 (as amended) for anyone to engage in a sexual relationship or grooming for such a relationship with a child aged under 18 with whom they are in a position of trust.

- ensure that equality policies are adhered to.
- take reasonable care for the health and safety of themselves and others and to assist in the creation of a safe work environment.
- inform the head teacher or FHT of any medical condition/illness you have during the course of your employment which may impact on your fitness to undertake your duties or on the health and safety of yourself, pupils, other employees and governors of the school.
- exercise extreme caution when using social networking sites outside of work and avoid publishing, or allowing to be published, any material, including comments or images that could damage your professional reputation and/or bring the school or FHT into disrepute. If you do use social networking sites it is strongly advised that profiles should be set as 'private' and under no circumstances should you allow access to pupils, their families and or carers.
- not give your personal details such as home/mobile phone number; home or email address to pupils unless the need to do so is agreed with your head teacher.
- be mindful that requirements in relation to maintaining the confidentiality of pupils, their families, colleagues and any matters relating to the school itself apply to all forms of communication, including social networking sites.
- phones should not be taken into the classroom.
- Do not use of the school email, telephones, computers, photocopiers, or other equipment for personal use unless authorisation has been given by the head teacher.
- use internal email systems and school computer equipment in accordance with the appropriate policies
- not disclose information given to you in confidence without consent except for that relating to safeguarding of a child which must be passed on.
- inform your line manager of any criminal charges you are facing or if you have received a new caution or conviction
- declare any personal interest that could bring about conflict with the School/FHT's interests
- not take outside employment which conflicts with our interests, if you work for outside organisations you should seek permission from your head teacher or chair of governors, or CEO of the FHT as appropriate.
- to accept modest gifts from pupils, such as at the end of a school year or at Christmas and to give gifts to pupils in line with the agreed school policy.

If you are unable to maintain satisfactory standards of conduct it may result in action being taken under our Disciplinary Procedure.

2. **Safeguarding Children Policy**

Safeguarding children is of paramount importance and, working together, in partnership with the Local Authority Local Safeguarding Children's Board (LSCB) we have a responsibility to support schools in fulfilling their statutory responsibilities and to monitor the implementation of the statutory guidance.

Within the FHT we believe that it is the responsibility of all of us to work together to keep children safe.

This policy is based on safeguarding; 'Keeping Children Safe in Education (March 2015)' and 'Working together to Safeguard Children 2015'.

Working together to safeguard children

It is vital that every individual working with children and families is aware of the role that they have to play and the role of other professionals.

Keeping Children Safe in Education 2015 covers the following:

- Part One – Safeguarding information for all staff
- Part Two – The management of safeguarding
- Part Three – Safer Recruitment
- Part Four – Allegations of abuse made against teachers and other staff.

Part One must be read by all employees and links with the Code of Conduct policy.

Remember:

- Anyone can make a referral and where there is a risk of immediate serious harm a referral should be made immediately
- There is a legal duty on all employees to refer safeguarding concerns of and failure to do so is a criminal offence
- In relation to safer recruitment 'if a school knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity...'
- There are procedures in place to handle allegations against members of staff and volunteers in partnership with the designated officer at the local authority.
- There are procedures in place to refer to the DBS if a person has been dismissed or removed due to safeguarding concerns, or would have been. This is a legal duty and failure to refer when the criteria are met is a criminal offence.

Training and Support

There is additional training and support available in the following documents, websites, and establishments:

- ‘What to do if you are worried a child is being abused (2015) – Advice for practitioners’
- school attendance
- children who run away or go missing from home or care.
- TES Website
- NSPCC Website
- Gov.UK Website (broad government guidance on the issues below)

As part of the development and expansion of the FHT the Trust will also work with our academies to identify the priorities for development and to seek opportunities to:

- Bring Designated Safeguarding Leads together to share good practice
- Identify strengths and priority developments across FHT schools and effectively use this information to target training and development activities
- Identify opportunities for schools to jointly access update training for staff.

Monitoring and Reporting

We will monitor the effectiveness of safeguarding policies across the Trust by gathering headline data on an annual basis and be make it available to the Trust Board.

Any significant Safeguarding matters, without breaching confidentiality, and after having reported to the LSCB, will be reported to the Trust, in line with Emergency Planning Procedures.

In addition to the above, Safeguarding is part of the overall School Improvement Framework and, in response to this, key strands relating to Safeguarding will be considered and reported on as part of the School Inspection Process. Monitoring safeguarding, including checking the ‘Single Central Record’, will be built into the overall school improvement procedures.

3. Equal Opportunities Policy

We do not discriminate against employees on the basis of their gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age (‘protected characteristics’). The principle of non-discrimination and equality of opportunity applies equally to the treatment of former employees, visitors, pupils, parents/carers and suppliers by.

We are committed to a programme of action to make this policy effective and to bring it to the attention of all employees.

All employees have a duty to act in accordance with this policy, and therefore to treat colleagues, pupils and the school community with dignity at all times, and not to discriminate against or harass colleagues, whether junior or senior to you. In some situations, we may be at risk of being held responsible for the acts of colleagues and will therefore not tolerate any discriminatory practices or behaviour.

This policy applies to all aspects of the employee life cycle from advertising to termination of employment.

We will take appropriate steps to accommodate the requirements of workers' religions, cultures, and domestic responsibilities.

Forms of discrimination

Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

Direct discrimination occurs where someone is put at a disadvantage for a reason related to one or more of the protected characteristics previously. For example, rejecting an applicant on the grounds of their race because it is considered they would not "fit in" could be direct discrimination.

Indirect discrimination occurs where an individual is subject to an unjustified provision, criterion or practice which puts them at a particular disadvantage because of, for instance, their gender or race. For example, a height requirement would be likely to eliminate proportionately more women than men. If this criterion cannot be objectively justified for a reason unconnected with gender, it would be indirectly discriminatory on the grounds of sex.

Discrimination also includes victimisation (less favourable treatment because of action taken to assert legal rights against discrimination or to assist a colleague in that regard) and harassment (which is dealt with under our Anti-Harassment Policy, set out below).

Public Sector Equality Duty

In addition to the general provisions of the Equality Act 2010, as a public body, we have to comply with the public sector Equality Duty so that schools play their part in making society fairer.

The general Public Sector Equality Duty - requires public bodies to consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty has three aims and requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it, and

- Foster good relations between people who share a protected characteristic and people who do not share it.

Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that Head Teachers, Senior Leaders, Governors and FHT have to take into account the equality impact on people with protected characteristics before a decision is made or new policy is implemented.

Specific duties

Each public authority is required to:

- (i) Publish annually, information to demonstrate compliance with the general equality duty. The publication must include information relating to people who share a protected characteristic who are:
 - Employees of the school
 - People affected by the school's policies and practices, this would include parents and pupils.

The school should address these duties under the Act in other relevant policies and documentation. Schools with fewer than 150 employees are exempt from this requirement, however these schools will still need to ensure that they collect and use enough workforce information to effectively meet the general equality duty.

- (ii) Each school must prepare and publish one or more objectives that it thinks it needs to achieve to further any of the aims of the general equality duty and repeat at least every 4 years after that. It is expected that the school's objective(s) will be included in the objectives formulated to promote pupil achievement and development in the School Improvement Plan.
- (iii) The objectives need to be provided for the FHT annually.

Equal pay

Men and women doing equal work and work rated as of equal value are entitled to equal pay.

All employers must give men and women equal treatment in the terms and conditions of their employment contract if they are employed on:

- 'like work' - work that is the same or broadly similar
- work rated as equivalent under a job evaluation
- work found to be of equal value

A woman is employed on 'like work' with a man if her work is of the same or a broadly similar nature. It is for the employer to show that there is a genuine reason for any difference in pay, which is not based on the sex of an individual.

Employees are also entitled to know how their pay is made up and there should be a clear audit trail which sets out how decisions on pay are made and how any additional allowances are calculated. This is set out in the FHT pay policy.

4. Anti-Harassment and Bullying Policy

You can expect to be treated with dignity and respect, free from harassment or other forms of bullying at work.

We are all responsible for treating each other with dignity and respect and should consider whether our words or conduct could be offensive to others; even unintentional harassment or bullying is unacceptable.

Where harassment or bullying is shown to have taken place it will be dealt with under our Disciplinary Procedure as a form of misconduct. In some cases, it may be treated as gross misconduct leading to summary dismissal of those responsible.

Under the Health and Safety at Work Act 1974 we have a duty to provide you with a safe place and system of work. This includes a workplace free from harassment and bullying which may, in certain circumstances, also amount to unlawful discrimination.

We are also responsible for ensuring that you are protected from unlawful harassment, bullying or discrimination in the course of your work on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age.

Individual employees may also in some cases be held legally liable for harassing their colleagues or third parties and may be ordered to pay compensation by a court or employment tribunal.

What are harassment and bullying?

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment often (but not exclusively) targets the gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief or age of the victim.

A single incident of unwanted or offensive behaviour to one individual can, in some circumstances, amount to harassment.

Examples of harassment include:

- unwanted physical conduct or "horseplay" ranging from touching, pinching, pushing or brushing past someone or invading their personal space, to

grabbing, shoving, punching and more serious forms of physical or sexual assault;

- unwelcome sexual behaviour, which the harasser may perceive as harmless flirting, and which may involve unwanted suggestions, advances, propositions or pressure for sexual activity;
- suggestions that sexual favours may further a career or that refusal of sexual favours may hinder it;
- continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
- inappropriate behaviour whether in the form of offensive or intimidating comments or gestures or insensitive jokes or pranks;
- the sending or displaying of material that is pornographic or obscene or that some individuals or groups may find offensive (including e-mails, text messages, video clips and photographs taken or sent using mobile phones or via the internet);
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated and threatened. Power includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct.

Legitimate and constructive criticism of a worker's performance or behaviour, or reasonable requests made of workers in the course of their employment, will not constitute bullying.

Examples of bullying include:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority;
- unjustifiably excluding colleagues from meetings or communications.

Harassment or bullying can occur both in the workplace and in settings outside the workplace, such as trips or social functions organised for or on our behalf and whether on or off our premises.

Anyone who believes they are being subjected to harassment or that they are being bullied should not hesitate to use the procedures set out below.

Informal steps to resolve bullying or harassment

If you consider that you are being bullied or harassed, you should initially attempt to resolve the problem informally with the person responsible if you feel able, and explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing to do on your own, you should seek support from your line manager. They will provide confidential advice and assistance and will offer to assist in the resolution of any problems, whether through informal or formal means.

If you are in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then you should initially contact your line manager confidentially, on an informal basis. They will be able to advise you how your concerns should be dealt with.

If informal steps have not been successful or would not be appropriate, you should follow the formal procedure set out below.

Raising a formal complaint about bullying or harassment

The informal procedure may not be appropriate due to the nature of the harassment or bullying or because you do not feel able to talk directly to the person creating the problem. In these cases, or where the informal procedure has been unsuccessful, you should raise your complaint in writing with your line manager whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person you should refer it to another manager.

Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

As a general principle, the decision to progress a complaint rests with you. However, we have a duty to protect all employees and may decide to pursue the matter independently if, in all the circumstances, it is considered appropriate to do so.

Formal investigations

Complaints will be investigated in a timely and confidential manner to establish full details of what happened. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.

Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily, or suspended on full pay, or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.

The person investigating the complaint will meet with you to hear your account of the events leading to your complaint. You have the right to be accompanied by a

colleague or a trade union representative of your choice. We will arrange further meetings with you as appropriate throughout the investigation and/or at its conclusion.

They will also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union representative of their choice. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint.

A report will be submitted to an appointed person who has had no prior involvement who will consider the complaint. This person will usually arrange a meeting with you to report the outcome within a week of the conclusion of the investigation. You will receive a report together with the findings a copy will also be provided to the alleged harasser.

If the appointed person finds that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. The findings will be dealt with under our Disciplinary Procedure. Consideration will be given to whether the harasser or bully should be dismissed and, if not, whether they should remain in their current post or be transferred.

Even where a complaint is not upheld, consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

There are several possible outcomes to such an investigation. For example:

- If the alleged offender admits the allegation, there may be no need for the investigation to continue unless the investigating officer(s) feel that further confirmation of the facts is needed. Consideration will need to be given as to whether any disciplinary action should be implemented against the offender.
- The investigating officer(s) may conclude on “the balance of probabilities” that all or some of the alleged behaviour did occur and will need to consider whether formal disciplinary action should be implemented against the offender in line with Stage Three of the Harassment Procedures.
- the investigating officer(s) may conclude on “the balance of probabilities” that none of the alleged behaviour occurred. Consideration may then need to be given as to whether there are any issues relating to the complainant’s behaviour or perception of the situation which need to be addressed.
- the investigating officer(s) may conclude that both parties had contributed to the situation and appropriate action will need to be taken, including mediation, to resolve the issues.

Any worker who is, after investigation, found to have deliberately provided false information or to have acted in bad faith may be subject to action under our Disciplinary Procedure.

Appeals

You have the right to appeal within 5 working days of the date on which the decision was sent or given to you.

Protection for those making complaints or assisting with an investigation

If you make a complaint or participate in good faith in any investigation conducted into alleged harassment or bullying, you will be protected from any form of intimidation or victimisation as a result of your involvement.

If you consider that you have been subjected to any such intimidation or victimisation you should seek support from your line manager. You may alternatively or additionally raise a complaint in writing under this procedure or our Grievance Procedure.

Confidentiality

Confidentiality is an important part of the procedures provided to deal with harassment and bullying. Whether making a complaint or because they are involved in any investigation, everyone is responsible for observing the high level of confidentiality required.

Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

5. Managing Attendance Policy

This policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.

Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes.

We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary.

Sickness absence whilst often unavoidable, creates disruption for colleagues and pupils. Close management of absence is not an accusation that your absence isn't genuine, it is an opportunity to facilitate a return to work as soon as possible or support you in maintaining attendance at work.

We may vary the procedures set out in this policy, including any time limits, as appropriate in any case.

Disabilities

We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out below), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your line manager to ensure that the right support is put in place to assist you in maintaining attendance.

Sickness absence reporting procedure

Line managers should make arrangements for anyone who is unwell to be accompanied home or to receive medical treatment where necessary.

If you cannot attend work because you are ill or injured you should telephone and speak to your line manager as early as possible (except in exceptional circumstances), and no later than 1 hour before the time when you are normally expected to start work. The following details should be provided:

- (a) The nature of your illness;
- (b) The expected date you will return to work;
- (c) Contact details;
- (d) Any outstanding or urgent work that requires attention.

If you are unsure of the expected date you will return to work or cannot attend work on the return date you have specified, you should keep in regular contact as agreed with your line manager.

You may not receive occupational sick pay or statutory sick pay unless you are able to provide a medical certificate or other evidence of incapacity at your own expense for the full period of incapacity.

Evidence of incapacity

For sickness absence of up to seven consecutive calendar days you must complete a self-certification form which will be available to you on your return to work.

For absence of more than a week you must obtain a certificate from your doctor (a "Statement of Fitness for Work") stating that you are not fit for work and the reason(s) why. This should be forwarded to your line manager as soon as you receive it. If your absence continues, further medical certificates to cover the whole period of absence must be submitted to your line manager as soon as you receive them.

If your doctor provides a certificate stating that you "may be fit for work" you should inform your line manager immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return to work interview (see below). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.

If you are suffering from an infectious or contagious disease or illness you must not report for work without clearance from your own doctor. Any contact with persons suffering from an infectious or contagious disease must be reported before commencing work.

Unauthorised absence

Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence. Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.

If you do not report for work and have not telephoned your line manager to explain the reason for your absence, your line manager will try to contact you and/or your next of kin, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence and your absence may still be classed as unauthorised.

Sick pay

You should refer to your Contract of Employment for details of the sick pay to which you are entitled

If a period of sickness absence is or appears to be because of negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify the head teacher of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require.

If we require you to do so, you must cooperate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

Fit for Work Service (FFW)

FFW is a government-funded occupational health assessment service. The service is intended to assist employees return to work, using a return-to-work plan where appropriate. If you want to know more about FFW you can visit their website at <http://fitforwork.org/employee/>.

Once you have been absent for four weeks, either we or your doctor may suggest referring you to FFW. Your doctor may do this before you have been absent for four weeks if they think it would be beneficial for you.

If your doctor refers you to FFW please let your line manager or the HR Department know, unless you would prefer not to tell us. If your case manager at FFW wishes to speak to us, please ask them to contact your line manager.

Keeping in contact during sickness absence

You should expect to be contacted during your absence by your line manager who will want to enquire after your health and be advised, if possible, as to your expected return date.

It is expected that you will be available during your normal working hours.

If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager at any time.

Medical examinations

We may, at any time in operating this policy, ask you to consent to a medical examination by a doctor or Occupational Health provider nominated by us at our expense.

You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.

Return-to-work interviews

If you have been absent on sick leave, we will arrange for you to have a return-to-work interview with your line manager to discuss the details of your absence and for you to raise any concerns or questions you may have, and to bring any relevant matters to our attention or to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.

This could include:

- (a) Obtaining medical advice;
- (b) Making reasonable adjustments to the workplace, working practices and working hours;
- (c) Considering redeployment; and/or
- (d) Agreeing a return to work programme with anyone affected.

If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your Contract and/or any insurance schemes we operate.

Sickness absence meetings

We may apply this procedure whenever we consider it necessary including, for example, if you:

- 3 periods of certified and / or self certified sickness absence in a term
- unacceptable patterns of absence, for example regular Monday or Friday absence or regular absences at particular times during the week or school calendar
- 4 periods which in total exceed a month of certified / self-certified sickness absence per year.
- 1 occasion of more than 10 days

Unless it is impractical to do so, we will give you 10 working days' written notice of the date, time and place of any formal sickness absence meeting. A reasonable opportunity for you to consider this information before a meeting will be provided.

The meeting will usually be conducted by your line manager and may also be attended by HR.

You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend

at the time specified, you should immediately inform your line manager who will seek to agree an alternative time.

A meeting may be adjourned if your line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within 5 working days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

If, at any time, your line manager considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

We may, at our discretion, permit a companion who is not an employee or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

Stage 1: first sickness absence meeting

The purposes of a first sickness absence meeting may include:

- (a) Discussing the reasons for your absence(s);
- (b) Where you are on long-term sickness absence, determining how long the absence is likely to last;
- (c) Where you have been absent on a number of occasions, determining the likelihood of further absences;
- (d) Considering whether medical advice is required;
- (e) Considering what, if any, measures might improve your health and/or attendance;
- (f) Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure;
- (g) It may, depending on the individual circumstances of the case and steps already taken, include a Written Warning. You will also be advised that if your absence continues, you are at risk of dismissal.

Stage 2: second sickness absence meeting

Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting may be necessary.

The purposes of further meeting(s) may include:

- (a) Discussing the reasons for and impact of your ongoing absence(s);

- (b) Where you are on long-term sickness absence, discussing how long your absence is likely to last;
- (c) Where you have been absent on a number of occasions, discussing the likelihood of further absences;
- (d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required;
- (e) Considering your ability to return to/remain in your job in view both of your capabilities and the needs of the school and any adjustments that can reasonably be made to your job to enable you to do so;
- (f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you;
- (g) Agreeing a return to work programme;
- (h) If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered;
- (i) If appropriate, agreeing a way forward, action that will be taken and a time-scale for the second review period and/or a further meeting(s). This may, depending on steps we have already taken, include a Final Written Warning and that you are at risk of dismissal;
- (j) If you have already received a final warning at the first meeting, and advised that you are at risk of dismissal, a potential outcome of this meeting is dismissal and you will move to stage 3.
- (k) If your attendance has improved, you will be monitored along with all employees. However, if the improvement is not sustained formal procedures will commence and any live warnings taken into consideration.

Stage 3 – Final Hearing

If there has been an improvement in attendance during the second review period the procedures can be halted, a further period of monitoring can commence and the meeting can be held by the head teacher or relevant line manager for the central team.

Where there is a significant risk of dismissal, the purposes of the meeting will be:

- (a) To review the meeting(s) that have taken place and matters discussed with you;
- (b) Where you remain on long-term sickness absence to consider whether there have been any changes since the last meeting; either as regards your possible return to work or opportunities for return or redeployment;
- (c) To consider any further matters that you wish to raise;

- (d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time;
- (e) To consider the possible termination of your employment.

Termination will normally be with full notice or payment in lieu of notice.

Appeals

You have the right to appeal the outcome at any formal stage. The process will be communicated to you in your outcome letter.

Ill Health Retirement

Ill Health Retirement can be considered at any stage of the procedure.

Medical Suspension

For teachers absent for 3 months with any kind of mental disorder, the DfE medical suspension regulations may apply. Under DfEE Circular 4/99 – 'Physical and Mental Medical Fitness of Teachers to Teach', head teachers and governing bodies have the power to medically suspend a teacher where necessary, but medical advice must be sought from an appropriately qualified medical adviser before taking such action.

It is often appropriate at this point to request an appointment with the Occupational Health Physician and for schools to liaise closely with HR.

Medical suspension may also be used in cases where it is necessary, due to the nature of your condition, to protect either you, your colleagues or the children.

6. Stress Policy

We are committed to protecting your health, safety and well-being and that of all those who work for us. We will endeavour to maintain a working environment in which everyone treats one another with dignity and respect and is able to co-operate with and trust their colleagues.

We recognise that, whatever its source, stress is a health and safety issue in the workplace. We acknowledge the importance of a supportive environment and working culture and of identifying and reducing workplace stressors.

We are committed to a programme of action to make this policy effective and to bring it to everyone's attention. However, this policy can only be effective if everyone co-operates to achieve its aims.

What is stress?

Stress is the adverse reaction experienced in response to excessive pressures or demands. Stress is not an illness but, sustained over a period of time, it can lead to mental and/or physical illness.

There is an important distinction between working under pressure and experiencing stress. Certain levels of pressure are acceptable and normal in every job. They can improve performance, enable individuals to meet their full potential and provide a sense of achievement and job satisfaction. However, when pressure becomes excessive it produces stress.

Pressures outside the workplace, whether the result of unexpected or traumatic events such as accidents, illness, bereavement, family breakdown or financial worries, can result in stress. They can also compound normal workplace pressures.

We recognise that what triggers stress and the capacity to deal with stress varies from person to person. Individuals react to similar situations in different ways.

Legal obligations

We have a legal duty to take reasonable care to ensure that your health is not put at risk by excessive pressures or demands arising from the way work is organised.

This policy takes account of our obligations under the Health and Safety at Work etc. Act 1974, Management of Health and Safety at Work Regulations 1999, Employment Rights Act 1996, Protection from Harassment Act 1997, Working Time Regulations 1998 and the Equality Act 2010.

We are committed to:

- (a) Promoting a culture of open communication, participation and encouragement; through training, effective planning and allocation of workloads and ensuring feedback is provided on performance, we want you to develop your skills and confidence and to feel able to raise any concerns they have about your work or working environment;
- (b) Using development, support systems and policies reflecting current good practice to help you understand and recognise the causes of stress and to address work-related stress and the impact of external stressors at work;
- (c) Providing a workplace free from harassment, bullying and victimisation;
- (d) Addressing violence, aggression and other forms of inappropriate behaviour through disciplinary action;
- (e) Ensuring risk assessments include or specifically address workplace stress;
- (f) Maintaining an appraisal process to ensure the suitability of workloads, supported by a capability procedure;
- (g) Facilitating requests for flexible working where reasonably practicable in accordance with our flexible working policy;
- (h) Following comprehensive change management procedures;
- (i) Providing support services, such as occupational health.

Recognition of stress as a genuine problem requires management support and action. Those working at management level have a specific responsibility to:

- (a) Participate in the culture of open communication and encouragement, ensure that people they manage receive training, effectively plan and allocate workloads and provide feedback on performance;
- (b) Monitor workloads and reallocate work where necessary;
- (c) Ensure that people they manage understand the standards of behaviour expected of them and others and act on behaviour that falls below those standards.

To facilitate this process, line managers will be given training on best practice and are encouraged to seek advice on how to recognise stress in the people they manage.

However, you are all responsible for the success of this policy and you must ensure that you:

- (a) Familiarise yourself with the policy and act in accordance with its aims and objectives;
- (b) Plan and organise your work to meet personal and organisational objectives;
- (c) Speak to your line manager if you experience or are aware of a situation that may lead to a stress problem;
- (d) Co-operate with support, advice and guidance you may be offered by your line manager.

Resolving cases of stress at work

If you believe you are suffering from stress you should discuss this with your line manager in the first instance.

Once an issue affecting your health comes to the attention of your line manager steps will be taken to address that issue. Those steps may include any of the following:

- (a) A workload review, reallocation of work, monitoring of future workload or possible redeployment. Our Capability Procedure may be applied;
- (b) Where appropriate, investigation under our Disciplinary and/or Grievance Procedures;
- (c) Referral for medical advice or a medical report to be provided by our medical advisers and/or your GP (and any medical specialist) treating you;
- (d) If you are on sickness absence, discussion of an appropriate return to work programme. Our Sickness Absence Policy may be applied.

Absence due to stress

If you are absent due to stress you should follow the sickness absence reporting procedure contained in our Sickness Absence Policy.

We believe that cases of stress need to be handled carefully but quickly. Statistics show that the longer you are absent due to stress, the harder it is to come back to work. Therefore, we may want to meet with you straight away to understand the circumstances and set up a referral to Occupational Health as soon as you inform us of your absence due to stress. This is to provide early intervention not to add to your stress.

Sometimes stress can be work related and therefore it is important that we understand the triggers so that we can see what can be done to alleviate the cause(s).

If the stress is related to personal issues, sometimes it's helpful to be back at work for the structure and routine.

Each case will be dealt with on a case by case basis and with the best interests of all concerned.

Confidentiality

Confidentiality is an important part of this policy. Every employee is responsible for observing the high level of confidentiality that is required, whether you are suffering from stress, supporting a colleague who is suffering from stress or because you are otherwise involved in the operation of a policy or procedure dealing with stress.

Breach of confidentiality may give rise to disciplinary action.

However, there are occasions when matters reported by employees suffering from stress may have to be put to third parties. For example, where duties need to be reallocated within a team or where, as the result of reported bullying or misconduct, a disciplinary investigation and/or proceedings take place. If this is the case, matters will be discussed with you before any action is taken.

Protection for those reporting stress or assisting with an investigation

If you report that you are suffering from stress, if you support a colleague in making such a report or if you participate in any investigation connected with this policy in good faith you will be protected from any form of intimidation or victimisation.

If you consider that you have been subjected to any such intimidation or victimisation should seek support from your line manager. You may alternatively or additionally raise a complaint in accordance with our Grievance Procedure.

If, after investigation, you are found to have acted in bad faith or to have provided false information you will be subject to action under our Disciplinary Procedure.

7. Appraisal

The Appraisal Regulations 2012 set out the principles that apply to teachers employed by the FHT, where they are employed for one term or more.

Although the Appraisal Regulations do not apply to MAT's this policy and procedure will comply with the legal framework as far as is necessary for guidance purposes.

This Appraisal policy applies to *all employees* employed on a contract of more than one term.

The application of this policy works alongside the FHT Pay Policy and the Capability Procedure.

A model of 360 degree feedback can be used to appraise everyone within the school and a template feedback form will be provided. The aim of this approach is to ensure that you have feedback in relation to how you relate with colleagues or parents or other members of your team across the school.

The information gathered from the use of the 360 degree feedback approach will help formulate any support and guidance required to ensure that your performance is not only in line with your objectives but with being part of a team providing a service to children, parents and supporting colleagues.

Purpose

This policy sets out the framework for a clear and consistent assessment of:

- your overall performance, and
- the support you get for development within the context of the school's plan for improving educational provision and performance, and the standards expected of employees.

It will also be used to address any concerns about your performance at the earliest possible opportunity. If concerns are such that they cannot be resolved through appraisal, we will look to start the capability procedure.

Any recommendation for pay progression will be in light of where you are in the appraisal or capability procedure. In the case of the head teacher the CEO of the FHT will be responsible for overall decisions, working in partnership with the Chair of Governors, and any other relevant leaders.

The FHT consider the appraisal process to be a supportive and developmental process designed to ensure that you have the skills and support you need to carry out your role effectively. It helps to ensure that you are able to continue to improve your professional practice and develop in your role.

The Appraisal Period

The appraisal period runs for twelve months from September to August.

There is flexibility to have a longer or shorter appraisal period if you begin or end employment. If you start (or transfer to a new post) part way through an appraisal cycle, the length of the first cycle will be considered with a view to bringing your cycle into line with the cycle for all other teachers as soon as possible.

Absence

If you have been absent due to maternity leave or disability related sickness absence, appropriate consideration and reasonable adjustments will be made towards the meeting of criteria for pay progression. The governing body will take into account the particular circumstances of the case and the exact adjustments will be made on a case-by-case basis.

Where other sickness absence occurs during the appraisal cycle the head teacher / CEO will assess the extent to which you have demonstrated that the criteria for pay progression have been met at the annual appraisal review.

Appraisers

For teaching staff, all appraisers, other than those appraising the head teacher are qualified teachers.

Your appraisal will normally be your line manager where the head teacher delegates this responsibility. All appraisers, including members of the governing body, will be suitably trained. Appraisers and objectives will also be moderated.

If the 360 degree feedback model is used, contributors to your appraisal may include colleagues across the school.

The head teacher will be appraised by CEO of the FHT in partnership with the Chair of Governors, with the support of any other identified leader(s), as appropriate.

Setting Objectives

The head teacher's objectives will be set by the CEO of the FHT working in partnership with the Chair of Governors and any other relevant leaders.

Your objectives will be set before, or as soon as practicable after, the start of each appraisal period and will be appropriate to you and your level of experience.

The performance related pay (PRP) progression criteria as set out in the FHT Pay Policy should be used as an additional framework for the setting of appraisal objectives.

The objectives will clearly set out what is expected of you and the level of performance required so that you know what needs to be achieved in order to be considered for pay progression at the end of the appraisal cycle.

Objectives may be revised if circumstances change, such that the objectives set are no longer a priority for your professional development.

The objectives will be designed to contribute to the effective delivery of the Trust or individual school's plans for improving its educational or strategic provision and performance and for improving the education of pupils.

The agreed objectives set will contain a description of what success may look like and identify the support/professional development required.

You will be assessed against the relevant standards for your role. For head teachers the CEO of the FHT in partnership with the Chair of Governors and support from any other relevant leader(s) will set objectives against the head teacher standards and the development priorities of the FHT.

If you have QTS status, it is for the head teacher to decide which of the teacher standards are most appropriate. You may be assessed against the Teachers' Standards, any other relevant standards issued by the Secretary of State, or any other professional standards relevant to their performance or any combination of those three.

You will normally have a maximum of 3 objectives and will include a whole school/team, pupil progress, a Teachers Standards objective, but these may be varied by agreement. In the case of head teachers this will vary according to development priorities but will in no cases be more than 4 objectives.

The number of objectives may differ according to the hours you work or if you have been absent for a long time.

Reviewing Performance

Progress will be reviewed during and at the end of the appraisal cycle. Assessment of performance against all objectives and will be based on the success criteria set at the beginning of the cycle or in line with any in-year adjustments to objectives which take place as part of an interim review.

Monitoring and Evaluation

All monitoring and evaluation will be carried out to support you to achieve the agreed objectives or address any performance concerns and be delivered in a supportive way.

Monitoring and evaluation will be conducted in line with the school's agreed Monitoring and Evaluation, Quality Assurance Policy and where it is separate, the Classroom Observation Policy (where applicable).

The form and frequency of monitoring and evaluation will depend on the individual circumstances and may include:

- Lesson observation;
- learning walks;
- pupil pursuits;
- work scrutiny;
- 360 degree feedback (where applicable); and
- progress tracking data.

Development and Support

Professional development will be linked to school improvement priorities and to your ongoing professional development.

Feedback

You will receive constructive developmental feedback on your performance throughout the appraisal period. This will also include feedback, as soon as practicable, after any monitoring and evaluation activity has taken place or other evidence has come to light.

Feedback will highlight particular areas of strength as well as any areas of concern that need attention. You will be given;

- clear feedback about the nature and seriousness of the concerns;
- the opportunity to comment and discuss the concerns;
- any additional support (e.g. coaching, mentoring, structured observations)
- information on when your progress will be reviewed.
- an explanation of the implications and process if no, or insufficient, improvement is made including any potential impact on pay progression and the end of the appraisal cycle.

The appraisal process will continue if improvement has been made. Otherwise, there will be a transition to the capability process.

Annual Assessment

Your performance will be formally assessed in respect of each appraisal period. In assessing the performance of the head teacher, the CEO of the FHT will be responsible for agreeing the outcomes with the Chair of Governors, with the support of other relevant leaders.

This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the appraisal period in interim meetings which will take place as and when appropriate. In the case of the head teacher review arrangements will be agreed with the head teacher on an annual basis, as part of their annual assessment.

You will receive a written appraisal report as soon as practicable following the end of each appraisal period and have the opportunity to comment in this in writing. The assessment of performance will be made against the agreed objectives, any feedback from the 360 degree feedback approach, and in line with the FHT Pay Policy.

You will receive your written appraisal reports by **31 October** and by **31 December** for the head teacher. The appraisal report will include:

- Details of your objectives;
- An assessment of your performance against:
 - (1) Your agreed objectives;
 - (2) The relevant Standards; and
 - (3) The PRP progression criteria as set out in Appendix 3 of the School Pay Policy
- An assessment of your training and development needs and identification of any action that should be taken to address them;

- A recommendation on pay where that is relevant within the School Teachers' Pay and Conditions Document (STPCD) and the School Pay Policy (*NB* – The decision on pay will need to take into account the statutory criteria and guidance as set out in the STPCD. Pay recommendations need to be made by **31 December for head teachers** and by **31 October for other teachers and support staff**; and
- A section for you and appraiser to add their own comments.

The assessment of performance and of training and development needs will inform the planning process for the following appraisal period.

Appeals

At specified points in the appraisal process you have a right of appeal against entries in your appraisal statement relating to pay progression following the completion of the quality assurance process, if applicable.

Confidentiality and Retention of Records

Confidentiality will be maintained at all times. Your appraisal records will be retained securely and confidentially for a minimum period of 6 years. OfSTED will ask the school to provide anonymised information of the outcomes of the most recent appraisal.

Transition to Capability

There is no automatic transition to the Capability Procedure. However, where performance concerns emerge, the nature and seriousness of those concerns will be discussed with you as soon as possible.

Every effort will be made to resolve performance concerns within the appraisal process through the provision of targeted additional support and regular feedback and review.

If the performance concerns are not resolved through a minimum of two cycles (of *up to 6 weeks*) of support and feedback, consideration will be given to the application of the capability procedure.

In exceptional circumstances such as your underperformance raises serious cause for concern, or the education or health and safety of the pupils are at risk, the Fast Track Capability will be invoked before 2 cycles of support and feedback have taken place.

You will be notified in writing if the appraisal process no longer applies and that your performance will be managed under the capability procedure.

8. Capability Procedure

The primary aim of this procedure is to detail arrangements which will apply should you fall below the levels of competence that are expected of you and provides a framework to support you in such circumstances to improve performance. It does not cover genuine sickness absence or misconduct.

It is our policy to ensure that concerns over performance are dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond at a hearing before any formal action is taken.

It applies to all employees with the exception of Newly Qualified Teachers in their induction period and support staff during a probationary period.

It is not a stand alone policy and works with the appraisal policy or, the support and supervision process.

A transition to the capability process will happen if, after 2 cycles of support within the appraisal or support and supervision process, you have not shown signs of sustained improvement in your performance.

In exceptional circumstances such as your underperformance raises serious cause for concern, or the education or health and safety of the pupils are at risk, transition may occur immediately or before 2 cycles of support have been concluded.

For teachers, appropriate arrangements from within school or via the FHT's Improvement Support Team, will secure the assistance of an appropriate advisor to attend the formal performance meeting and to act as monitoring officer throughout the review periods.

For support staff, similar arrangements may be put in place or other advisers may be engaged externally to support the monitoring process

Identifying performance issues

Capability issues arise when an employee fails to perform their duties to an acceptable standard.

Standards should be appropriate to the level of the job and the skills and experience that can be reasonably expected of a person in that job. For teachers and TA's these standards will be the relevant nationally recognised standards.

A Fast Track procedure is included and will be used in exceptional circumstances in situations where an employee's unsatisfactory performance is so serious that it is having or is likely to have a harmful impact on the school, MAT, colleagues or the children.

Informal

In the first instance, performance issues should normally be dealt with informally between you and your line manager as part of day-to-day management. Where appropriate, a note of any such informal discussions may be placed on your personnel file. The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement. Informal discussions may help:

- (a) clarify the required standards;
- (b) identify areas of concern;

- (c) establish the likely causes of poor performance and identify any training needs;
- (d) agree any support and/or
- (e) set targets for improvement and a time-scale for review.

You will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence, or in any case where you have not yet completed your probationary period, dismissal without previous warnings may be appropriate.

If we have concerns about your performance, we will undertake an assessment to decide if there are grounds for taking formal action under this procedure. The procedure involved will depend on the circumstances but may involve reviewing your personnel file including any appraisal records, gathering any relevant documents, monitoring your work and, if appropriate, interviewing you and/or other individuals confidentially regarding your work.

It would not normally be necessary to move from the normal appraisal process into capability at this stage unless there were exceptional circumstances.

Absence

If you are absent during any stage of the process, the Sickness Absence Procedure will commence.

With absences that have a defined return date it may be appropriate to defer the capability process until you return to work.

Disabilities

Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to your working arrangements, including changing your duties or providing additional equipment or training. We may also consider making adjustments to this procedure in appropriate cases.

If you wish to discuss this or inform us of any medical condition you consider relevant, you should contact your line manager. We want to support you if you have a disability but in order to do this effectively we do need you to help us by providing as much information as possible. If we do not have the information, we cannot provide the support and make the reasonable adjustments that might otherwise be of substantial benefit.

Confidentiality

Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure.

You will normally be told the names of any witnesses whose evidence is relevant to your capability hearing, unless we believe that a witness's identity should remain confidential.

Performance Meeting

If we consider that there are grounds for taking formal action over alleged poor performance, the normal appraisal process will stop and you will be informed of a transition to the capability process.

You will then be required to attend a capability hearing. We will notify you in writing of our concerns over your performance, the reasons for those concerns, and the likely outcome if we decide after the hearing that your performance has been unsatisfactory. We will also include the following where appropriate:

- (a) A summary of relevant information gathered as part of any investigation;
- (b) A copy of any relevant documents which will be used at the capability hearing;
- (c) A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible whilst maintaining confidentiality.

You will be given 5 days' notice of the hearing and we will inform you in writing of the date, time and place of the capability hearing.

You should make every attempt to attend this appointment, however if you are unable to attend we will attempt to reschedule within 5 days of the original date. However, it may be that the meeting will go ahead in your absence. Please note that should you feel unable to attend in person, you may submit your case in writing or instruct a work colleague or Trade Union official to represent you.

Right to be accompanied at hearings

You have the right to be accompanied.

Procedure at capability hearings

The capability hearing will normally be held by the head teacher or CEO with support from the chair of governors where the performance of the head teacher is the subject of concern.

You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct. We may have to take a decision in your absence based on the available evidence.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.

Witnesses do not have to attend if they do not wish to.

The aims of a capability hearing will usually include:

1. identification of professional shortcomings;
2. specific performance concerns being made clear;
3. identification of how the relevant national Teacher/TA Standards are not being met;
4. the performance concerns in relation to your job description, role, responsibilities will be identified;
5. setting of reasonable targets and performance indicators;
6. clear information and guidance on the standard of performance required of you to enable you to move from the capability procedure, back to the appraisal procedure. This may include the setting of small step targets focussed on the specific areas of concern which need to be addressed, the identification of appropriate success criteria and a determination of the evidence that will be used to assess whether or not the required improvement has been made;
7. the monitoring and review activity to be undertaken during the review period, with an indication of at what point and by whom. If the monitoring or support process is undertaken by the head teacher, any review meetings will need to be conducted by a governors' panel/CEO or other relevant personnel;
8. the support that will be made available to help you improve your performance including when, how and by whom the support will be delivered;
9. the first timetable for monitoring progress and providing support will be set and will be up to 6 weeks maximum. The period of review/assessment may be shorter if the circumstances justify it.

A hearing may be adjourned if we need to gather any further information or give consideration to matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it, usually within 5 working days of the capability hearing. Where possible we will also explain this information to you in person.

Following a capability hearing, if there is no evidence to continue the capability procedure you will be referred back to the appraisal/support and supervision process.

If we decide that your performance is unsatisfactory, we will normally give you a first Written Warning and set a further review period of up to 6 weeks.

If your unsatisfactory performance is sufficiently serious it might be that you will be issued with a Final Warning at the first meeting.

At this stage the process may be moved straight to the Fast Track procedure depending on the circumstances:

- Where the seriousness of the level of under-performance means that pupils' education and/or safety and/or management of the school/Trust is jeopardised;
- Where it is evident that an acceptable level of improvement is beyond the ability of the employee being assessed;
- Where there is a lack of co-operation with the process or a serious further deterioration in performance

It is recommended that the timeframe for this stage should be a maximum of 6 weeks unless there are exceptional circumstances (see Fast Track Procedure).

Your performance will be monitored during the review period and we will invite you to attend a review meeting:

- (a) if your line manager is satisfied with your performance, no further action will be taken;
- (b) if your line manager is not satisfied, the matter may be progressed to a capability hearing; or
- (c) if your line manager feels that there has been a substantial but insufficient improvement, the review period may be extended.

Stage 2 - Review Meeting

If your performance does not improve within the review period set out in the first capability hearing and associated outcome letter, or if there is further evidence of poor performance while your warning is still active, we may decide to hold a further capability hearing which will follow the same process as the first capability hearing.

Following a second capability hearing, if we decide that your performance is unsatisfactory, we will give you a Final Written Warning and set a final review period of no more than 6 weeks.

Your performance will be monitored during the review period and we will invite you to attend a review meeting:

- (a) if your line manager is satisfied with your performance, no further action will be taken;
- (b) if your line manager is not satisfied, the matter may be progressed to a Decision Meeting; or
- (c) if your line manager feels that there has been a substantial but insufficient improvement, the review period may be extended.

Stage 3 - Decision Meeting

We will hold a Decision Meeting if we have reason to believe:

- (a) your performance has not improved sufficiently within the review period set out in a final written warning;
- (b) your performance is unsatisfactory while a final written warning is still active;
or
- (c) your performance has been grossly negligent such as to warrant dismissal without the need for a final written warning.

We will send you written notification of the hearing as set out above including any evidence to be considered. You will be entitled to present any information and this should be given to line manager no later than 5 working days before the hearing.

Following the hearing, if we find that your performance is unsatisfactory, we may consider a range of options including:

- (a) Suspending you and making a referral to a Decision Meeting for consideration for dismissal;
- (b) Redeploying you into another suitable job at the same or a lower grade;
- (c) Extending an active final written warning and setting a further review period (in exceptional cases where we believe a substantial improvement is likely within the review period).

Appeals against action for poor performance

You have the right to appeal.

Fast Track Procedure

This procedure is designed to be used only in exceptional circumstances where the employee's standard of performance raises serious cause for concern, such as the education of the pupils is in jeopardy, the health and safety of pupils is at risk or where a situation requires immediate intervention.

It remains that any issue of conduct be dealt with under the Disciplinary Procedure.

Evidence must be considered and the case should be discussed with HR before progressing to the Fast Track Procedure. Evidence is likely to include:

- complaints or concerns raised by professionals or parents/carers
- Written or electronic documents
- Failure to comply with legal or statutory requirements or responsibilities
- Evidence that a pupil(s) have been placed at risk.

Initial Meeting

If there is evidence to suggest that the Fast Track Procedure should be invoked, the employee will be given 10 working days' notice of the meeting and after discussion of the evidence and a plan of support agreed, a 4-week review period will commence.

A written warning is likely to be the outcome at this stage.

First Review Meeting

At the end of the 4-week review period a meeting will be convened between the employee and the Head Teacher. If the employee has achieved the targets set the process will cease and the employee will revert back to the Appraisal Process. A letter will be sent confirming this and informing the employee that if there is future recourse to the Fast Track process, the procedure will commence from the next stage. This is only applicable to the Fast Track Procedure.

If the employee has not met the targets set a final written warning will be issued and a further 4-week review period will commence, at the end of which a Final Review Meeting will be held.

A final warning is likely to be the outcome at this stage.

Final Review Meeting

The meeting will consider the evidence gathered and if the employee has achieved the agreed targets the procedure will cease. The employee will be notified of this and a record of the result will remain on file for 18 months.

If within 18 months there is cause for concern over the employee's performance, the process will commence from the final stage. This relates to the fast track process only.

If the employee has not met the required standards the matter will be referred to a Panel Hearing.

Panel Hearing

This meeting will be held by a panel of governors and appropriate management from FHT, who will consider all the evidence and make a decision on your continued employment.

Where there is a decision not to dismiss the employee, a record of this will be made and the final warning will remain on file for 18 months. Where the employee fails to sustain the required level of performance within the 18 months, a Stage 3 Decision Meeting will be arranged to review the decision.

Where there is reason to dismiss the employee due to the required level of performance not being attained, the employee will be notified in writing.

For all meetings in the Fast Track procedure the employee will be given 10 working days' notice of the meeting, the right to be accompanied and the right to appeal any decision.

Where an employee or their companion are unable to attend the meeting every attempt will be made to reschedule the meeting within 5 days of the original date.

Following that, the meeting will run in the employee or their representative's absence. Employees will be given the opportunity to make written representations.

9. Disciplinary

The aim of the Disciplinary Policy is to set out the standards of conduct expected of all employees and to provide a framework within which managers can work with employees to maintain those standards and encourage improvement where necessary.

If you are in any doubt as to your responsibilities or the standards of conduct expected, you should speak to your line manager.

Where an employee is absent during the disciplinary procedure, the sickness absence procedure will be invoked immediately. It may be necessary to continue with the disciplinary procedure; the employee will be offered the opportunity to make written representations or have a trade union representative or colleague attend in their absence.

Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure:

- (a) Minor breaches of our policies including the Sickness Absence Policy, Electronic Information and Communications Systems Policy, and Health and Safety Policy;
- (b) Minor breaches of your Contract;
- (c) Damage to, or unauthorised use of, our property;
- (d) Poor timekeeping and/or attendance;
- (e) Time wasting;
- (f) Unauthorised absence from work;
- (g) Refusal to follow reasonable instructions;
- (h) Minor to medium insubordination;
- (i) Excessive use of our telephones for personal calls;
- (j) Excessive personal e-mail or internet usage;
- (k) Obscene language or other offensive behaviour;
- (l) Negligence in the performance of your duties; or
- (m) Smoking in no-smoking areas.

This list is intended as a guide and is not exhaustive.

Gross misconduct

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our Trust or reputation or irreparably damage the working relationship and trust between employer and employee. Gross misconduct will be dealt with under our Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).

The following are examples of matters that are normally regarded as gross misconduct:

- (a) Breach of safeguarding policies and procedures.
- (b) Theft or fraud;
- (c) Physical violence or bullying and actual or threatened violence, or behaviour which provokes violence;
- (d) Deliberate damage to our buildings, fittings, property or equipment, or the property of a colleague, pupil, parent/carer/volunteer, contractor, supplier or member of the public;
- (e) Serious misuse of our property or name;
- (f) Deliberately accessing internet sites containing pornographic, offensive or obscene material;
- (g) Repeated or serious failure to obey instructions, or any other serious act of insubordination;
- (h) Unlawful discrimination or harassment;
- (i) Bringing the Trust or school into serious disrepute;
- (j) Being under the influence of alcohol, illegal drugs or other substances during working hours;
- (k) Causing loss, damage or injury through serious negligence;
- (l) Serious or repeated breach of health and safety policy or serious misuse of safety equipment;
- (m) Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- (n) Acceptance of bribes or other secret payments;
- (o) Establishing an inappropriate relationship with a pupil, parent, carer, volunteer, or colleague.
- (p) Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our employees, pupils, parents, carers, volunteers or the public, or otherwise affects your suitability to continue to work for us;
- (q) Failure to inform us about an ongoing investigation into criminal behaviour involving you;
- (r) Knowingly taking advantage of entitlements that you are not eligible for;
- (s) Possession, use, supply or attempted supply of illegal drugs;
- (t) Serious neglect of duties, or a serious or deliberate breach of your Contract or operating procedures;
- (u) Knowing breach of statutory policies affecting your work;
- (v) Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy;
- (w) Harassment or discrimination against employees, contractors, clients or members of the public on the grounds of gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national

- origin, disability, religion or belief or age contrary to our Equal Opportunities Policy or our Anti-harassment and Bullying Policy;
- (x) Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties;
 - (y) Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
 - (z) Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
 - (aa) Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
 - (bb) Making untrue allegations in bad faith against a colleague or manager;
 - (cc) Victimising a colleague who has raised concerns, made a complaint or given evidence information under our Whistleblowing Policy, Anti-harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure or otherwise;
 - (dd) Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet) contrary to our Electronic Information and Communications Systems Policy;
 - (ee) Undertaking unauthorised paid or unpaid employment during your working hours;

This list is intended as a guide and is not exhaustive.

This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases, reference should be made to the appropriate policy or procedure elsewhere in this document.

Minor conduct issues can often be resolved informally between you and your line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file.

Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with your line manager as soon as possible.

Confidentiality

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

Investigations

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary will be taken until after a disciplinary hearing has been held. To ensure a just process, the Investigating Officer (an appointed manager/head teacher or senior leader or HR) and Chair of any related disciplinary hearing (an appointed manager or Director) will be different.

You do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability, or any difficulty in understanding English.

If you are permitted to bring someone with you such as a trade union representative or colleague, they will be in attendance as a companion and not a representative and are therefore not able to make representations on your behalf.

You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

Where the conduct issue is in relation to a safeguarding concern any internal investigation may be delayed if external agencies are involved. We will ensure that any employee involved in such allegations will be fully informed at all stages.

Criminal charges

Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

Suspension

In some circumstances we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing.

Preliminary Investigation

Depending on the nature of the allegations a preliminary investigation may not be necessary and it may be decided that it is appropriate to proceed straight to a formal investigatory meeting (Stage 2).

The investigating officer/person immediately aware of the conduct issue will meet with you to inform you of the allegations and to understand your initial response and to explain the procedure.

It may be that further evidence is required and the officer will meet with witnesses or gather data relating to the allegations.

This is a difficult time for anyone involved and, whilst there is no statutory right to have a representative present at this stage, consideration will be given to you having some support available. The meeting will not be delayed if the union representative or companion is unavailable.

You should ensure that you have made contact with your union representative to inform them of the situation.

In an investigatory meeting, the investigating officer will explain why you are there, the purpose and process of the meeting and what the complaint is. The main purpose of the interviews is to hear the views of all parties and to listen carefully to what is being said and to check and clarify the facts.

If at any point you need to pause the meeting to collect your thoughts or discuss anything with your companion or representative, you may ask for a short adjournment.

At the end of the meeting the investigating officer will confirm the next steps. Notes of the meeting will be taken and a copy provided.

The investigation officer will then consider all of the information gathered and the responses provided to determine the next course of action.

Possible outcomes

Possible outcomes of this investigation include:

- not taking any further action, particularly if the allegations are malicious;
- proceeding to a formal investigatory meeting;
- suspension

Formal Investigation

Written notification of a formal investigatory meeting will be sent to you giving 5 working days' notice and will inform you of the nature of the allegations/investigation.

There is no statutory right to be represented at this stage however, should you wish to be accompanied, every effort will be made to allow this to happen without causing delay to the procedure. The role of a companion in this meeting will be to support you. They will not be allowed to make representations.

You will be told exactly what is being alleged, given the opportunity to respond and be advised that the matter may result in a formal disciplinary hearing.

Frustration of the disciplinary procedure

Other procedures must not be used to frustrate the action already being taken under these disciplinary procedures, for example, by raising a grievance or claiming harassment. However, there may be circumstances where there are grounds to support a belief that other procedures are relevant to disciplinary procedures.

In such cases, you should specify the grounds for your complaint so that the matter can be urgently investigated. This does not necessarily mean that the original procedures need to be suspended or implementation delayed pending the outcome of the investigation.

Possible outcomes

The investigating officer will consider a number of issues before deciding what action to take. It may be that counselling may achieve the desired outcome without recourse to the formal procedures. The investigating officer will consider: -

- any circumstances outside of your control which may have been a contributory factor
- personal difficulties or health issues which may have affected your judgement and/or behaviour
- lack of clear procedures, policies or guidance, support and supervision which may have contributed to the situation
- your level of responsibility and/or experience
- capability issues which need to be addressed separately
- whether the misconduct represents an isolated incident or follows incidents which have previously been addressed
- the level of seriousness of the offence
- any other mitigating circumstances relevant to the situation.

Option 1: Counselling

Counselling should also be seen as constructive and helpful and as a means of rectifying unacceptable conduct, other support mechanisms may be implemented as appropriate e.g. a programme of professional support and training, mentoring, referral to occupational health and/or counselling service etc.

A counselling meeting will be arranged at which you may want to be accompanied and a record of the counselling interview and outcome should be kept on your file along with details of any support and guidance given.

Option 2: Formal Disciplinary Action

If the facts of the investigation indicate that, on the balance of probabilities, there is a reasonable suspicion amounting to a belief in the guilt of the employee of the alleged complaint, and there are reasonable grounds for that belief, then formal disciplinary action should be taken.

The investigation and disciplinary hearing does not need to establish guilt on the basis of “beyond reasonable doubt” but on “the balance of probabilities”.

Where the conduct of a head teacher is under consideration, the chair of the governing body in conjunction with the CEO of the FHT will hear the case.

Disciplinary action against a Trade Union Official

If you are a trade union representative, whilst normal disciplinary procedures apply, no disciplinary action will be taken following the investigation until the circumstances of the case have been discussed confidentially, and with your knowledge, with a senior trade union representative or a full-time officer of the trade union.

Notification of a hearing

Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:

- (a) a summary of relevant information gathered during the investigation;
- (b) a copy of any relevant documents which will be used at the disciplinary hearing; and
- (c) a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually 10 working days, to prepare your case based on the information we have given you.

The right to be accompanied

You may bring a companion to any disciplinary hearing or appeal hearing under this procedure.

Procedure at disciplinary hearings

If you or your companion cannot attend the hearing you should inform us immediately and we will arrange an alternative time within 5 days of the original date. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), we may have to take a decision in your absence based on the available evidence.

The hearing will be chaired by an appointed manager, governor or CEO of the FHT. The Investigating Officer will also be present.

At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise. Witnesses do not have to attend if they do not wish.

We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. These new investigations will either be conducted by the original Investigating Officer or a newly appointed Officer. The manager appointed to conduct the disciplinary hearing will not be involved in any additional investigation. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it, usually within 5 working days of the conclusion of the disciplinary hearing(s).

Disciplinary penalties

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

First written warning

A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

Final written warning

A final written warning will usually be appropriate for:

- (a) misconduct where there is already an active written warning on your record; or
- (b) misconduct (new or otherwise) that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.

Dismissal

Dismissal will usually only be appropriate for:

- (a) any misconduct during your probationary period (no previous warnings required);
- (b) further misconduct where there is an active final written warning on your record; or
- (c) any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in our Disciplinary policy, which are contained in this document.
- (d) A number of offenses that cumulatively added they would ordinarily result in dismissal. For example, if there are 3 allegations each justifying a written warning, dismissal may be considered appropriate in this circumstance.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.

Alternatives to dismissal (considered on a case-by-case basis)

In some cases, we may, at our discretion, consider alternatives to dismissal. These may be authorised by the head teacher, chair of governors or the CEO of the FHT, and will usually be accompanied by a final written warning. Examples include:

- (a) Demotion;
- (b) Transfer to another school within the MAT, or job;
- (c) A period of suspension without pay;
- (d) Reduction in pay;
- (e) Loss of future pay increment;

Appeals against disciplinary action

You have the right to appeal.

National College for Teaching and Leadership (NCTL)

We are required to notify the NCTL where disciplinary procedures have led to a teacher being dismissed on the grounds of conduct or where a teacher has resigned in order to avoid such a dismissal.

10 Allegations of child abuse against employees

The definitions of child abuse are contained within the Nottinghamshire Safeguarding Children Board (NSCB) Procedures, a copy of which should be in school.

Allegations should be discussed with the LADO, a result of which might be a strategy meeting involving the police, social care and other relevant agencies, or that the allegations do not meet the threshold and therefore can be dealt with using the disciplinary procedure.

Where the Head Teacher or an employee from the central team is accused, the governing body or CEO will manage the procedures.

Local child protection procedures should also be implemented for any allegations against volunteers, governors and other adults involved with but not employed by the school as well as for allegations against third parties with no involvement in the school.

These guidelines are designed to be consistent with principles of natural justice for all concerned.

Because of your daily contact with children in a variety of situations, you are particularly vulnerable to accusations of abuse.

You need to ensure your conduct and behaviour with children and young people is appropriate and to take all reasonable steps to minimise the risk of your actions being construed as illegal or professionally inappropriate.

It is recognised that the nature of relationships between employees and pupils may lead to allegations being made such allegations may be false, malicious or misplaced and may be either deliberate or innocent of such intent. The allegations may also be true. It is essential, therefore, that everyone involved maintains an open mind in dealing with such allegations. Every effort should be made by all parties to resolve cases as quickly as possible consistent with the need for a fair and thorough examination of the allegations.

The DFE has established indicative **timescales** for the management of such cases in order to avoid unnecessary delays at any stage of the processes. These recommendations are shown in the procedures detailed below. However, it is recognised that the time taken to resolve such cases will depend on such factors as the complexity and seriousness of the case, the availability of key witnesses, holiday periods etc.

We will ensure that if you are the subject of the allegations, you are kept informed of the progress of the case and offered appropriate support. In some circumstances the police and / or social care services may require information to be withheld if it could prejudice their enquiries.

Support will need to be considered for the child or children making the allegations and their parents. Consideration will also need to be given as to what support may be needed for others at the school, both employees and parents, according to the circumstances of the case.

First Response - How to respond to an allegation

If you witness abusive behaviour by another employee or receive such a complaint from a parent, child, governor, colleague or other person you have a duty to respond appropriately and in line with these procedures.

Complaints made against the head teacher will be managed by the CEO of FHT and/or chair of governors or other relevant person.

Listen – If a child reports to you that they have been abused by another employee, they must be listened to.

Keep an open mind - It is often difficult to believe that a colleague may have behaved in the manner alleged. You must therefore keep an open mind regarding the circumstances of the allegation.

It is essential that you follow this guidance when dealing with such an allegation, particularly if made directly by a child:

- The child should be listened to but not interviewed or asked to repeat their account.
- Avoid asking direct questions, particularly leading questions wherever possible.
- The child should not be interrupted when recalling significant events.
- All information should be noted carefully. As far as possible details such as timing, setting, who was present and what was said should be recorded in the child's own words and be as near verbatim as possible.
- The listener must take care not to make assumptions about what the child is saying or to make interpretations.
- The adult must, on no account, offer suggestions or alternative explanations for the child's concerns.
- A written record of the allegations should be signed and dated by the person who received them as soon as possible.
- All subsequent actions must be recorded in writing.

Don't make promises - No promises of **confidentiality** should be made to pupils who make allegations. Instead, the child should be encouraged to agree that the matter must be taken further in the knowledge of what this may involve. Whilst acknowledging the need to create an environment conducive to speaking freely, it

should be made clear to the child that in all cases you have a duty to pass on what the child has told you to ensure the protection of child(ren).

The child should be assured that the matter will only be disclosed to those people who need to know about it. Support may need to be offered by the school, FHT, LA or the appropriate agency.

Consideration must be given at this point as to whether the allegation may be malicious. If it is obvious that the incident could not have taken place or it is reasonable to suspect that the allegation is malicious then further advice should be sought before making any decisions.

Write it down - A written dated **record of the allegations** must be made as soon as possible, but certainly within 24 hours. If, however, a decision is made to take no further action, a written record of this should be made including the reason for the decision.

Report it immediately - to the head teacher (or the nominated governor or CEO of the FHT where the allegation is against the head teacher).

The head teacher/nominated governor/CEO must:

- Inform the LA Designated Officer (LADO).
- Obtain details of the allegation in writing, signed and dated by the person who receives the allegation (not from the child who made or is the subject of the allegation) and countersigned by the head teacher or nominated governor.
- Record any information about times, dates, locations and names of potential witnesses.

Initial assessment

At this stage the head teacher (or nominated governor) will urgently consider whether there is sufficient substance in the allegation (anonymous or otherwise) to warrant further action.

They will seek advice from the LADO or the local Children's Social Care duty team. A joint agency strategy discussion between the school, the LADO, Social Care, HR and police may be instigated at this stage to determine the appropriate action to be taken.

Even in cases where it does not appear that the child has suffered significant harm it is important to act quickly. It is also important to recognise the distinction between establishing whether an allegation warrants further investigation and deciding whether or not an allegation is well founded.

The IRSC document "Definitions and Thresholds for managing allegations against Education staff" provides further detailed guidance on these issues.

If a child makes an allegation that is considered to be a **potential criminal act** within the scope of the child protection legislation or indicates that they have suffered, are suffering or are likely to suffer significant harm, the head teacher (or designated

governor) will refer the matter immediately in line with the local child protection procedures. This will either be via direct contact with police or children's social care officers, or the LADO or their representative. If there is any doubt about this, advice must be sought immediately from the relevant LA team (see above).

Allegations that do not warrant referral

It is recognised that in some circumstances the allegations will not warrant referral under NSCB procedures. For example:

- Where the allegation clearly relates to the use of reasonable force to restrain a pupil in accordance with current guidance and legislation
- Where, following initial consideration by both the head teacher and the LA designated officer, it is absolutely clear that the allegation is demonstrably false

Allegations that warrant further investigation and/or referral

If, after the initial assessment by the LADO and the head teacher (or, where the allegation is against the head teacher, the nominated governor/ CEO of FHT) concludes **that the allegation warrants investigation**, there will be either:

- a referral to one or more of the agencies with statutory responsibilities to make enquiries; or
- an investigation under the school's disciplinary procedures where the school and LADO are wholly satisfied that the child or children is/are not at risk of significant harm or that a potential crime has not been committed.

Outcomes of Initial Assessment

Following the initial assessment, a decision must be taken regarding appropriate courses of action. There are four possible outcomes: -

- a) Where the pupil has suffered, is suffering or is **likely to suffer significant harm**, there should be an immediate referral to children's social care under the local child protection procedures.
- b) Where the child has alleged that a **criminal offence has been committed** within the scope of child protection legislation, a referral to children's social care under local child protection procedures will be necessary. The police may then decide to carry out a criminal investigation.
- c) Where it is considered that the allegation was prompted by **inappropriate behaviour or bad practice** by the employee which does not fall into either of the above categories, it should be dealt with under the school's disciplinary procedure. In such cases the DFE recommends that, if a disciplinary hearing is required and can be held without further investigation, it should be held within 15 working days. However, the arrangements will also need to comply with the timescales set out in the school's disciplinary procedures
- d) Where it has been demonstrated that **the allegation is without foundation** consideration must be given as to what other appropriate action needs to be taken. In such cases, the DFE recommends that the head teacher should take any such appropriate action within **3 working days**.

Referral to Children’s Social Care and / or Police

If the initial assessment concludes that a child may have suffered or is at risk of significant harm and/or in need of protection, there should be an immediate referral to the Children’s Social Care Area Office in accordance with the agreed procedures established by the NSCB.

Where allegations of abuse are referred to Children’s Social Care or the police, subsequent action by all of the agencies involved will be in accordance with the local child protection procedures. This means that any preliminary action to establish the nature of the allegation and to assist consideration of whether it should be investigated should be undertaken in such a way that it does not prejudice any subsequent action. There must then be no interference with evidence and, in particular, no employees or governors should attempt to interview children about these matters. The sections “First Response”- and “Investigative Procedures”- give specific guidance on listening to and interviewing children in these circumstances.

In some cases, the police may wish to interview you before any approach is made by the head teacher / designated person (or nominated governor in cases where allegations involve the head teacher). The police may need to act independently, particularly where the alleged offence does not arise from the individual’s professional duties in the school. Police Officers should be given every assistance with their enquiries and, in the interest of the individual and the school, confidentiality must be maintained. The employee concerned should be advised and given every opportunity to contact their recognised trade union who will arrange for the appropriate support to be available.

When police are involved, formal interviews with children should not normally take place on school premises but, where necessary, provision should be made for these to be held in the presence of an employee of the child’s own choosing, if appropriate. It would be expected that appointments should be made for such interviews to take place at reasonable times.

The police or the joint agency strategy discussion may decide that the investigation would be hindered by an approach to other parties at an early stage. In such cases, the head teacher, in consultation with the LA teams, must ensure there is no objection by the police before contacting any of the parties involved. Subject to there being no objection, the head teacher (or nominated governor and CEO of the FHT in cases involving allegations against the head teacher) should: -

- (a) inform the child, children or parent making the allegation about the referral and explain the likely course of action.
- (b) ensure that the parents of the child who is the alleged victim have been informed of the facts of the allegation and of the likely course of action.
- (c) inform the employee against whom the allegation is made, explain the likely course of action and strongly advise them that they should urgently contact their recognised trade union.
- (d) inform the chair of governors/nominated governor of the school (and the FHT in line with identified reporting procedures).

Where the police object to action being taken as outlined in (a) – (d) above, the head teacher/nominated governor (and the CEO of FHT in the case of head teachers) and the LA should be informed accordingly and arrangements made to keep him/her informed as to when these notifications may take place or have taken place. A written record of the action taken under this section should be made by the head teacher (or nominated governor).

Managing Communications

Parents and carers of any children directly involved should also be kept informed about the allegation and the progress of any subsequent procedures. They are also entitled to be told the outcome of any internal disciplinary hearing.

Every effort should be made to maintain confidentiality while an allegation is being considered or is under investigation. Any briefings to employees and governors should emphasise the need to avoid breaches of confidentiality and media coverage. Employees have the protection of the Human Rights Act 2000 in relation to their privacy regarding such allegations.

Suspension

You will not automatically be suspended, however, in the case of an immediate referral to children's social care, immediate suspension may be necessary.

Circumstances which would normally warrant suspension include:

- a) where there is evidence that a child or children continue to be at risk and no other action can be taken to minimise this risk
- b) where the allegations are so serious that they constitute gross misconduct and there is sufficient evidence to suggest that the allegations may be true
- c) where it is necessary to allow the conduct of the child protection enquiries/investigation to proceed unimpeded
- d) where a police investigation is being undertaken and the police have indicated that suspension would be appropriate
- e) to protect your interests

Preliminary investigation

You will be invited to attend a meeting at which you may bring a companion. The aim of the meeting is to get your initial response to any allegations.

If, as a result of a strategy meeting, the police are conducting a criminal investigation relating to the case, the school won't arrange this meeting without prior consultation with the officer in charge of the case.

Any statements made to the police in the course of their investigation by people who are potential witnesses in any internal disciplinary proceedings, including statements made by the complainant and the employee, will be made available to the local authority and school on request.

If a police investigation is being conducted, this must take precedence and the school investigation held in abeyance pending the outcome.

Formal Investigations

There are three possible types of investigation which may result from such allegations:

- a) an enquiry conducted by Children's Social Care under local NSCB procedures.
- b) related police investigations into possible criminal offences.
- c) an internal investigation under the school's agreed disciplinary procedures.

Before a decision is taken about whether any enquiries will be undertaken by the police and/or Children's Social Care, **a multi-agency strategy meeting** will be held in accordance with the NSCB Procedures. This will usually involve the head teacher (or nominated governor where the allegation is against the head teacher), the LA's designated officer (or their representative), as well as officers from social care, HR and the police. Other agencies such as health may also be represented as appropriate to the case. The strategy meeting will be convened by Children's Social Care in line with Section 47 of the Children Act 1989.

The purpose of the strategy meeting is to share all available information about the allegation and the alleged victim(s) and perpetrator(s) and to plan what action, if any, needs to be taken and by whom. In particular, the meeting will consider:

- whether an enquiry or investigation needs to be conducted,
- the type of enquiries or investigation to be conducted and by whom
- how such an enquiry or investigation will be conducted and the timeline
- whether any other children are likely to have been at risk in the light of the allegation
- the implications for the employee and the child involved
- whether it may be necessary to review any previous allegations made against the employee
- any appropriate action to be taken by the school in relation to the employee e.g. whether suspension is necessary, levels of information and support to be offered by the employer, whether or not any internal investigation should be conducted

Internal Investigations

Conducting the investigation

See Disciplinary Procedure for guidance on managing an investigation and what to expect if you are the person being investigated.

Timescales

The government state that:

- the investigating officer should aim to produce a report within **10 working days**.

- On receipt of the report, the head teacher / chair of governors (or in the case of the head teacher the CEO of FHT) should consult the LADO within **2 working days** to make a decision as to whether a disciplinary hearing should be held.
- If a disciplinary hearing is warranted, the government further recommends that this should be held within **15 working days** of that decision. The LADO is required to monitor the progress of the investigation.

However, the timescales will also need to take account of the requirements of the school disciplinary procedures regarding the sharing of papers and the minimum 10 working days' notice of a disciplinary hearing.

Subsequent Action

Once all the appropriate people have been interviewed and all the relevant issues have been explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report and discussed with the LA Designated Officer and/or HR. Consideration will again be given as to whether there are matters which should be referred under school disciplinary procedures, local child protection procedures or to the police and whether suspension is appropriate. If there is such a referral, further proceedings at school level should be held in abeyance.

In conducting an internal disciplinary investigation, the head teacher will need to balance the welfare of the accused employee and the interests of the investigation, bearing in mind the need to minimise the degree of stress caused to anyone who may be wrongly accused.

Outcome of internal investigations

There are two potential outcomes of the investigation:

- **Disciplinary action**
If the outcome of the investigation is a decision that disciplinary action is needed, any further action should then be in line with the usual disciplinary procedures. (See Disciplinary Procedures)
- **Allegation is without foundation**
In cases where the head teacher, in consultation with the LA Designated Officer and other appropriate agencies, believes that the allegation is without foundation, the following courses of action will need to be considered:
 - a) whether the child might have been abused by someone else and whether a referral should, therefore, be made under the local child protection procedures to assess the situation;
 - b) arrange a meeting to inform the accused employee of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. This should be confirmed in writing. The employee may be accompanied by a trade union representative or friend;
 - c) whether counselling and/or informal professional advice to the employee is appropriate and the form either might take;

- d) inform the parents of the child or children of the decision not to take any further action;
- e) consider appropriate counselling and support for the child or children who made the allegation(s) and, where appropriate, their parents. In particular, take into account a child's individual needs where a false or malicious allegation has been made. Support and advice regarding appropriate action must be sought from the LADO, Children's Social Care and EPS in these circumstances;
- f) prepare a confidential report embodying a) to e) above and giving reasons for the conclusion that the allegation is without foundation;
- g) consider any other appropriate action in relation to the child concerned. Advice should be sought, where appropriate, from the LA, e.g. EWS, EPS.
- h) if you have been suspended it should be lifted immediately, confirmed in writing and the Trust and chair of governors informed accordingly. The head teacher should then arrange to meet with you to discuss arrangements for their return to work. Informal counselling, appropriate support and training may be offered as appropriate in order to rebuild your confidence and address any issues affecting other employees.

11. Grievance Procedure

It is our policy to ensure that you all have access to a procedure to help deal with any grievances relating to your employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.

Issues that may cause grievances include:

- (a) terms and conditions of employment;
- (b) health and safety;
- (c) work relations;
- (d) bullying and harassment;
- (e) new working practices;
- (f) working environment;
- (g) organisational change; and
- (h) discrimination.

If you have difficulty at any stage of the Grievance Procedure because of a disability or because English is not your first language, you should discuss the situation with your line manager as soon as possible.

This Grievance Procedure should not be used to complain about dismissal, capability or disciplinary action. If you are dissatisfied with any disciplinary or capability action, you should submit an appeal under the appropriate procedure in this document.

We have a separate Anti-Harassment and Bullying Policy that may be useful if you believe that you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people. It is set out in this document.

We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this Grievance Procedure.

Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.

If untrue and malicious grievances are put forward in bad faith against a colleague or manager, then this may be considered as gross misconduct and may be subject to the Disciplinary Procedure.

Raising grievances informally

Most grievances can be resolved quickly and informally through discussion with your line manager. If you feel unable to speak to your line manager, for example, because the complaint concerns him or her, then you should speak informally to Chair of Governors or CEO of the FHT. If this does not resolve the issue, you should follow the formal procedure below.

Formal written grievances

If your grievance cannot be resolved informally you should put it in writing and submit it to your line manager, indicating that it is a formal grievance. If the grievance concerns him or her, you may submit it instead to the head teacher, chair of governors or CEO of the FHT.

The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved and any resolution you are seeking (and supporting evidence). In some situations, we may need to ask you to provide further information.

Investigations

In some cases, it may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.

The investigation may be carried out by an appropriate person.

Any matters relating to the conduct of a head teacher will be directed to the chair of governors or CEO of the FHT for investigation and action.

You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.

We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases, we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, we will hold a further grievance meeting with you after our investigation and before we reach a decision.

Right to be accompanied

You have the right to be accompanied throughout the grievance process.

Grievance meetings

We will arrange a grievance meeting, normally within 15 working days of receiving your written grievance. You will be given 10 working days' notice of any meeting.

You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.

The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.

After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.

Your companion at a grievance meeting may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the meeting.

We will write to you, usually within 5 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal.

Appeals

You have the right to appeal the outcome. A meeting will normally be arranged within 25 working days of receiving your written appeal. This will be dealt with impartially by an appropriate person.

12. Whistleblowing Policy

We are committed to conducting our service provision with honesty and integrity, and we expect you all to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

The aims of this policy are:

- (a) To encourage you to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- (b) To provide you with guidance as to how to raise those concerns;
- (c) To reassure you that you should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work. Whistleblowing may also relate to Safeguarding concerns and should be reported in line with whistleblowing procedures. Please refer to your school Safeguarding Policy for further details regarding Safeguarding policy and procedures.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) miscarriages of justice;
- (c) danger to health and safety;
- (d) damage to the environment;
- (e) failure to comply with any legal or professional obligation or regulatory requirements;
- (f) financial fraud or mismanagement;
- (g) negligence;
- (h) breach of our internal policies and procedures;
- (i) conduct likely to damage our reputation;
- (j) unauthorised disclosure of confidential information;
- (k) the deliberate concealment of any of the above matters.
- (l) something that makes you feel uncomfortable in terms of known standards;
- (m) something not in keeping with the school's regulations and policies;
- (n) something that falls below established standards of practice; or
- (o) improper behaviour

A **whistleblower** is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing

or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Procedure or Anti-Harassment and Bullying Policy as appropriate.

If you are uncertain whether something is within the scope of this policy, you should seek advice from the Whistleblowing Officer.

Raising a whistleblowing concern

We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Whistleblowing Officer (contact details are set out at the end of this policy).

However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the Whistleblowing Officer directly.

We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

Confidentiality

We hope that you will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity,

Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

Whistleblowing concerns usually relate to the conduct of our employees, but they may sometimes relate to the actions of a third party, such as a customer, supplier or service provider. The law allows you to raise a concern in good faith with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, we encourage you to report such concerns internally first. You should contact your line manager, head teacher or CEO of the FHT, or one of the other individuals set out below for guidance.

Investigation and outcome

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

In some cases, we may appoint an investigator or team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If we conclude that a whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action.

If you are not satisfied

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.

If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts below. Alternatively, you may contact the chair of governors or CEO of the FHT. Contact details are set out at the end of this policy.

Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

You should not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or

other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Whistleblowing Officer immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

You must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

Contacts

Whistleblowing Officer

EMPLOYEE NAME

CONTACT NUMBER

EMAIL ADDRESS

CEO

Chris Wheatley

0115 989 1915

ceo@flyinghightrust.co.uk

Streets Audit LLP
external auditors

Robert Anderson

01522 551200

randerson@streetsweb.co.uk

Public Concern at Work

Helpline: (020) 7404 6609

(Independent whistleblowing
charity)

E-mail: whistle@pcaw.co.uk

Website: www.pcaw.co.uk

13. Confidentiality Policy

This Policy should be read in conjunction with the Whistleblowing Policy (see above).

During the course of your employment, you will have access to and be entrusted with information regarding your school or the FHT, its current and prospective pupils, parents, carers, suppliers, employees, contractors or consultants and their services, dealings, practices and affairs, all of which is or may be commercially sensitive or confidential information.

You will not, except in the proper course of your duties, without the previous consent of the head teacher or CEO of the FHT make use of, divulge or communicate to any person, firm or company whatsoever or otherwise make use of any confidential information concerning the business or finances of your school or the FHT or any such confidential information concerning current and prospective pupils, parents,

carers, suppliers, employees, associates or consultants which you knew or ought reasonably to have known to be confidential which you may have received or obtained during your employment.

This restriction shall continue to apply after the termination of your employment without a time limit but shall cease to apply to information ordered to be disclosed by a court of competent jurisdiction or otherwise required to be disclosed by law.

All documentation, e-mails, folders, programs, notes and memoranda remain the property of the FHT and shall be returned or surrendered upon termination of your employment.

You must not at any time make a copy, abstract, précis or summary of the whole or any part of any document, file or program belonging to the school or FHT except when required to do so in the course of your employment.

Any statements to reporters from newspapers, radio, television etc. will be given only by the head teacher, chair of governors, CEO of the FHT or other appointed person, and any press or media request for information must be referred in the first instance to your line manager.

14. Dress Code

We encourage everyone to maintain an appropriate standard of dress and personal appearance at work and to conduct themselves in a professional manner. The purpose of our dress code is to establish basic guidelines on appropriate clothing and appearance at our workplace, so that we:

- (a) promote a positive image and look professional;
- (b) respect religious, racial and gender-specific clothing requirements and those of employees with disabilities where possible;
- (c) take account of health and safety requirements; and
- (d) help employees decide what clothing it is appropriate to wear to work.

We expect you to take a common sense approach to dress code. Any enquiries regarding the operation of our dress code (including whether an article of clothing is suitable to wear to work) should be made to your Line Manager.

Appearance

Whilst at work you represent us with pupils, parents, carers, volunteers and contractors etc. Your appearance contributes to our reputation.

It is important that you appear clean and smart at all times when at work, particularly when you may be in contact with pupils, parents, carers, volunteers and contractors etc. other business contacts or the general public.

All employees are supplied with an identity badge that must be worn and visible at all times when you are at work.

Religious and cultural dress

You may wear religious and cultural dress (including clerical collars, head scarves, skullcaps and turbans) unless it breaches this policy or compromises the health and safety of yourself, your colleagues or any other person.

Priority is at all times given to health and safety requirements.

15. Health and Safety Policy

We are committed to ensuring the health and safety of our employees and pupils or anyone affected by our Trust and to providing a safe environment for all those attending our premises through regular assessments of risks in the workplace.

In particular, we are committed to maintaining safe and healthy working conditions through control of the health and safety risks arising from our work activities, provision and maintenance of safe plant and equipment ensuring the safe handling and use of substances, consulting with you and providing appropriate information, instruction, training and supervision and taking steps to prevent accidents and cases of work-related ill health.

What is covered by this policy?

In accordance with our health and safety duties, we are responsible for:

- (a) Assessing risks to health and safety and identifying ways to overcome them;
- (b) Providing and maintaining a healthy and safe place to work and a safe means of entering and leaving our premises, including emergency procedures for use when needed;
- (c) Providing information, instruction, training and supervision in safe working methods and procedures as well as working areas and equipment that are safe and without risks to health;
- (d) Ensuring that equipment has all necessary safety devices installed, that equipment is properly maintained and that appropriate protective clothing is provided;
- (e) Promoting co-operation to ensure safe and healthy conditions and systems of work by discussion and effective joint consultation and the establishment of a safety committee, safety representatives and accident investigations where applicable;
- (f) Regularly monitoring and reviewing the management of health and safety at work, making any necessary changes and bringing those to your attention.

The CEO has overall responsibility for health and safety and the operation of this policy. [NAME] has been nominated as the Principal Health and Safety Officer with day-to-day responsibility for health and safety matters.

You must also recognise that everyone shares responsibility for achieving healthy and safe working conditions. You must consider the health and safety implications of your acts and/or omissions and take reasonable care for your health and safety and that of others.

Any health and safety concerns should be reported to the Principal Health and Safety Officer.

Standards of workplace behaviour

You must co-operate with the Principal Health and Safety Officer, CEO, head teacher and managers on health and safety matters and comply with any health and safety instructions.

You must take reasonable care of your own health and safety and that of others by observing health and safety applicable to you and following instructions for the use of equipment (including safety equipment and protective clothing).

Any health and safety concern, however trivial it might seem, including any potential risk, hazard or malfunction of equipment, must be reported without delay to your line manager.

You must co-operate in the investigation of any accident or incident that has led, or which we consider might have led, to injury.

Failure to comply with health and safety instructions or with the requirements of this policy may be treated as misconduct and dealt with under our Disciplinary Procedure.

Equipment

You must use equipment in accordance with operating instructions, instructions given by management and any relevant training. Any fault with, damage to or concern about any equipment or its use must immediately be reported to your line manager.

You must ensure that health and safety equipment is not interfered with and that any damage is immediately reported.

You must not attempt to repair equipment unless trained and designated to do so. Failure to report damage to or a fault with equipment or failure to use it as directed may result in action under our Disciplinary Procedure.

Accidents and first aid

Any accident at work involving personal injury should be reported to the Principal Health and Safety Officer or your line manager so that details can be recorded in the Accident Book. You must cooperate with any resulting investigation.

Details of first aid facilities and trained First Aiders are displayed on the notice boards.

If you suffer an accident at work, you (or someone on your behalf) must report that fact to the Principal Health and Safety Officer or your line manager as soon as possible. All accidents should be reported, however trivial. The accident will be recorded in our Accident Book.

National health alerts

In the event of an epidemic or pandemic alert we will organise our operations and provide advice on steps to be taken by employees, in accordance with official guidance, to reduce the risk of infection at work as far as possible. Any questions should be referred to your line manager.

It is important, for your health and safety, that you comply with instructions issued in these circumstances. Failure to do so will be dealt with under our Disciplinary Procedure.

Emergency evacuation and fire precautions

You should familiarise yourself with the instructions about what to do in the event of fire which are displayed on the notice boards. You should also know where the fire extinguishers are, ensure that you are aware of your nearest fire exit and alternative ways of leaving the building in an emergency.

Fire wardens are responsible for the effective evacuation of designated areas. In the event of a suspected fire or fire alarm you must follow their instructions.

Regular fire drills will be held to ensure that our fire procedures are effective and to ensure you are familiar with them. These drills are important and must be taken seriously.

You should notify the Principal Health and Safety Officer or your line manager as soon as possible if there is anything (for example, impaired mobility) that might impede your evacuation in the event of a fire. A personal evacuation plan will be drawn up and brought to the attention of the fire warden responsible for overseeing your evacuation and colleagues working in your vicinity.

If you discover a fire you should not attempt to tackle it unless you have been trained or feel competent to do so. You should operate the nearest fire alarm and, if you have sufficient time, notify your line manager and report the location of the fire.

On hearing the fire alarm, you should remain calm and walking quickly, not running, evacuate the building immediately following the instructions of the fire wardens. Do not stop to collect personal possessions, do not use the lifts, and do not re-enter the building until you are told that it is safe to do so.

Risk assessments, DSE and manual handling

General workplace risk assessments are carried out when required or as reasonably requested by employees or management. Head teachers and the CEO of the FHT are responsible for ensuring that any necessary risk assessments are undertaken and that recommended changes to the workplace and working practices are implemented.

If you use a computer for prolonged periods of time you can request a workstation assessment by contacting the Principal Health and Safety Officer or your line manager. Information on the use of display screen equipment can also be obtained from the Principal Health and Safety Officer.

Information on the regulation of manual handling can be obtained from the Principal Health and Safety Officer.

16. Working Time and Overtime Policy

Your hours of work and overtime rates (if applicable) are stipulated in your Contract of Employment. You are required to have a responsible attitude towards timekeeping. You will be expected to be ready to start work at the commencement of your normal working day. Persistent lateness may lead to disciplinary action which could result in dismissal.

You should note that we fully endorse and actively support the Working Time Regulations with regard to the 48-hour maximum working week. This means that you are not expected, nor are you allowed to work over an average of 48 hours each week (based on the statutory reference period) unless you agree in writing to do so.

This requirement also includes any work that you carry out for other employers. You are therefore required to provide us with details of those employers, and the number of hours you are contracted to work for them on a normal weekly basis. Most importantly, you must inform your line manager each and every time these normal weekly hours change in order that we may accurately record your working time.

Should you not wish to be restricted to working a 48-hour maximum working week, you have the right to opt out of the Regulations. Having opted out, you can at any time opt back in, after giving 3 months' notice in writing to the head teacher or CEO of the FHT.

Overtime working can only be authorised by the head teacher/line manager and must be agreed in advance. Your entitlement (if any) to payment for overtime, or to time off in lieu if appropriate, is laid out in your individual Contract of Employment.

17. Smoking Policy

We are committed to protecting your health, safety and welfare and that of all those who work for us by providing a safe place of work and protecting all workers, pupils, parents, carers, volunteers, and visitors from exposure to smoke.

All of our workplaces are smoke-free and all employees and visitors have a right to a smoke-free environment.

This policy complies with the Health Act 2006 and associated regulations. We are committed to a programme of action to make this policy effective and to bring it to the attention of all employees.

It is against the law to smoke in all enclosed public places, workplaces and in public and work vehicles used by more than one person.

It is a legal requirement that all smoke free premises and vehicles display appropriate no smoking signs. Employees found removing or defacing these signs will be subjected to disciplinary action.

The smoking ban applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes.

You may only smoke outside in the designated area(s) during your designated breaks. When smoking outside, you should ensure that you dispose of cigarette butts and other litter in the receptacles provided. This applies to all employees (both permanent and temporary), all visitors and contractors.

If you undertake food preparation, handling, or delivery in your role you are prohibited from smoking whilst wearing company uniform.

Further, you may not smoke in your own vehicle whilst in any of FHT car parks.

We are committed to making this policy effective and to promoting a healthy working environment. If you experience particular difficulty complying with this policy, you should discuss your situation with your line manager.

Breaches of the policy

Breaches of this policy will be dealt with under our Disciplinary Procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

Smoking in smoke-free premises or vehicles is also a criminal offence and may result in a fixed penalty fine and/or prosecution.

We will not accept liability for any fixed penalty charges/court awarded fines or prosecutions as a result of your failure to follow the smoke free legislation. Any fines that are paid by the FHT on your behalf will be deducted from your pay.

18. Substance Misuse Policy

We are committed to providing a safe, healthy and productive working environment for all our employees, pupils and visitors. This includes ensuring that all employees are fit to carry out their jobs safely and effectively in a working environment which is free from alcohol and drug misuse.

You are expected to arrive at work fit to carry out their jobs and to be able to perform their duties safely without any limitations due to the use or after effects of alcohol or drugs (whether prescribed, over the counter or illegal).

Misuse of alcohol and drugs can lead to reduced levels of attendance, reduced efficiency and performance, impaired judgement and decision making and increased health and safety risks, not only for the individual but also for others. Irresponsible behaviour or the commission of offences resulting from the misuse of alcohol or drugs may damage our reputation.

We recognise that some of our employees may become dependent on alcohol or drugs. We also recognise that such dependencies can be successfully treated. We will not accept employees arriving at work under the influence of alcohol or drugs, and/or whose ability to work is impaired in any way by reason of the consumption of alcohol or drugs, or who consume alcohol or take drugs (other than prescription or over the counter medication, as directed) on our premises.

This policy is principally intended to deal with alcohol and drug problems which, in the context of this policy are any drinking or taking of drugs, whether intermittent or continual, which interferes with work performance in relation to attendance, efficiency, productivity or safety. You will be deemed to be under the influence of alcohol or drugs where that is the reasonable opinion of a manager.

We need to ensure that:

- (a) you are aware of your responsibilities regarding alcohol and drug misuse and related problems;
- (b) if you have an alcohol or drug related problem, you are encouraged to seek help, in confidence, at an early stage;
- (c) if you have an alcohol or drug related problem which is affecting your work, you are dealt with sympathetically, fairly and consistently.

Managers have an important role to play in identifying problems at work that are being caused or contributed to by alcohol or drug misuse:

Where there is a deterioration in work performance and/or changes in patterns of behaviour may be due to alcohol or drug misuse they should seek advice and assistance from the head teacher or line manager.

If you arrive at work and a manager reasonably believes that you are under the influence of alcohol or drugs, they shall immediately contact the head teacher or line manager in order that you can be provided with assistance and an investigation can be undertaken.

If you believe that you have an alcohol or drug-related problem, you should seek specialist advice and support as soon as possible.

If you notice a change in a colleague's pattern of behaviour you should encourage them to seek assistance through their line manager. If they will not seek help themselves, you should draw the matter to the attention of your line manager. You should not attempt to cover up for a colleague whose work or behaviour is suffering as a result of an alcohol or drug-related problem.

Depending on the level of responsibility and the knowledge and skills considered necessary for implementing this policy, training may be given in:

- (a) The nature of alcohol and drug problems, their possible causes and effects;
- (b) The impact of alcohol and drug misuse on workplace safety and performance;
- (c) The assistance that can be provided by outside agencies.

Alcohol and drugs at work

It is a requirement of the FHT that no employee shall:

- (a) Report or endeavour to report for duty, having just consumed alcohol or still being under the influence of drugs;

- (b) Report for duty in an unfit state due to the use of alcohol or drugs;
- (c) Report for duty using prescription or over-the-counter drugs without prior clearance/approval;
- (d) Be in possession of drugs of abuse in the workplace;
- (e) Consume alcohol or drugs whilst on duty.

You should not drink alcohol during the normal working day, at lunchtime, at other official breaks and at official work-based meetings and events. Drinking alcohol during the normal working day or working under the influence of alcohol may be considered a disciplinary matter.

We expect you to comply with the drink-driving legislation at all times. Our reputation will be damaged if you are convicted of a drink-driving offence and, if your job requires you to drive and you lose your licence, you may be unable to continue to do your job. Committing a drink-driving offence outside or during working hours or while working for us may lead to disciplinary action and could result in dismissal in accordance with our Disciplinary Procedure.

If you are prescribed medication you must seek advice from your doctor or pharmacist about the possible effect on your ability to carry out your job and whether your duties should be modified or you should be temporarily reassigned to a different role. If so, you must tell your line manager without delay.

Searches

We reserve the right to conduct searches for alcohol or drugs, including, but not limited to, searches of lockers, filing cabinets and desks and packages sent to our address.

Any alcohol or drugs found as a result of a search will be confiscated.

Management of suspected substance misuse

If you arrive for work and are deemed to be under the influence of alcohol or drugs misuse your line manager may send you home, for which payment will not be made. In addition, we reserve the right to suspend you from work, for which payment will not be made.

If your line manager has reason to believe that you are suffering the effects of alcohol or drugs misuse, for example, due to a deterioration in your work or behaviour, they will invite you to an investigatory interview. The purpose of the interview is to discuss the reason for the investigation and seek your views on, for example, the deterioration of your work performance and/or behaviour.

If, as the result of the interview, your line manager continues to believe that you are suffering the effects of alcohol or drugs misuse the matter may be dealt with under our Disciplinary Procedure.

We may ask for your consent to approach your doctor for advice. A report will be sent to your line manager who will then reassess the reasons for their investigatory meeting with you and decide on the way forward.

Providing support

Alcohol and drug related problems may develop for a variety of reasons and over a considerable period of time. We are committed, in so far as possible and reasonable, to treating these problems in a similar way to other health issues. Support will be provided where possible with a view to supporting a full recovery, allowing a return to work and the full range of your duties. This may include:

- (a) referral to appropriate treatment providers, where necessary in conjunction with your doctor;
- (b) time off work to attend treatment as recommended by your doctor or specialist and recognition of any periods of absence for treatment as periods of sickness absence;
- (c) adjusting your duties or other support as recommended by your doctor or specialist during treatment and for an agreed period thereafter, subject to operational requirements and feasibility.

If you do not finish a programme of treatment (either because the treatment provider ceases to support you or because you stop attending) or your recovery and return to work does not happen as anticipated at the outset of a course of treatment, your line manager will meet with you to decide what further action should be taken.

Confidentiality

We aim to ensure that the confidentiality of any employee experiencing alcohol or drug-related problems is maintained appropriately by managers and, where it is necessary to inform them, colleagues. However, it needs to be recognised that, in supporting employees, some degree of information sharing is likely to be necessary.

Performance and disciplinary issues

If, having acknowledged an alcohol or drug related problem, you undertake treatment and/or rehabilitation, any related performance or disciplinary action may be suspended pending the outcome of the treatment.

Our intention is to support all employees with alcohol or drug related problems to regain good health. Depending on the progress made on the course of treatment and/or rehabilitation, any disciplinary action may be suspended for a further period, discontinued or continued.

19. Right of Search

The FHT has the right to search any of our employee's property that you may use such as car, locker or accommodation. Failure to give permission for a search of your bag, pockets or personal possessions may be taken as evidence of culpability and result in disciplinary action.

You may request the presence of a work colleague at the time of the search, which will only be carried out by a duly authorised person in the presence of a witness. You may request that those who carry out or are present during the search are of the same sex as yourself.

Where a search reveals suspicious items, such that the searcher believes a criminal offence may have been committed, the employee will be suspended on full pay pending a further investigation, which may result in disciplinary action up to and including dismissal. We also reserve the right to inform the Police immediately of any suspicion.

20. Data Protection Policy

Everyone has rights with regard to how their personal information is handled. During the course of our activities we will collect, store and process personal information about our employees, and we recognise the need to treat it in an appropriate and lawful manner.

The types of information that we may be required to handle include details of current, past and prospective employees, suppliers, pupils, parents/carers, volunteers, and others that we communicate with. The information, which may be held on paper or on a computer or other media, is subject to certain legal safeguards specified in the Data Protection Act 1998 (the Act) and other regulations. The Act imposes restrictions on how we may use that information.

This part of our document relates to the obtaining, handling, processing, storage, transportation and destruction of personal information.

The Data Protection Compliance Manager is responsible for ensuring compliance with the Act and with this part of our document. That post is held by **[INSERT NAME, JOB TITLE, CONTACT DETAILS]**. Any questions or concerns about the operation of this part of our document should be referred in the first instance to the Data Protection Compliance Manager.

If you consider that our provisions for complying with the Act have not been followed in respect of personal data about yourself or others you should raise the matter with your line manager or the Data Protection Compliance Manager.

Definition of data protection terms

Data is information which is stored electronically, on a computer, or in certain paper-based filing systems.

Data subjects for the purpose of this policy include all living individuals about whom we hold personal data, such as our clients. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal data.

Personal data means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal).

Data controllers are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They have a responsibility to establish practices and policies in line with the Act. We are the data controller of all personal data used in our business.

Data users include employees whose work involves using personal data. Data users have a duty to protect the information they handle by following our data protection and security policies at all times.

Data processors include any person who processes personal data on behalf of a data controller. Employees of data controllers are excluded from this definition but it could include suppliers which handle personal data on our behalf.

Processing is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties.

Sensitive personal data includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. Sensitive personal data can only be processed under strict conditions, and will usually require the express consent of the person concerned.

Data protection principles

Anyone processing personal data must comply with the eight enforceable principles of good practice. These provide that personal data must be:

- (a) Processed fairly and lawfully;
- (b) Processed for limited purposes and in an appropriate way;
- (c) Adequate, relevant and not excessive for the purpose;
- (d) Accurate;
- (e) Not kept longer than necessary for the purpose;
- (f) Processed in line with data subjects' rights;
- (g) Secure;
- (h) Not transferred to people or organisations situated in countries without adequate protection.

Fair and lawful processing

The Act is intended not to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject. The data subject must be told who the data controller is, who the data controller's

representative is, the purpose for which the data is to be processed by us, and the identities of anyone to whom the data may be disclosed or transferred.

For personal data to be processed lawfully, certain conditions have to be met. These may include, among other things, requirements that the data subject has consented to the processing, or that the processing is necessary for the legitimate interest of the data controller or the party to whom the data is disclosed. When sensitive personal data is being processed, more than one condition must be met. In most cases the data subject's explicit consent to the processing of such data will be required.

Processing for limited purposes

Personal data may only be processed for the specific purposes notified to the data subject when the data was first collected or for any other purposes specifically permitted by the Act. This means that personal data must not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the data is processed, the data subject must be informed of the new purpose before any processing occurs.

Adequate, relevant and non-excessive processing

Personal data should only be collected to the extent that it is required for the specific purpose notified to the data subject. Any data which is not necessary for that purpose should not be collected in the first place.

Accurate data

Personal data must be accurate and kept up to date. Information which is incorrect or misleading is not accurate and steps should therefore be taken to check the accuracy of any personal data at the point of collection and at regular intervals afterwards. Inaccurate or out-of-date data should be destroyed.

Timely processing

Personal data should not be kept longer than is necessary for the purpose. This means that data should be destroyed or erased from our systems when it is no longer required. For guidance on how long certain data is likely to be kept before being destroyed, contact the Data Protection Compliance Manager.

Processing in line with data subjects' rights

Data must be processed in line with data subjects' rights. Data subjects have a right to:

- (a) Request access to any data held about them by a data controller;
- (b) Prevent the processing of their data for direct-marketing purposes;
- (c) Ask to have inaccurate data amended;
- (d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

Data security

We must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Data subjects may apply to the courts for compensation if they have suffered damage from such a loss.

The Act requires us to put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. Personal data may only be transferred to a third-party data processor if he agrees to comply with those procedures and policies, or if he puts in place adequate measures himself.

Maintaining data security means guaranteeing the confidentiality, integrity and availability of the personal data, defined as follows:

- (a) **Confidentiality** means that only people who are authorised to use the data can access it;
- (b) **Integrity** means that personal data should be accurate and suitable for the purpose for which it is processed;
- (c) **Availability** means that authorised users should be able to access the data if they need it for authorised purposes. Personal data should therefore be stored on our central computer system instead of individual PCs.

Security procedures include:

- (a) **Entry controls.** Any stranger seen in entry-controlled areas should be reported;
- (b) **Secure lockable desks and cupboards.** Desks and cupboards should be kept locked if they hold confidential information of any kind (personal information is always considered confidential);
- (c) **Methods of disposal.** Paper documents should be shredded. Floppy disks and CD-ROMs should be physically destroyed when they are no longer required;
- (d) **Equipment.** Data users should ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended.

Dealing with subject access requests

A formal request from a data subject for information that we hold about them must be made in writing. A fee is payable by the data subject for provision of this information. If you receive a written request, you should forward it to your line manager or the Data Protection Compliance Manager immediately.

Providing information over the telephone

When dealing with telephone enquiries, you should be careful about disclosing any personal information held by us. In particular, you should:

- (a) Check the caller's identity to make sure that information is only given to a person who is entitled to it;
- (b) Suggest that the caller put their request in writing if you are not sure about the caller's identity and where their identity cannot be checked;
- (c) Refer to your line manager or the Data Protection Compliance Manager for assistance in difficult situations. No-one should be bullied into disclosing personal information.

21. Electronic Information and Communications Systems Policy

Our electronic communications systems and equipment are intended to promote effective communication and working practices within our organisation. This part of our document deals mainly with the use (and misuse) of computer equipment, e-mail, the internet, telephones, Blackberries, personal digital assistants (PDAs) and voicemail, but it applies equally to the use of fax machines, copiers, scanners, CCTV and electronic key fobs and cards. It outlines the standards we require users of these systems to observe, the circumstances in which we will monitor use of these systems and the action we will take in respect of breaches of these standards.

You are expected to protect our electronic communications systems and equipment from unauthorised access and harm at all times. Failure to do so may be dealt with under our Disciplinary Procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

Equipment security and passwords

You are responsible for the security of the equipment allocated to or used by you, and must not allow it to be used by anyone other than as permitted by this document.

If given access to the e-mail system or to the internet, you are responsible for the security of your terminal. If leaving a terminal unattended or on leaving the office you should ensure that you lock your terminal or log off to prevent unauthorised users accessing the system in your absence. Employees without authorisation should only be allowed to use terminals under supervision.

Desktop PCs and cabling for telephones or computer equipment should not be moved or tampered with without first consulting your line manager.

Passwords are unique to each user and must be changed regularly to ensure confidentiality. Passwords must be kept confidential and must not be made available to anyone else unless authorised by your line manager. For the avoidance of doubt, on the termination of employment (for any reason) you must provide details of your passwords to your line manager and return any equipment, key fobs or cards.

If you have been issued with a laptop, PDA or Blackberry you must ensure that it is kept secure at all times, especially when travelling. Passwords must be used to secure access to data kept on such equipment to ensure that confidential data is protected in the event of loss or theft. You should also be aware that when using equipment away from the workplace, documents may be read by third parties, for example, passengers on public transport.

Systems and data security

You should not delete, destroy or modify existing systems, programs, information or data which could have the effect of harming our business or exposing it to risk.

You should not download or install software from external sources without authorisation from your line manager. This includes software programs, instant messaging programs, screensavers, photos, video clips and music files. Incoming files and data should always be virus-checked by your manager before they are downloaded. If in doubt, you should seek advice from your line manager. The following must never be accessed from the network: online radio, audio and video streaming, instant messaging and webmail (such as Hotmail or Yahoo) and social networking sites (such as Facebook, Bebo, Second Life, YouTube, Twitter).

However, Trust/School related Facebook and Twitter may be accessed during the normal working day but subject to this being for work purposes only and for reasonable amounts of time that do not adversely impact the flow of work.

No device or equipment should be attached to our systems without the prior approval of your line manager. This includes any USB flash drive, MP3 or similar device, PDA or telephone. It also includes use of the USB port, infra-red connection port or any other port.

We monitor all e-mails passing through our system for viruses. You should exercise caution when opening e-mails from unknown external sources or where, for any reason, an e-mail appears suspicious (for example, if its name ends in .ex). Your line manager should be informed immediately if a suspected virus is received. We reserve the right to block access to attachments to e-mails for the purpose of effective use of the system and for compliance with this part of our document. We also reserve the right not to transmit any e-mail message.

You should not attempt to gain access to restricted areas of the network, or to any password-protected information, unless specifically authorised.

If you use laptops or wi-fi enabled equipment you must be particularly vigilant about its use outside the office and take any precautions required by the Data Protection Officer from time to time against importing viruses or compromising the security of the system. The system contains information which is confidential to our business and/or which is subject to data protection legislation. Such information must be treated with extreme care and in accordance with our Data Protection Policy.

E-mail etiquette and content

E-mail is a vital tool, but an informal means of communication, and should be used with great care and discipline. You should always consider if e-mail is the appropriate means for a particular communication and correspondence sent by e-mail should be written as professionally as a letter or fax. Messages should be concise and directed only to relevant individuals. Our standard disclaimer should always be included.

You should ensure that you access your e-mails at least once every working day, stay in touch by remote access when travelling and use an out of office response when

away from the office for more than a day. You should endeavour to respond to e-mails marked "high priority" within 24 hours.

You should not send abusive, obscene, discriminatory, racist, harassing, derogatory or defamatory e-mails. If you feel that you have been harassed or bullied, or are offended by material received from a colleague via e-mail, you should inform your line manager.

You should take care with the content of e-mail messages, as incorrect or improper statements can give rise to claims for discrimination, harassment, defamation, breach of confidentiality or breach of contract. You should assume that e-mail messages may be read by others and not include anything which would offend or embarrass any reader, or yourself, if it found its way into the public domain.

E-mail messages may be disclosed in legal proceedings in the same way as paper documents. Deletion from a user's inbox or archives does not mean that an e-mail cannot be recovered for the purposes of disclosure. All e-mail messages should be treated as potentially retrievable, either from the main server or using specialist software.

In general, you should not:

- (a) send or forward private e-mails at work which you would not want a third party to read;
- (b) send or forward chain mail, junk mail, cartoons, jokes or gossip;
- (c) contribute to system congestion by sending trivial messages or unnecessarily copying or forwarding e-mails to those who do not have a real need to receive them;
- (d) sell or advertise using our communication systems or broadcast messages about lost property, sponsorship or charitable appeals;
- (e) agree to terms, enter into contractual commitments or make representations by e-mail unless appropriate authority has been obtained. A name typed at the end of an e-mail is a signature in the same way as a name written at the end of a letter;
- (f) download or e-mail text, music and other content on the internet subject to copyright protection, unless it is clear that the owner of such works allows this;
- (g) send messages from another worker's computer or under an assumed name unless specifically authorised; or
- (h) send confidential messages via e-mail or the internet, or by other means of external communication which are known not to be secure.

If you receive a wrongly-delivered e-mail, you should return it to the sender. If the e-mail contains confidential information or inappropriate material (as described above) it should not be disclosed or used in any way.

Use of the internet

When a website is visited, devices such as cookies, tags or web beacons may be employed to enable the site owner to identify and monitor visitors. If the website is of a kind described below, such a marker could be a source of embarrassment to the visitor and us, especially if inappropriate material has been accessed, downloaded, stored or forwarded from the website. Such actions may also, in certain circumstances, amount to a criminal offence if, for example, the material is pornographic in nature.

You should therefore not access any web page or any files (whether documents, images or other) downloaded from the internet which could, in any way, be regarded as illegal, offensive, in bad taste or immoral. While content may be legal in the UK, it may be in sufficient bad taste to fall within this prohibition. As a general rule, if any person (whether intended to view the page or not) might be offended by the contents of a page, or if the fact that our software has accessed the page or file might be a source of embarrassment if made public, then viewing it will be a breach of our Electronic Information and Communications Systems Policy.

You should not under any circumstances use our systems to participate in any internet chat room, post messages on any internet message board or set up or log text or information on a blog or wiki, even in your own time.

Personal use of systems

We permit the incidental use of internet, e-mail and telephone systems to send personal e-mail, browse the internet and make personal telephone calls subject to certain conditions set out below. Personal use is a privilege and not a right. It must be neither abused nor overused and we reserve the right to withdraw our permission at any time.

The following conditions must be met for personal usage to continue:

- (a) use must be minimal and take place substantially out of normal working hours (that is, during lunch breaks, before [9 am] or after [5.30 pm]);
- (b) personal e-mails must be labelled "personal" in the subject header;
- (c) use must not interfere with business or office commitments;
- (d) use must not commit us to any marginal costs; and
- (e) use must comply with the policies set out in this document including the Equal Opportunities Policy, Anti-harassment Policy, Data Protection Policy and Disciplinary Procedure.

You should be aware that personal use of our systems may be monitored and, where breaches are found, action may be taken under the disciplinary procedure. We reserve the right to restrict or prevent access to certain telephone numbers or internet sites if we consider personal use to be excessive.

Monitoring of use of systems

Our systems enable us to monitor telephone, e-mail, voicemail, internet and other communications. In order to carry out legal obligations in our role as an employer, use of our systems including the telephone and computer systems, and any personal use of them, is continually monitored by managers. Monitoring is only carried out to the extent permitted or as required by law and as necessary and justifiable for business purposes.

We reserve the right to retrieve the contents of messages or check searches which have been made on the internet for the following purposes (this list is not exhaustive):

- (a) to monitor whether the use of the e-mail system or the internet is legitimate;
- (b) to find lost messages or to retrieve messages lost due to computer failure;
- (c) to assist in the investigation of wrongful acts; or
- (d) to comply with any legal obligation.

Inappropriate use of equipment and systems

Access is granted to the internet, telephones and other electronic systems for legitimate business purposes only. Incidental personal use is permissible provided it is in full compliance with our policies and procedures (including this policy, the Equal Opportunities Policy, Anti-Harassment Policy, Data Protection Policy and Disciplinary Procedure).

Misuse or excessive use or abuse of our telephone or e-mail system, or inappropriate use of the internet in breach of this policy will be dealt with under our Disciplinary Procedure. Misuse of the internet can, in certain circumstances, constitute a criminal offence. In particular, misuse of the e-mail system or inappropriate use of the internet by participating in online gambling or chain letters or by creating, viewing, accessing, transmitting or downloading any of the following material will amount to gross misconduct (this list is not exhaustive):

- (a) pornographic material (that is, writing, pictures, films and video clips of a sexually explicit or arousing nature);
- (b) offensive, obscene, or criminal material or material which is liable to cause embarrassment to us or to our clients;
- (c) a false and defamatory statement about any person or organisation;
- (d) material which is discriminatory, offensive, derogatory or may cause embarrassment to others;
- (e) confidential information about us or any of our employees, pupils, parents or carers (which you do not have authority to access);
- (f) any other statement which is likely to create any liability (whether criminal or civil, and whether for you or us); or
- (g) material in breach of copyright.

Any such action will be treated very seriously and is likely to result in summary dismissal.

Where evidence of misuse is found we may undertake a more detailed investigation in accordance with our Disciplinary Procedure, involving the examination and disclosure of monitoring records to those nominated to undertake the investigation and any witnesses or managers involved in our Disciplinary Procedure. If necessary, such information may be handed to the Police in connection with a criminal investigation.

22. Social Media Policy

The Social Media Policy should be read and understood in conjunction with the following Company policies:

- (a) Safeguarding;
- (b) Equality Opportunities;
- (c) Anti-Harassment and Bullying;
- (d) Data Protection;
- (e) Electronic Information and Communications Systems;
- (f) Confidentiality;
- (g) Disciplinary Policy and Procedure.

What do we mean by Social Media?

The term 'social media' is used here to describe socially-interactive, networked information and communication technologies that allows for user generated content.

Examples of Social Media

The following non-exhaustive list are examples of social media:

- Twitter;
- Facebook;
- SMS text messaging;
- Blogger;
- LinkedIn;
- Google+;
- Bebo;
- WhatsApp.

The FHT and Social Media

We recognise that the growth in social media has created increased opportunity for media communications that have the potential for making a significant impact upon our activities including increased awareness about our core aims, values and services.

The purpose of this Social Media Policy is to ensure so far as is practicable that our use of social media has a positive impact, that we safeguard as far as possible against negative impact and also:

- a) Encourage good safe practice;

- b) Protect the school and FHT, our employees, clients, suppliers and other stakeholders and associates;
- c) Clarify where and how existing policies and guidelines apply to social media;
- d) Promote effective and innovative use of social media as part of our activities.

Starting point

Any official social networking site/group must be approved by the head teacher or CEO. All sites must have a named designated administrator (the administrator) who is responsible for the content of the site and has been approved by relevant management. The administrator must work only within the guidelines provided in this policy. Any queries, issues or concerns should in the first instance be raised with your line manager.

The administrator will work with the school or Trust social media only during normal working hours. The reason for this is to protect the health and wellbeing of the administrator and to ensure that the content of the Social media remains under the overall supervision of [NAME]. Any breach of this rule may lead to disciplinary proceedings and in the case of persistent or serious offences be deemed sufficiently serious enough to lead to dismissal.

Prohibited use

These prohibitions apply to social media on the school or Trust's behalf and also to personal use:

- Material must not be posted in social media that could damage our reputation or the reputation of our employees, pupils, parents, carers, volunteers or any external organisations or individuals;
- Social media used as a tool for bullying, harassment or discrimination will not be tolerated and will be dealt with under the Disciplinary Procedure;
- If you are unsure as to whether accessing and/or posting any item on social media would risk a breach of this Policy, this should be immediately referred to your line manager;
- Confidential information or personal data must not be publicised without written consent of the person to whom the data relates. Breach of this rule will not only be a breach of this Policy but may also be a breach of the Data Protection Act 1998 and the Company's Data Protection Policy. We will not be held liable for such a legal action or provide support to defend the individual concerned;
- Confidential information includes information that is not in the public domain and should remain strictly within the work environment regarding employees and internal communications and processes;

- Confidential information may also include information that is in the public domain but which employees should not share in social media as it is work related and inappropriate to discuss outside of the work environment;
- Breach of Intellectual property rights, copyright and ownership of data are also prohibited under this Policy;
- Our social media and the use of personal social media is prohibited from interaction with and response to potentially contentious posts on other social media sites
- It is completely forbidden to use our social media for personal purposes whether during working hours or outside working hours and contravention of this rule may lead to disciplinary proceedings and, if a serial offence and/or an act is considered as an act of gross misconduct, you may be liable to dismissal with or without notice;
- You are strictly prohibited from commenting via social network or other social media channels media on any past, present or future employment dispute or issue including disciplinary, grievances, or any individual involvement. To do so would constitute a fundamental breach of confidentiality and potentially bring the organisation into disrepute leading to disciplinary action on grounds of gross misconduct;
- If anyone affected is concerned that any of the above prohibited conduct conflicts with a potential “whistleblowing” event then you are referred to our Whistleblowing Policy and should speak, in confidence, to your line manager;
- You are strictly prohibited from using social media and social networking tools for the purpose of either criticising or making derogatory, offensive, inflammatory, slanderous or damaging comments about us, our management, employees, external organisations and individuals;
- If you are unsure as to whether accessing and/or including a contribution to a certain website would risk a breach of this policy, this should be immediately referred to your head teacher or the CEO of the FHT;
- Confidential information or personal data must not be publicised without written consent. Breach of this rule will not only be a breach of this policy but may also be a breach of the Data Protection Act 1998. We will not be held liable for such a legal action or help defend the individual concerned.

Consequences of breaching this Policy

You should never assume that the material posted on social media will remain private regardless of the privacy settings used. You are reminded that even with appropriate privacy settings, the information and material posted may quickly reach a wider audience and even the general public. The details of any such information or material may therefore be brought to our attention. Regardless of how this information came

into the public arena, we will take the appropriate disciplinary action if such information or material is in breach of this policy.

Breach of this policy may result in disciplinary proceedings and, if a serial offence and/or an act is considered as an act of gross misconduct, you may be liable to dismissal with or without notice.

Information or material that offends may also amount to defamation and may result in legal action being taken against the individual posting the information or material. Such information or material will be in breach of this Social Media Policy and we will not be held liable for such a legal action or help defend the individual concerned.

General Guidance

We all need to consider Intellectual property rights, copyright and ownership of data and the Data Protection Act 1998 when using social media.

We support the use of social media where it *adds value* to existing methods of communication.

It is completely forbidden to use our social media for personal purposes whether during working hours or outside working hours and contravention of this rule may lead to disciplinary proceedings and, if a serial offence and/or an act is considered an act of gross misconduct, you may be liable to dismissal with or without notice.

We will continually review the use of social media and may amend and modify its policies from time to time.

Communications and External Relations uses

We recognise the opportunity to communicate with the external community through social media as part of an integrated strategy.

Other potential uses by the Company

We may refer to social networking sites in the public domain when assessing job and volunteer applications.

We will refer to social networking sites when investigating breaches of discipline, for example breach of this and related policies, for example, Dignity at Work.

Breaches of the Social Media Policy

Breaches of this policy or failure to report known breaches are likely to result in disciplinary action and persistent and/or serious offences may be considered as gross misconduct resulting in summary dismissal or dismissal.

If you become aware of breaches of the policy, you should report this to your line manager who will ensure that matters raised in good faith are investigated without you being penalised.

When investigating a reported incident, we will study carefully what the contributor's actual impact is now and in the future, as accurately as possible in terms of business interest and workforce relations before making any decision to conduct a formal

investigation or, in exceptional circumstance, suspension of the individual pending formal investigation. All actions will be judged proportionately and fairly.

Any online contributions which you suspect may contravene other policies, for example Bullying and Harassment, must be reported as a matter of urgency.

You are reminded that commenting via social network channels on any past, present or future employment dispute or issue including disciplinary, grievances, or any individual involvement, is strictly prohibited. To do so would constitute a fundamental breach of confidentiality and potentially bring the organisation into disrepute leading to disciplinary action on grounds of gross misconduct.

Areas of responsibility

These guidelines are the responsibility of the FHT.

If you become aware of breaches of the policy, you should report this to your line manager who will ensure that matters raised in good faith are investigated without you being penalised.

When investigating a reported incident, we will consider carefully the adverse impact of the breach in terms of our reputation and core values and service and employee relations in making any decision to conduct a formal investigation or, in exceptional circumstances, suspension of the individual pending formal investigation. All actions will be judged proportionately and fairly

23 FHT Property

If you are in possession of, or have authority to use property belonging to the school or FHT (our), you must ensure that the property is not damaged or abused at any time. This property must be returned on request and, in any event, upon termination of employment. If you do not return all issued property on leaving the organisation, you agree that the total cost of such items will be deducted from your final pay.

Use of our property for any purpose, other than normally defined duties, is not permitted.

Property of any type is not to be taken away from our premises, unless with prior management approval.

You must immediately notify your line manager of any damage to property or premises.

If you are seen to be wilfully using or mistreating our equipment or furniture or breaching health and safety causing such damage to furniture, equipment, walls, wallpaper and/or damage to the general state of any our premises then we reserve the right to deduct the cost of repairs from your wages.

You should not leave any of our property unattended in your vehicle. These items are not covered under our insurance scheme and you may be liable for replacement

costs. Similarly, we do not accept responsibility for personal items left unattended in a vehicle.

24 Personal Property

We cannot accept responsibility for the loss of, or damage to, personal property brought to the workplace. This would include such items as clothing, vehicles or accessories.

You are requested not to bring personal items of value onto the premises and, in particular, not to leave any items overnight.

Your personal possessions are your responsibility whilst working either on our site(s). If these are lost or stolen, we cannot accept any liability.

Lost Property

Articles of lost property should be handed to your line manager who will retain them whilst attempts are made to discover the owner.

25 General Working Standards

Wastage

We maintain a policy of 'minimum waste' which is essential to the cost effective and efficient running of all our operations.

You are able to promote this policy by taking extra care in the pursuit of your normal duties to avoid unnecessary or extravagant use of services, time, materials and machinery and the following points are illustrations of this:

- Take care when setting up equipment;
- Turn off any unnecessary lighting and heating. Keep doors closed wherever possible and do not allow taps to drip – especially hot water taps. If it is cold, then close all open windows;
- Start with the minimum of delay after arriving for work and after breaks;

Car Parks

To avoid congestion and for safety reasons all vehicles must be parked only in the designated parking areas. No liability will be accepted for damage to vehicles, however it may be caused.

We cannot accept any responsibility for damage to or loss of or from vehicles, or their contents, whilst on our premises.

Driving on our car parks is restricted to a maximum speed of 5 mph.

If this limit is exceeded and dangerous driving occurs, we reserve the right to refuse you the privilege of parking on our property and disciplinary action may be taken.

Notices and Announcements

We will endeavour to keep you informed of all matters of interest by means of our Notice Board/intranet. You are encouraged to use this, with authorisation, to promote any particular item of news, which may be of interest to other employees.

Notices or bulletins placed on the premises by us should not be removed or defaced.

No notices should be put up unless authorised in advance by management.

Collections from Employees

Unless express permission has been given in advance by management, no collections of any kind are allowed on our premises.

Ending Employment

1 Redundancy Policy

It is essential to try and maintain the appropriate numbers of employees to provide the best possible education our children. Any reduction in the number of employees in an academy is a potential redundancy situation.

Under the Employment Rights Act 1996, redundancy arises when an employee is dismissed in the following circumstances when the dismissal is wholly or mainly to the fact that:-

- a) the employer has ceased, or intends to cease:
 - i) to carry on the business for the purposes of which the employee was employed; or
 - ii) to carry on the business in the place where the employee was so employed;

- b) the requirements of the business for employees:
 - i) to carry out work of a particular kind has ceased or diminished; or
 - ii) to carry out work of a particular kind has ceased or diminished in the place where the employee was employed.

If you are made redundant you may be entitled to a redundancy payment if you have been employed for more than 2 years continuously. This includes fixed term contracts extending beyond two years without breaks in service. In law such breaks do not include school holiday periods i.e. where a contract ceased at the end of one term and a new one was issued at the commencement of the following term.

The payment will be based primarily on salary, age and length of service (this will be continuous service with current and previous employers which may include other specified organisations as covered by the Redundancy Modifications Order).

If you accept, from an employer covered by the Redundancy Modifications Order, an offer of suitable alternative employment then no redundancy payment is made. If you

unreasonably decline the offer of suitable alternative employment, you may waive your rights to a redundancy payment.

Consideration will be given to ways in which redundancies might be avoided such as:

- not filling a vacant post or
- the non-renewal of a fixed term contract.
- voluntary job sharing arrangements,
- voluntary reduced hours or
- part time working;

If the requirement for redundancy cannot be achieved the reduction may have to be made on a compulsory basis. Criteria for selection will be communicated along with the process for selection.

Consultation

Should a redundancy situation be proposed, you can expect to be initially notified at a staff meeting. Employees who are absent for reasons such as sickness, secondment or maternity leave, should be informed as soon as practically possible and given an opportunity to be provided with further information.

There is a legal requirement to consult staff and the recognised trade unions on ways of:

- avoiding the dismissals;
- reducing the number of employees to be dismissed;
- mitigating the effects of dismissals.

By law, meaningful consultation with recognised trade unions must take place irrespective of whether or not you are a member of a trade union.

Consultation will be for a period long enough for it to be meaningful.

A document called The Appendix 2 Notification covers the statutory duty to disclose in writing to the recognised trade unions the following information concerning proposals for redundancies. It covers:

- the reasons for the proposals;
- the numbers and descriptions of employees it is proposed to dismiss as redundant;
- the total number of employees of any such description employed at the establishment in question;
- the way in which employees will be selected for redundancy;
- how the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect;
- the method of calculating the amount of redundancy payments (other than statutory redundancy pay) to be made to those who are dismissed.

The selection process

Where the situation arises that there are more people than posts, competitive selection is likely and there will be a need for you to complete a skills audit. The process will be discussed and a copy of the skills audit will be available at the consultation meeting for discussion.

You are entitled to have individual consultation throughout the process to explore alternatives to redundancy and consider how, if possible, redundancy can be avoided.

Pool of Staff

In some situations there will be a need to reduce the number of employees in a particular role. This forms a pool of staff and will include those absent through illness, on leave of absence, maternity or secondment etc.

It is possible to identify a pool where all posts of a particular kind are being deleted from the structure this could apply where there is one or more posts.

The redundancy procedure is not applicable in all areas of a reorganisation within a school. For example where governing bodies have agreed to reduce management responsibilities but not the number of employees, this must be achieved through a restructuring exercise rather than the redundancy process.

Selection

After the consultation period has ended selection will be made based on the standard selection criteria which will be applied hierarchically as follows:

- (a) the termination of fixed term contract holders appointed within the agreed guidelines on the use of fixed term contracts;
- (b) the requirements of the curriculum and organisational needs of the school;
- (c) volunteers to work on a job-share or to reduce their hours to work on a part-time basis, or requests for voluntary redeployment in an effort to avoid the need to make a compulsory redundancy;
- (d) qualifications, experience, skills, flexibility of staff to teach/work in other subjects/areas in the school, measured in relation to the curriculum/organisational needs of the school.

The beginning of pregnancy to the end of maternity leave is a “protected period” during which a woman is entitled to have special consideration if this is necessary to make good any disadvantage she may otherwise experience.

If you are on maternity leave, you have the right to return to the same job you had before you left. If you are made redundant whilst on maternity leave you will be offered any suitable alternative vacancy, if there is one. You will not need to apply for it.

Pregnant employees on fixed term contracts have similar maternity and employment protection rights to permanent employees. Any suitable alternative work should be offered, even when the woman is on a fixed term contract.

Personal Hearing and Appeal

You will be invited to attend a hearing and you will be given 10 days' notice of such a meeting.

You will have the right to appeal the outcome.

2 Retirement Policy

We are committed to achieving a working environment which provides equality of opportunity and to encouraging full contribution from its diverse community, including benefiting from the skills, knowledge and experience of its older workers. In order to facilitate this, we operate a flexible retirement policy.

We do not operate a compulsory retirement age and you may therefore voluntarily retire at a time of your choosing.

Discussion Meetings

During the performance appraisal meeting, we will discuss your performance and training needs. These meetings may also include a discussion of your future plans or proposals for retirement and should be viewed as an informal opportunity for us to plan together for the future.

At any time, you are free to initiate discussions about retirement plans with your line manager. When you reach a decision to retire, you should notify us, using the procedure set out below.

Retirement Procedure

This procedure sets out **flexible retirement** options applicable to members of the Local Government Pension Scheme (LGPS).

Teachers' Pensions have introduced similar **phased retirement** arrangements for teachers who are members of the Teachers' Pensions Scheme (TPS). These are also detailed in this document. Whilst the pension implication and application procedures will be different for teaching and support staff the principles contained in this guidance should be applied to all employees.

Benefits of Flexible and Phased Retirement

Flexible and phased retirement can offer benefits for both employers and employees, by:

- helping with the management of organisational change by providing an option to older workers whose employment may be at risk, thus helping to avoid redundancies and associated costs;

- Helping to develop a balanced age profile within the workforce by retaining older workers and keeping their skills, knowledge and expertise within the workplace;
- Offering opportunity for better succession planning and developing the capacity for older workers to act as mentors
- Giving employees the flexibility to:
 - reduce their work commitments ahead of full retirement by making a staged adjustment to life without paid employment
 - change their work routine and offer capacity to develop new interests ahead of full retirement
- Improving work life balance
- Extending working lives

You will need to ensure that any decisions that they may make when considering flexible or phased retirement options you take into account your financial liabilities/commitments. Sources of advice include:

- An independent financial adviser
- Bank or building society – but who, in most cases, will advise only in respect of their own financial products and services
- Voluntary organisations such as Age Concern and Citizen's Advice Bureau – particularly in respect of state pensions, benefits and debt management
- NCC Welfare rights service – benefits entitlements

Each application will need to be considered by head teachers/ governors with support from the FHT on an individual basis and matched against the following criteria:

- to support the re-design of the school support staff staffing structure;
- where the role undertaken by the individual employee has changed to such an extent that some of the duties are no longer required but where some specialist skills need to be retained;
- where there are significant personal circumstances which would be supported by a reduction in working hours or responsibilities;
- where the employees particular skills are no longer required and they do not have the transferable skills to other areas of the school; where due to ill health and in the opinion of the FHT they are no longer able to effectively meet the demands of the job and where an application for a Certificate of Permanent Incapacity, under the Local Government Pension Regulations has been unsuccessful;
- where it can be demonstrated that continued employment will have a detrimental effect on the school;

- where there are significant long term financial savings to the school e.g. protected salary and where these are not greatly outweighed by additional costs to the Department;
- organisational needs of the school;

Cases must be submitted to the FHT for approval and will take into account the above but also the FHT and school funds available to support any costs.

If you are aged 50 or over and have been granted your pension through this route you will receive reduced pay (either through a reduction in hours of your existing post or working in a lower graded post) as well as the pension benefit accrued to the point at which the change took effect. This may or may not be actuarially reduced; this will depend on their age and length of service.

Key points to note for support staff

There may, dependant on individual circumstances, be a cost (in the form of an actuarial reduction in pensions benefits) through taking the flexible retirement option.

You will, however, receive the pension that you would have been entitled to had you fully retired at that point in your working life.

From the point at which flexible retirement benefits are taken, pension contributions into the LGPS may continue, but this will be treated as a new membership of the scheme. As a result, when you finally retire, you will be entitled to a second pension based on this second period of service.

If you finally retire (from this further employment) before age 65, it is likely that pension benefits accrued during this second period of pension scheme membership will be actuarially reduced, although you may opt to have payment of pension benefits deferred until you reach age 65.

An important factor to be considered is that once a pension has been agreed and put into place, it cannot be recalculated and an actuarial reduction, once in place, cannot be rescinded.

If you are considering the flexible benefits option, you should look into the possible impact of future events and the possible impact on pension payments over the longer term.

You are advised to consider what other alternatives might be available to you, such as a straightforward reduction in contracted hours or responsibility. This should be discussed with the head teacher, with relevant support from the FHT

Phased Retirement for Teachers Age 55 and over

Teachers can receive pension benefit, with no break in service, whilst still holding the job through which this was accrued. As a result, a teacher aged 55 or over whom, with their employer's consent, moves to part-time working or by relinquishing some responsibilities, can apply to receive up to 75% of their actuarially reduced pensions benefits (ARB) in the form of a pension and lump sum.

In the case of a reduction in grade there would have to be a suitable vacant post available in school at a lower grade in order for this to be considered.

Once the head teacher and / or governors have agreed that you can reduce your hours or there is a post of lesser responsibility available in school the ARB pension arrangements can be put in place. Alternatively you could resign from one school to secure a post at another school allowing for a reduction in salary of up to 25% and then apply for phased retirement benefits.

The retirement would normally take place from the end of a term i.e. 30 April, 31 August or 31 December. The new post or reduction in hours would be taken up from the following day.

Key points to note for teachers:

There is no cost to the employer so FHT consent is not required however the school must be able to accommodate the reduction and once this has been agreed by governors as with normal ARB retirements the school can delay the retirement by up to 6 months

If you are aged 55 or over applying to receive your pension through this route you will receive your reduced pay (either through a reduction in hours of your existing post or working in a lower graded post) as well as the ARB pension benefits accrued to the point at which the change took effect.

This option can be exercised twice before final retirement

The remaining service, which must be at least 25%, will be aggregated with the subsequent service accrued being used in any further benefit calculations.

Further details can be found on the teachers' pensions website at www.teacherspensions.co.uk

You will be notified of the changes to your hours, pay and other in writing. Your continuous service, will normally be preserved despite taking up a flexible or phased retirement option if you remain in employment with the FHT without any break in service.

More information about the local government pension scheme is available on the LGPS web site: www.lgps.org.uk

More information and leaflets about teachers' pensions is available on the TPS website www.teacherspensions.co.uk

Flexible Retirement Process for Support Staff

This document sets out the procedure for school based support staff flexible retirement applications.

Applications should be put in writing to your head teacher who will consider the request and discuss the options with you.

Consideration must be given to:

- A minimum reduction in contracted hours of at least one full working day for full time employees. Part time employees contracted hours to be reduced on a pro-rata basis.
- Where a reduction in grade is requested there must be a post available in school at a lower grade
- For cases where the granting of a flexible retirement request will result in a pension strain cost to the FHT, a greater reduction in contracted hours of up to 50% will normally be required, dependant on the circumstances of each individual case.
- In cases where the governing body wishes to support an application for flexible retirement which is not granted by the FHT then this would be possible but the cost of the flexible retirement and on-going costs would have to be met by the school budget.
- Head teachers and governors should not normally consider redesigning jobs with a view to reducing the grade solely to facilitate flexible retirement; exceptions to this may include where this would facilitate the retention of particular skills in areas with recruitment difficulties or where it might meet a temporary service need pending restructure. In such cases the change in grade will be determined through the application of the appropriate job evaluation scheme (which will be done prior to final consideration of the request).
- Requests to reduce hours/grade may be made where pension is not claimed or where the employee is not a member of the LGPS. Any such requests will be considered on their merit and will be dealt with as variations of contract by mutual agreement.
- In cases of disciplinary, attendance management or capability procedures being underway, the FHT may decline to consider requests for flexible retirement until any such cases have been fully dealt with (including appeals stages).
- Where an employee on a protected salary seeks flexible retirement, pay protection will not continue for the post in which they continue employment.

FHT will examine the circumstances and costs of each request before agreeing to recommend a flexible retirement request. A clear business case will need to be prepared in each case to support the decision. This will need to cover:

1. details of the proposed retirement and any related establishment matters
2. cost implications
3. service/ongoing workload management implications

Other than in very exceptional circumstances, the FHT will not waive the costs of the early release of pension for employees who do not satisfy the 85 year rule until after their 60th birthday.

Where a flexible retirement request is declined, you will be informed in writing, with the reason for the rejection clearly stated.

Should you wish to make a complaint about the application of the flexible retirement procedure you should do so using the grievance procedure.