

# Maplewell Hall School



## Code of Conduct

**including low-level concerns, allegations against staff and disciplinary policies**

<b>Policy Created</b>	<b>October 2022</b>
<b>Governing Body Committee</b>	<b>Full Governing Body</b>
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# Code of Conduct

## INTRODUCTION

This Code of Conduct applies to all employees based at Maplewell Hall School. For the purpose of this Code reference to employees also includes workers and agency workers. The Code of Conduct is intended as a guide to assist all those working within this school understand and comply with the school's expectations in terms of their standard of conduct and behaviour. All employees are expected to adhere to the principles contained within this Code during the course of their work and/or when representing the Maplewell Hall School.

Concerns that arise where employees' conduct and behaviour fall short of the school's expectations should be reported in accordance with the Low-Level concerns policy. Creating a culture in which all concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable school leaders to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of Maplewell Hall School.

Where concerns meet the harms threshold, the Disciplinary Policy outlines the procedures to be followed to manage these allegations.

We aim to provide a high-quality provision for all pupils, staff and any external companies with whom we may have business with, and promote public confidence in the integrity of the School. All employees are expected to reflect high standards of behaviour both at work and in their private life and set a good example to pupils and colleagues at all times. Employees should be mindful of their behaviour outside the School and the reflection this may have on themselves, the School and their profession.

This Code of Conduct, including the Low-Level Concerns, Allegations Against Staff, and Disciplinary Policies should be read alongside the school's Safeguarding and Child Protection Policy which defines safeguarding and promoting the welfare of children as:

- protecting children from maltreatment
- preventing impairment of children's mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care and
- taking action to enable all children to have the best outcomes

All employees of this School must ensure that they adhere to the relevant professional standards for their role, as listed below. Employees must also safeguard children's wellbeing and maintain public trust in their profession, as part of their professional duties:

- Teachers' Standards (2012)
- National Standards of excellent for Headteachers (2015)
- National Standards for Subject Leaders (1998)
- SenCo Standards
- Draft National Standards for School Leaders
- School Leadership Standards
- National occupational standards for supporting teaching and learning in schools

This Code complies with the requirements of relevant legislation, and reflects the School's Policies and Procedures.

All employees must read this Code and the policies contained within it carefully and seek advice and guidance on any matters that they do not fully understand.

Any breaches of this Code may result in a formal investigation being carried out under the School's Disciplinary and Allegations policies and procedures and could result in disciplinary action.

## **EQUALITY & DIVERSITY IN THE WORKPLACE**

All employees have a personal responsibility to promote equality and diversity within this School in respect of their colleagues, governors, pupils, their parents/carers and the local community.

### **Equality**

Employees will ensure that everyone is treated fairly and with respect. It is against the law to discriminate against anyone because of:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation

### **Diversity**

Employees will recognise and value diversity of others within the work place and understand how any differences can benefit others, our School and the local community.

## **DIGNITY & RESPECT**

As per section 1.2 all employees are expected to maintain a high standard of behaviour and personal conduct at all times to ensure that everyone in School is treated with dignity and respect.

A respectful workplace:

- welcomes all
- encourages employees to be the very best they can be
- promotes equality of opportunity and treatment of others
- respects diversity
- promotes employee health and wellbeing
- communicates expectations around behavior and personal conduct
- strives for improvement and transparency
- encourages open and honest communication between employees and
- ensures that all disputes at work are dealt with effectively under the relevant policies and procedures

All employees are responsible for treating others, including governors, colleagues, pupils, parents and carers, with dignity and respect and will not purposely make anyone feel excluded or unaccepted.

All employees must act with personal and professional integrity, respecting others by:

- never using inappropriate or offensive language in School
- acting in the best interests of the School and its ethos
- being honest and acting with integrity
- treating pupils and others with dignity and respect
- showing tolerance and respect for the rights and beliefs of others
- acting as a role model for pupils by consistently demonstrating high standards of behaviour
- not undermining fundamental British values, including democracy, the rule of law individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- not expressing personal beliefs in a way that will overly influence pupils, exploits pupils' vulnerability or might lead them to break the law
- conforming to Equal Opportunities legislation in all aspects of their work

Where an employee believes that they have been unfairly treated they may refer to the School's Grievance Policy. Where it is found that an employee has exhibited inappropriate behaviour, formal disciplinary may be taken.

## **SAFEGUARDING**

This section should be read in conjunction with, "Keeping Children Safe in Education" (KCSIE), the school's "Child Protection and Safeguarding Policy" and the local authority's "Safeguarding Induction Leaflet."

All employees, governors and volunteers will be given access to an electronic copy of the following documents and asked to mark them as read on MyConcern:

- KCSIE document part 1 and Annexe B
- the School's Child Protection and Safeguarding Policy
- the local authorities Safeguarding Induction Leaflet

All employees, governors and volunteers have a duty to safeguard pupils to ensure they are not harmed or at risk of harm.

All employees will receive appropriate Safeguarding and Child Protection training. Safeguarding and Child protection training is delivered at the beginning of the academic year with half-termly updates delivered as part of the INSET calendar. Regular safeguarding induction training is delivered for staff who join part-way through the academic year. All employees will be expected to keep up to date with any changes made to the KCSIE document.

The headteacher is Jason Brooks. The Designated Safeguarding Lead (DSL) in this School is Rob Cooper. There are also a number of Designated Deputy Safeguarding Leads (DDSLs): Chris Hout, Craig Palmer, Jacqui Tarry, Martine Johnsen, Emma Richardson.

The Nominated Safeguarding Governor is Ian Welch: [i.welch@maplewell.leics.sch.uk](mailto:i.welch@maplewell.leics.sch.uk)

LADO contact details: 0116 305 4141

Staff have a duty to safeguard pupils from harm, and to report any concerns they have. This includes physical, emotional and sexual abuse, and neglect.

Staff will familiarise themselves with our child protection and safeguarding policy and procedures, and the Prevent initiative, and ensure they are aware of the processes to follow if they have concerns about a child.

Our child protection and safeguarding policy and procedures are available on MyConcern and the school website. All staff must mark this document as read on MyConcern at the beginning of each academic year, or at the start of their employment if they start working for us during the year.

### **Low-level concerns about members of staff.**

A low-level concern is a behaviour towards a child by a member of staff that does not meet the harm threshold, is inconsistent with the staff code of conduct, and may be as simple as causing a sense of unease or a 'nagging doubt'. For example, this may include:

- being over-friendly with children
- having favourites
- taking photographs of children on a personal device without a professional reason
- engaging in 1-to-1 activities where they can't easily be seen
- humiliating pupils

Low-level concerns can include inappropriate conduct inside and outside of work.

All staff should share any low-level concerns they have using the reporting procedures set out in the Low-Level Concern policy attached as part of this Code of Conduct. We also encourage staff to self-refer if they find themselves in a situation that could be misinterpreted. If staff are not sure whether behaviour would be deemed a low-level concern, we encourage staff to report it. All reports will be handled in a responsive, sensitive and proportionate way.

Unprofessional behaviour will be addressed, and the staff member supported to correct it, at an early stage. This creates and embeds a culture of openness, trust and transparency in which our values and expected behaviour are constantly lived, monitored and reinforced by all staff, while minimising the risk of abuse.

Our procedures for dealing with allegations will be applied with common sense and judgement.

### **Allegations that may meet the harm threshold.**

This section applies to all cases in which it is alleged that anyone working in the school, including a supply teacher, volunteer or contractor, has:

- behaved in a way that has harmed a child, or may have harmed a child, and/or
- possibly committed a criminal offence against or related to a child, and/or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children, and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place inside or outside of school

We will deal with any such allegation quickly and in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

A 'Case Manager (Jason Brooks – Headteacher)' will lead any investigation. This will be the headteacher, or the chair of governors where the headteacher is the subject of the allegation.

### **Whistle-blowing**

Whistle-blowing reports wrongdoing that it is "in the public interest" to report. Examples linked to safeguarding include:

- Pupils' or staff's health and safety being put in danger.
- Failure to comply with a legal obligation or statutory requirement.
- Attempts to cover up the above, or any other wrongdoing in the public interest.

Staff are encouraged to report suspected wrongdoing as soon as possible. Their concerns will be taken seriously and investigated, and their confidentiality will be respected.

Staff should consider the examples above when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

For our school's detailed whistle-blowing process, please refer to our whistle-blowing policy.

### **DATA PROTECTION & CONFIDENTIALITY**

This section should be read in conjunction with the School's Data Protection Policy.

Employees are privy to confidential and sensitive information about the School, their colleagues, volunteers, pupils and their parents. The Data Protection Act 2018 states that anyone who is responsible for using personal data must follow strict data protection principles.

All employees must therefore ensure that any information collected is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is proportionate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

Employees must:

- not disclose, or use (directly or indirectly) any information (either about School business, employees, pupils, parents, or external agencies) received in the course of their work or allow others to do so whether during their employment or after their termination. Any such data must only be accessed by authorised users for legitimate purposes
- not use data held by the School for any purpose other than that for which it is intended
- ensure that all data is kept secure (i.e. locked away or protected by password) and that data on screens or within documents are not left within view of others

- not disclose or display information about logins or passwords for automated devices, or keycodes or similar for manual locks
- ensure that when sharing personal or sensitive data external to the School, that it is done by secure methods taking care to minimise the risk of loss and making sure it reaches the intended recipient

When an employee is in doubt about whether to share information or keep it confidential, they must seek guidance from the Head Teacher.

Employees must follow and comply with the School's data handling/information security/privacy notice at all times. Failure to do so is considered a serious breach.

## **DECLARATION OF INTEREST / CONFLICT**

The School understands and encourages employees to undertake activities outside of work and take an active role in their community. However, employees should avoid any activities that have the potential to cause a practical conflict with their employment, or reputational harm to the School or undermine the School's trust and confidence in them.

If a conflict, or potential conflict, arises during the course of an employee's employment with the School, this must be declared to the Head Teacher for their consideration as to whether it would be appropriate to continue with the activity. Where an employee fails to comply with instructions from the Head Teacher it may be treated as a disciplinary matter.

It is the responsibility of employees to declare any interests or conflicts. Failure to do so may be considered a disciplinary matter. Any concerns or queries regarding interests or potential interests should be discussed with an employee's line manager at the earliest opportunity.

## **GIFTS & HOSPITALITY**

Employees should not accept or give any significant gifts or offers of hospitality, as this could be perceived as an act of bribery to influence decisions or may be construed as favouritism, which might then compromise the individual or the School. The term "gift" can also include the provision of services at a lower cost than that charged to the general public.

Employees should notify the Head Teacher if they receive any gifts of substantial value or significance and, where possible, decline the offer politely and firmly. If in doubt employees should discuss the matter with the Head Teacher.

Any provision of hospitality that is seen as necessary to represent the School may be accepted with the approval of the Head Teacher (or in the case of the Head Teacher, Chair of Governors).

Gifts of appreciation such as gifts at Christmas or "Thank You" gifts given at the end of a School term, which have no substantial financial value (less than £25) can be accepted and do not need to be declared to the Head Teacher.

Under no circumstances should employees accept cash as a gift, even below £25, unless it is cash for donations to the School's charitable funds. Any such donations must be handled in line with the financial procedures.

## **INTERNET ENABLED DEVICES**

When at work, staff may use Internet enabled devices, including personal devices, to access:

- school email
- MyConcern and Confide
- Go4Schools
- Weduc
- Evolve
- Bluesky

Staff may not use Internet enabled devices, including personal Internet enabled devices, for personal reasons:

- during lesson times/when teaching is taking place
- when supervising pupils outside of the classroom (e.g. at break times/lunch times)
- at any time when responsible for the health and safety of pupils, including whilst off School premises (e.g. on a School trip)

Staff should not take personal calls during working hours, excluding break/lunch times. In the event of an emergency staff can be contacted through the school office.

Staff may use Internet enabled devices, including personal Internet enabled devices, to take audio, video or still images of the school, school pupils and their work under the following specific circumstances:

- All audio, video and images are saved on school devices, or to the school network or a cloud-based service held under a Maplewell Hall School professional account;
- All audio, video or still images are deleted from personal Internet enabled devices in the presence of a member of SLT or the network manager;
- All audio, video or still images taken are for the purpose of collecting evidence of academic, P4A or Career Education progress, or to record evidence to support a safeguarding concern.

Employees must not give out their personal phone numbers or contact details, including personal email addresses to pupils or their parent/guardians.

Employees must not keep inappropriate or illegal content on any device brought into, or used in school, or while carrying out school business.

Where there is a need to deviate from any of the above (e.g. in an emergency situation), employees must inform the Head Teacher immediately or as soon as practically possible.

The above points aim not only to protect pupils but also to protect employees from allegations of misconduct or inappropriate behaviour.



Employees bringing a personal mobile phone or hand-held device into School do so at their own risk. The School will not be held responsible or accept any liability for personal equipment that is lost or is stolen.

## **NOTIFICATIONS OF CONVICTIONS / CAUTIONS**

Employees **must** disclose **any** cautions or convictions:

- prior to or on appointment
- at any other time during their employment

Where employees receive any new cautions or convictions during their employment at the School this must be disclosed to the Head Teacher. Consideration will be given to how the caution or conviction impacts on an individual's role within School.

The above also applies to any driving convictions received by prospective and existing employees.

This School operates a re-checking process which will require all employees to undergo a further DBS check every few years depending on the position held within school. Failure to undergo any further checks when requested to do so may result in disciplinary action being taken which could lead to dismissal or may lead to SOSR dismissal.

## **PERSONAL APPEARANCE & DRESS CODE**

It is important that all employees ensure that their dress and personal appearance is appropriate at all times. All employees must therefore:

- be responsible for their general presentation and personal appearance
- be considerate of and promote a positive image of the School
- ensure that clothing and any jewellery worn is appropriate to the role being undertaken (N.B. It is recognised that some roles will require employees to wear sports clothes, such as those involved in PE. For these individuals appropriate sportswear and equipment should be worn and jewellery must be kept to a minimum to avoid injury)
- ensure that clothing and/or personal appearance is appropriate and will not cause embarrassment or offence to others. Clothes should be non-offensive and contain no provocative logos or remarks
- ensure that clothing does not over-expose parts of the body (e.g. stomach or chest) or is transparent. Tight or revealing clothes, including mini-skirts, low cut tops or low waistlines are not considered appropriate
- ensure dresses, skirts and tailored shorts should be of a reasonable length
- ensure that footwear is suitable for the duties undertaken. Strapless sandals or flip-flops which do not provide necessary protection or are considered a health and safety risk should not be worn, unless there is a medical reason for doing so.

## **Health & Safety**

Personal Protective Equipment (PPE) must be worn as directed/instructed/trained or where a risk assessment indicates that it is necessary to control residual risks.

## **Religion & Faith**

The School recognises the diversity of cultures and religions of its employees and will take a sensitive approach when this affects dress requirements.

Employees of particular faiths or religions, who are required to wear specific types of clothing will be respected subject to where this may pose a hazard to the health and safety of anyone or where this impacts on teaching and learning.

## **Hair**

Hair (including facial hair) should be neat and tidy at all times and hair should always be worn tied back when handling food or where there may be a health and safety risk.

## **Tattoos**

Any visible tattoos should not be offensive to others. Where they are deemed to be offensive or are of an adult nature they should be covered appropriately.

The above list is not exhaustive in defining acceptable and unacceptable standards of dress and appearance and staff should use common sense in adhering to the principles listed above. The School reserves the right to highlight any inappropriate clothing and may require employees to address this matter if considered necessary.

There may be times when employees wish to support different charities and they would like to ask for exceptions to the normal rules, for example, Jeans for Genes Day and Christmas Jumper Day. On these occasions, employees must still be mindful of the principles contained within the code.

Failure to adhere to the School's standard of dress and appearance could constitute misconduct and may result in disciplinary action.

## **PERSONAL RELATIONSHIPS**

It is recognised that there may be occasions where personal relationships exist amongst individuals at work. Where such employees are, or may be, working closely with colleagues with whom they have a personal relationship, they must:

- ensure that any such relationships do not adversely affect their employment or ability to carry out their role
- protect against bias/unfair advantage or prejudice, particularly where they have supervisory or managerial responsibility over another
- avoid situations where there is potential for conflict of interest
- ensure that situations do not develop where other employees feel unable to speak openly and honestly, or feel that a relationship is having an adverse impact on their own employment

The reason for this is to protect all parties from any accusations of breaches of confidentiality or the abuse of authority or conflict of interest.

A **personal** relationship is defined as:

- a family relationship (e.g. grandparents, in-laws & step-parents), siblings and children & grandchildren (including in-laws and step children)
- a sexual/romantic relationship (e.g. spouses or partners)
- a business/commercial/financial relationship or
- any other close personal friendship or relationship

NB. this is list not exhaustive.

An employee involved in any part of the recruitment process who has a personal relationship with an applicant should declare this from the outset. They should also not act as a referee for that person where possible. Such employees must not be involved in the following:

- recruitment processes
- decisions relating to pay in respect of that individual
- decisions related to or the management of the employee's performance
- any conduct issues that arise that may involve the employee

### **Disclosure of a Personal Relationship**

Employees should talk to the Head Teacher about any personal relationship which develops or ends during the course of employment. If an employee is in doubt as to whether their relationship should be disclosed, they should seek advice from the Head Teacher. In these circumstances, any disclosure will be treated fairly and confidentially.

### **PHOTOGRAPHS & RECORDINGS**

Employees must only take photographs/videos of pupils and/or their colleagues for purposes related to their professional responsibilities.

Photographs taken for official School use may be covered by the Data Protection Act 2018 and/or the Keeping children safe in education (KCSIE) document, and pupils/employees should be advised of the reasons why any photographs or videos are being taken.

Where images or recordings of pupils/employees are used for publicity purposes, appropriate consent of the individual concerned and their parents/carer must be obtained. Images must not be displayed on websites, in publications or in a public place without explicit consent.

Employees taking photos, videos or sound recordings for School purposes should use School equipment where school equipment is available. When using a personal device, the images and recordings taken should be saved on the school network or on cloud-based storage held under a school account. Images and recordings should be transferred from personal devices and deleted by the network manager. This part of the process is to provide staff with a witness to verify the images and recordings have been stored and deleted appropriately.

Employees who are not clear on the use, collection or handling of data, including photography or recordings, must seek advice either from the Head Teacher or the School's Data Protection Officer. Ignorance regarding Data Protection regulations cannot be used as an excuse for failing to comply with the requirements and will be treated as a serious issue.

### **PROTECTION OF SCHOOL PREMISES / PROPERTY & EQUIPMENT**

Employees are responsible for the safe keeping and the appropriate use of the School premises, property and any equipment belonging to the School that is under their control or in their possession. This includes, but is not limited to:

- school owned documents
- school books, including text books, reference books etc
- laptops/tablets
- mobile phones/hand held devices
- office equipment

- keys
- security passes
- credit cards
- any other property that may be given to individual employees.

Employees must:

- take good care of School property and equipment, when used both on-site or outside of the School premises
- ensure that all property and equipment is maintained appropriately in accordance with the School policy
- take reasonable steps to ensure the security of School property at all times; this includes taking all steps to ensure that the property is not misplaced, lost or stolen, ensuring confidential information cannot be viewed, accessed or copied
- obtain written permission for use of School property/equipment where this is for non-work purposes, setting out the clear use/purpose and duration
- not use the Schools property/equipment if intoxicated through alcohol consumption or drug taking
- comply with Health and safety obligations at all times
- respect both the School premises and equipment
- on the termination of their employment, return all School property

## **SECONDARY EMPLOYMENT**

Employees may take up additional employment, paid or unpaid, providing it will not create a conflict of interest, cause the School reputational harm or adversely affect an employee's ability to carry out their duties and responsibilities for the School effectively and efficiently.

Paid or unpaid employment includes, but is not limited to:

- taking up employment with any employer on any type of contractual arrangement
- running your own business
- private tutoring
- holding directorships or trusteeships
- participating or having any other interest in organisations that may be a competitor or supplier to the School

Prior permission must be sought from the Head Teacher before taking up any additional employment. Carrying out public duties (e.g. jury service) does not count as additional employment.

Employees must not use any School property or facilities to support additional employment without prior permission from the Head Teacher and any customer must be informed that the private nature of the work is not connected with the School.

## **SICKNESS ABSENCE: REPORTING PROCEDURES**

It is essential that all employees comply with the procedure for notifying the School of any absence in accordance with the School's arrangements as detailed in the staff handbook.

### **Staff Absence**

If a staff member is unable to come into school because of an illness or for any other reason, please inform SLT by telephoning **07511 801155 from 7:00 - 7:30am** in order to arrange cover for your absence. Please be

aware that the phone is switched off after this time and your call may be missed and therefore cover will not be put in place and staff will not be aware of your absence.

**If you are absent you are required to contact the school by 3:00 pm on the day of absence and speak with either Mandy Paris or Jason Brooks to advise whether you will be able to return to work the next day, or if further absence is required.**

Once an employee has notified the School of their absence, the employee should maintain regular contact with the School.

Employees who are absent for:

- less than 7 calendar days must complete a self-certification for their absence
- 7 calendar days or more must provide a valid fit note from their GP/consultant

Failure to follow the sickness reporting procedures may result in disciplinary action.

## **SMOKING & SUBSTANCE MISUSE**

### **SMOKING**

Smoking or vaping is not permitted anywhere on the School site or in the immediate vicinity. Appropriate signing out must take place when any employee leaves the premises. This is only permitted at lunch times, except where in the normal performance of duties.

### **ALCOHOL & SUBSTANCE USE**

Employees:

- must not be under the influence of alcohol or any substance which affects their ability to perform their duties, including driving, operating machinery and supervising pupils
- must never possess alcohol or illegal drugs or substances at work. non-prescription drugs, such as ibuprofen or paracetamol and prescription drugs must be kept in an appropriate secure location away from pupils
- must advise their manager if they are prescribed any medication which may affect their performance or ability to carry out their duties
- must alert the school and seek professional help as soon as possible if they have alcohol or substance misuse problems and commit to a programme to achieve a successful recovery
- must report as a low-level concern when they suspect that someone is under the influence of or abusing alcohol or substances

National support and advice can be obtained from organisations:

- Drinkline: A free and confidential helpline for anyone who is concerned about their own or someone else's drinking: 0800 917 8282
- Smokefree: NHS stop smoking support: [www.nhs.uk/smokefree](http://www.nhs.uk/smokefree).
- FRANK: Advice on what to do to help someone who's having a bad reaction to drugs: [www.talktofrank.com/emergency-help](http://www.talktofrank.com/emergency-help).

## SOCIAL MEDIA

For more information on the acceptable use of Social Media this section should be read in conjunction with the School's Online Safety Policy.

Social media is constantly evolving and employees are therefore reminded of their continued responsibility to keep up to date with relevant developments and review their privacy settings on a regular basis when using all social media. Personal profiles must not be accessible to pupils and/or parents and all employees must ensure that any content that is posted or shared is appropriate and does not negatively impact on the school's reputation.

Employees are personally responsible for the content that they publish on social media sites, including "Likes" (on Facebook); "re-tweets" (on Twitter), You Tube, Snapchat, Instagram, LinkedIn, Yammer, WhatsApp etc.

It is important when using Social media that all employees ensure that they do not bring the School into disrepute, by making potentially false, derogatory, offensive or defamatory comments, either directly or indirectly, about the School, colleagues, individuals, pupils or parents that could negatively impact on the Schools reputation or cause embarrassment. This includes posting images or links to inappropriate content or using inappropriate language.

Employees must note the following (this list is not exhaustive):

- Assume that everything can be traced back to them personally as well as to the School, their colleagues, pupils and parents;
- Avoid any conflict of interest and ensure that personal social networking sites are set to private and pupils are never listed as approved contacts. An exception to this may be if the child is the employee's own child, relative, or family friend;
- Potentially false, derogatory, offensive or defamatory remarks (direct or indirect) regarding the School, employees, pupils, pupils' relatives, the School suppliers and/or partner organisations must not be posted on social media;
- Employees must not represent their own views/opinions as being those of the School;
- Pupils must not be discussed on social media;
- Information must not be posted that would disclose the identity of pupils or could in any way be linked to a pupil. This includes photographs or videos of pupils or their homes;
- Employees must not divulge any information that is confidential to the School or a partner organisation;
- Employees must not post information on sites including photographs and videos that could bring the School or themselves into disrepute;
- Employees must not upload, post, forward or post a link to any pornographic material (that is, writing, pictures, films and video clips of a sexually explicit or arousing nature);
- When posting on social media, employees must observe the requirements of the Equality Act 2010 and the Human Rights Act 1998 and must not use any offensive, obscene, derogatory, discriminatory language which may also cause embarrassment to the School, employees, pupils, pupils' relatives, Council suppliers and partner organisations;
- Employees must never impersonate another person on social media;
- Employees must not upload, forward or post a link which is likely to create any liability for the School (whether criminal or civil), breach copyright law or other intellectual property rights, or which invades the privacy of any person;
- Employees must not engage or communicate with students and/or parents regarding any School matters via their own personal social media accounts. Only the use of School

accounts is permitted for this, and only where there is a professional reason for doing so;

- Employees must not post content that may breach professional standards or the standard reasonably expected of an employee.

The School will take disciplinary action against employees for inappropriate use of social media, including use of social media conducted outside of working hours.

## **DISCIPLINARY MATTERS**

Failure to adhere to any of the principles of this Code of Conduct may constitute grounds for disciplinary action and could result in summary dismissal. This includes:

- a personal breach of the code
- failing to promptly report a suspected breach of the code
- encouraging others to breach any part of the code

Employees who do not understand any of the principles contained within this Code of Conduct should seek advice and clarification from the Head Teacher.

# Low-Level Concerns Policy

This policy is consistent with Part four of the guidance document 'Keeping Children Safe in Education' updated September 2022: Safeguarding concerns and allegations made about staff, including supply teachers, volunteers and contractors, which states:

*352. Schools and colleges should have their own procedures for dealing with safeguarding concerns or allegations against those working in or on behalf of schools and colleges in a paid or unpaid capacity, this includes, members of staff, supply teachers, volunteers and contractors.*

And

*422. Governing bodies and proprietors should have policies and processes to deal with any concerns (including allegations) which do not meet the harm threshold, referred to in this guidance as 'low-level' concerns. It is important that schools and colleges have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children.*

## **Low-level concerns**

*423. As part of their whole school or college approach to safeguarding, schools and colleges should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.*

*424. Creating a culture in which all concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:*

- *encourage an open and transparent culture*
- *enable schools and colleges to identify inappropriate, problematic or concerning behaviour early*
- *minimise the risk of abuse and*
- *ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution*

## **Introduction**

At Maplewell Hall School, we take safeguarding very seriously. This includes ensuring that adults who work with children do so in a way that is in accordance with the ethos and policies set out by the school, including the Staff Code of Conduct. We also take seriously the well-being of staff and acknowledge that low-level concerns raised may be indicative of a member of staff experiencing mental, physical or financial difficulties in their personal or professional lives. The management and investigation of low-level concerns will always prioritise the safeguarding of students but will also consider the welfare of staff.

This policy sets out the detail and processes for staff to follow regarding low-level concerns they may have.

## **Summary**

All staff have a professional duty to report any concerns they have about the conduct of a colleague or any other adult including volunteers and contractors associated with the school. The conduct of an adult may be indicative of difficulties being experienced in their professional or personal lives and the reporting of those concerns may be the first step towards accessing help and support. Concerns about the conduct of an



adult in school may also be indicative of a lack of understanding or training and may therefore protect the adult from future allegations, disciplinary or legal proceedings by identifying these training needs. Concerns about conduct may also be indicative of a risk of harm to students. In these cases, reporting concerns helps staff fulfil their safeguarding duties and failure to report concerns could in itself be a breach of the school's Code of Conduct.

The school uses Confide, an online platform for reporting and recording concerns about staff and other adults in school. The same system is used to manage any subsequent investigations where concerns become allegations.

## **Definitions**

### **Low-Level Concerns**

Concerns and/or allegations that do not meet the harm threshold are referred to as Low-Level Concerns. The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work and
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO

Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone, contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
- humiliating pupils

## **Allegations**

An allegation is a concern that may meet the harm threshold.

Where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:

- behaved in a way that has harmed a child, or may have harmed a child and/or
- possibly committed a criminal offence against or related to a child, and/or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children. This includes behaviour that may have happened outside of school or college, that might make an individual unsuitable to work with children, this is known as transferable risk

## **Using Confide to record and report concerns about staff, including adult volunteers and contractors**

All employees of Maplewell Hall School have a Confide account. Confide is a secure, online platform operated by The Safeguarding Company. This is the same company that operates MyConcern and Confide has been chosen because it shares many similar features with MyConcern and staff will therefore find the system familiar to use.

Staff log in on the Safeguarding Company portal using the same credentials as MyConcern. They then select Maplewell Hall School – Confide to report a concern about an adult.

### **Reporting concerns**

To report a concern, staff then click on the red “Report a Concern” button.

Once the concern has been reported, it should be submitted by clicking the blue “Submit Concern” button at the bottom of the page.

If unsure about whether to report a concern, staff should seek advice from the Case Manager (Jason Brooks – Headteacher)

### **Case Manager (Jason Brooks – Headteacher)**

The school has one Case Manager (Jason Brooks – Headteacher):

- Jason Brooks – Headteacher

The Case Manager (Jason Brooks – Headteacher) has access to all records and reports stored on Confide.

### **Administration of Confide**

The headteacher’s PA (Mandy Paris) has administrative access to Confide.

**If staff are recording a concern about the Case Manager (Jason Brooks – Headteacher), they should contact the Chair of Governors, Kaisra Khan directly and only record the concern on Confide if instructed to do so.**

Kaisra Khan [k.khan@maplewell.leics.sch.uk](mailto:k.khan@maplewell.leics.sch.uk)

**If there’s a conflict of interest in reporting to the either the Case Manager (Jason Brooks – Headteacher) or the Chair of Governors, go to the LADO: Allegations Line: 0116 305 4141 Email: CFS-LADO@leics.gov.uk**

### **DO NOT RECORD CONCERNS ABOUT CASE MANAGER (JASON BROOKS – HEADTEACHER) ON CONFIDE**

The Case Manager (Jason Brooks – Headteacher) will allocate categories, record any actions, and update chronology notes. If satisfied the concern is low-level and doesn’t meet harm thresholds, then the concern will be filed. If further action is necessary, for example an informal conversation with a line manager, or some additional training, then the Case Manager (Jason Brooks – Headteacher) may invite a Trusted User into the concern to act as temporary Case Manager (Jason Brooks – Headteacher). The decision to introduce a temporary Case Manager (Jason Brooks – Headteacher) into a concern will always take into account staff well-being, confidentiality and data protection.

If the harm threshold may have been met, the low-level concern will be escalated to an allegation and the Allegations Against Staff and Disciplinary Policies will come into effect.

### **Record keeping**

All low-level concerns will be recorded on Confide. In addition to details of the concern raised, records will include the context in which the concern arose, notes of any discussions or meetings in connection with the concern, any action taken and the rationale for decisions and action taken.

Records will be:

- kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as

described in section 1 of this appendix, we will refer it to the designated officer at the local authority

- retained at least until the individual's employment at the school ends

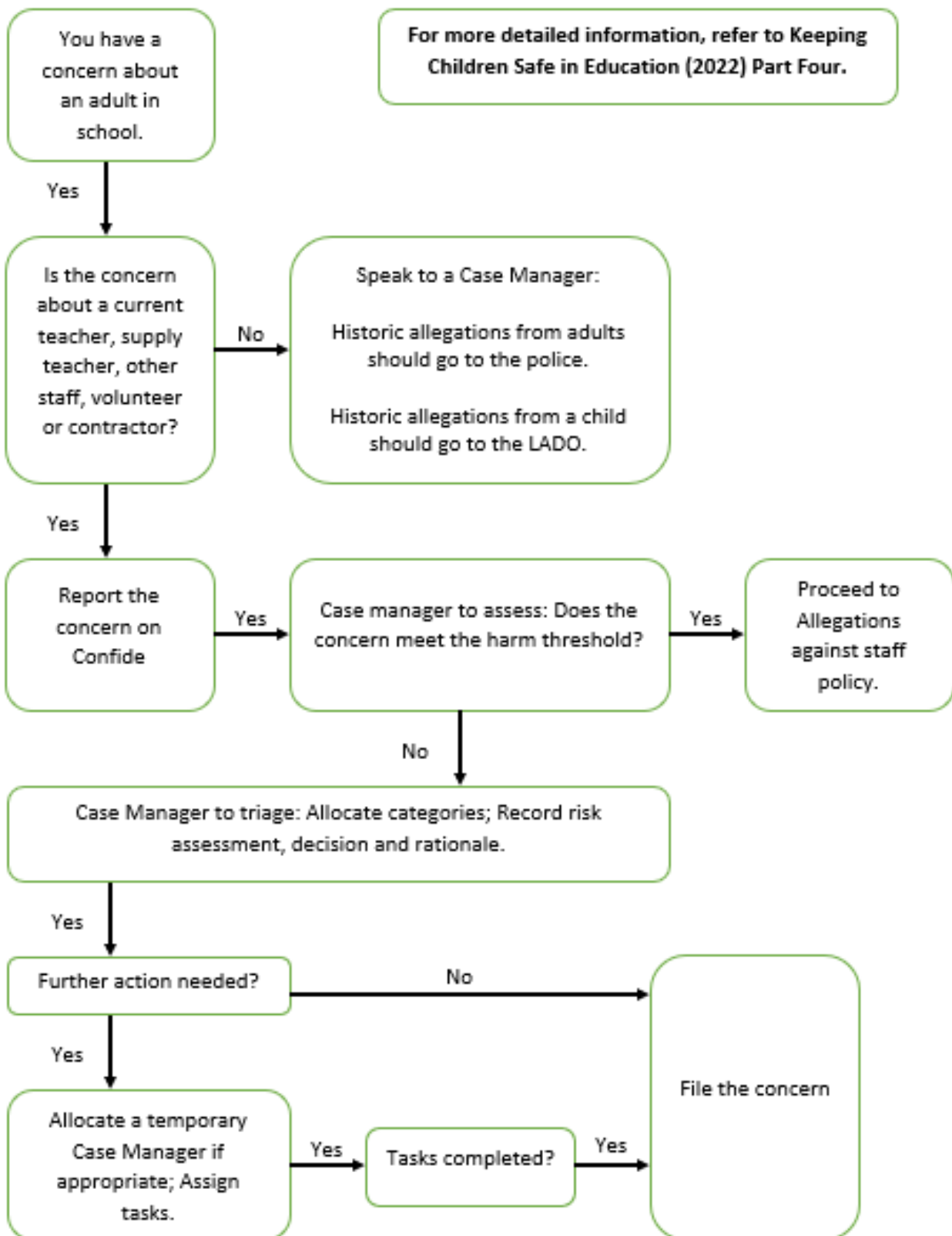
Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

### **References**

We will not include low-level concerns in references unless:

- the concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- the concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

### Low-level Concern flow chart



## Allegations against staff policy

This section describes the processes to be followed when a concern recorded on Confide is triaged and the Case Manager (Jason Brooks – Headteacher) concludes that the concern may meet the harms threshold. At this point, the concern becomes an allegation.

This section is based on Keeping Children Safe in Education, Part Four, Section one: Allegations that may meet the harms threshold.

This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, has:

- behaved in a way that has harmed a child, or may have harmed a child, and/or
- possibly committed a criminal offence against or related to a child, and/or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children, and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school

If the Case Manager (Jason Brooks – Headteacher) is in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO): 0116 305 4141 (Allegations Line); [CFS-LADO@leics.gov.uk](mailto:CFS-LADO@leics.gov.uk)

The school will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

A 'Case Manager' will lead any investigation. This will be the headteacher, or the chair of governors where the headteacher is the subject of the allegation. The Case Manager will be identified at the earliest opportunity.

Our procedures for dealing with allegations will be applied with common sense and judgement.

### **Suspension of the accused until the case is resolved**

Suspension of the accused will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative. Based on an assessment of risk, we will consider alternatives such as:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned
- providing an assistant to be present when the individual has contact with children
- redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
- moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted
- temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the local authority.

If in doubt, the Case Manager (Jason Brooks – Headteacher) will seek views from the school’s personnel adviser and the designated officer at the local authority, as well as the police and children’s social care where they have been involved.

### **Definitions for outcomes of allegation investigations**

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive, or to cause harm to the subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

### **Procedure for dealing with allegations**

In the event of an allegation that meets the criteria above, the Case Manager (Jason Brooks – Headteacher) will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below;
- Discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children’s social care services. (The Case Manager (Jason Brooks – Headteacher) may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the Case Manager (Jason Brooks – Headteacher) will notify the designated officer as soon as practicably possible after contacting the police);
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children’s social care services, where necessary). Where the police and/or children’s social care services are involved, the Case Manager (Jason Brooks – Headteacher) will only share such information with the individual as has been agreed with those agencies;
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children’s social care services, as appropriate;
- Where the Case Manager (Jason Brooks – Headteacher) is concerned about the welfare of other children in the community or the individual’s family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children’s social care.

### **If immediate suspension is considered necessary**

The Case Manager (Jason Brooks – Headteacher) will agree the rationale for this with the designated officer and record the decision on Confide. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details.

### **If it is decided that no further action is to be taken**

In regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation

### **If it is decided that further action is needed, including disciplinary action**

The Case Manager (Jason Brooks – Headteacher) will take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate and:

- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate;
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The Case Manager (Jason Brooks – Headteacher) will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice;
- Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member);
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.

If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the school will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

### **Additional considerations for supply teachers and all contracted staff**

If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome;

- The governing board will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation;
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required;
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary).

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

### **Timescales**

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week;
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days;
- If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days;
- If an investigation under the disciplinary policy is required, the processes described in that policy should commence within 7 days.

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

### **Specific actions**

#### **Action following a criminal investigation or prosecution**

The Case Manager (Jason Brooks – Headteacher) will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

#### **Individuals returning to work after suspension**

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the Case Manager (Jason Brooks – Headteacher) will consider how best to facilitate this.

The Case Manager (Jason Brooks – Headteacher) will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

#### **Unsubstantiated, unfounded, false or malicious reports**

If a report is:

- determined to be unsubstantiated, unfounded, false or malicious, the Case Manager (Jason Brooks – Headteacher) will consult with the LADO and the school's DSL where appropriate to consider the appropriate next steps. If they consider that the child and/or person who made the allegation needs help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate



- shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

### **Confidentiality and information sharing**

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Case Manager (Jason Brooks – Headteacher) will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- who needs to know about the allegation and what information can be shared
- how to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- what, if any, information can be reasonably given to the wider community to reduce speculation
- how to manage press interest if, and when, it arises

### **Record-keeping**

The Case Manager (Jason Brooks – Headteacher) will maintain clear records on the concern chronology on Confide.

The Confide chronology of all concerns and allegations will include the following information:

- A clear and comprehensive summary of the allegation;
- Details of how the allegation was followed up and resolved;
- Notes of any discussions and meetings, action taken, decisions reached and the outcome.

Once the Case Manager (Jason Brooks – Headteacher) is satisfied that the relevant policy's have been followed and the concern can be closed, the Case Manager (Jason Brooks – Headteacher) will file the concern on Confide recording one of the following as the reason for filing the concern:

- Disciplinary complete and no formal action
- Disciplinary: 1<sup>st</sup> written warning
- Disciplinary: Final written warning
- Dismissal with notice
- Dismissal without notice
- False allegation
- Informal actions recorded and completed
- Informal investigation and no further action
- Malicious allegation
- Unfounded
- Unsubstantiated

The records of any concern and allegation that, following an investigation (either informal or under the Disciplinary policy), is found to be malicious, false, unsubstantiated or unfounded, will remain on Confide for the duration of their employment. A record of these concerns or allegations **will not** be transferred to the individual's personnel file.

The records of any concerns or allegations which are found to be substantiated, will remain on Confide for the duration of their employment. A record of these concerns or allegations **will** be transferred to the individual's personnel file and where appropriate a declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

### **References**

When providing employer references, we will:

- not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- include substantiated allegations, provided that the information is factual and does not include opinions

### **Learning lessons**

After any cases where the allegations are *substantiated*, the Case Manager (Jason Brooks – Headteacher) will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- issues arising from the decision to suspend the member of staff
- the duration of the suspension
- whether or not the suspension was justified
- the use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

For all other cases, the Case Manager (Jason Brooks – Headteacher) will consider the facts and determine whether any improvements can be made.

All lessons learned will be recorded on Confide.

### **Non-recent allegations**

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

# Disciplinary Policy

This policy applies to all staff including the Headteacher.

The Local Authority has the right to be represented at any hearings and this will normally be a member of the LTS HR team acting in an advisory capacity. The panel must consider any advice offered by the Local Authority when making their decision. The school must notify both the employee and the LA of their decision where any dismissal takes place.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body.

For the purposes of this policy the Head Teacher will be referred to as 'Head Teacher' and school will be referred to as 'school'.

## Purpose

The school requires all employees to achieve and maintain appropriate standards of conduct and behaviour. This policy provides a fair and consistent method of dealing with matters where disciplinary action is considered necessary.

## Safeguarding

Any allegations of misconduct that involve potential safeguarding issues will be dealt with in accordance with 'Keeping Children Safe in Education – statutory guidance for Schools and Colleges' and the school's safeguarding policy. If an allegation is connected to the safeguarding of children then the LADO will be contacted.

A referral will be made to the Disclosure & Barring Service (DBS) at the appropriate point in the process and to the Teaching Regulation Agency (TRA) (for Teaching staff) where necessary. Information provided by the Police or other agencies (e.g. investigation outcome, statements) will be shared with the employee where possible, unless specifically advised otherwise, particularly if this information will form part of the management case at a subsequent disciplinary hearing.

## Investigating Officer

An independent investigating officer will be appointed to carry out a thorough investigation into the alleged misconduct to establish the facts of the case and collate appropriate information.

An 'Investigating Officer', will either be:

- the employee's Line Manager
- a member of the SLT
- an independent/competent manager, Governor or Trustee, or
- an externally commissioned Investigating Officer

The Headteacher/Governor will only be the Investigating Officer in circumstances where they will not be responsible for making any decisions about the sanction.

## Initial Discussion

The purpose of this discussion is to ascertain the employee's immediate response to the concern(s) raised against them and to establish the initial facts to determine whether any further action (e.g. further investigation or suspension) is required. It is important to note that this meeting forms part of a manager's day to day responsibilities to manage their employees and as such is not a formal meeting.

Whilst it is not necessary to take notes at this point, any notes which are taken by the person conducting the initial discussion and which may be referred to at a later date, must be brief. The employee must also

have sight of these notes prior to the end of the discussion and receive a copy.

The potential outcomes of the conversation are:

- no further action is necessary
- deal with the matter informally, e.g. via a good practice discussion/expectation letter, mediation, training
- refer the matter to a Formal Investigation Meeting (possibly including suspension of the employee)

In cases where gross misconduct (see Appendix B) is alleged, the manager may bypass the initial discussion meeting and progress directly to a Formal Investigation Meeting.

### **Suspension**

Suspension is not a disciplinary penalty. It will not pre-determine in any way the outcome of any investigation. Employees may be suspended at any stage during the investigation process.

Suspension will only be considered if there are genuine and serious concerns about the employee remaining in the work place. Any suspension will be kept under regular review and the duration will be kept to a minimum. The reason for the suspension will be made clear to the employee and confirmed in writing.

### **Formal Investigation Meeting**

No formal disciplinary action will be taken until the matter has been fully investigated which may include the employee attending a Formal Investigation Meeting. The organisation reserves the right to dispense with an investigation meeting and to proceed directly to a disciplinary hearing.

At least 5 working days' written notice will be given for a formal investigation meeting at which the employee has the right to be accompanied by a work colleague or Trade Union representative. The letter inviting the employee to the meeting will outline the nature of the concerns. Notes will be taken at this meeting and a copy sent to the employee for agreement.

At the meeting the Investigating Officer will:

- make clear to the employee what concerns have been raised
- ask the employee to respond to the concern(s) against them
- advise the employee that the matter may result in a formal disciplinary hearing at which they will have the right to be accompanied by a work colleague or Trade Union representative

The employee will:

- respond to the investigating officer's questions
- produce evidence that supports their position
- provide the names of any witnesses (if applicable) to support their case

### **Completing the Investigation**

Following the formal investigation meeting, the Investigating Officer will collect further evidence relevant to the case to ensure the matter has been thoroughly considered. This may include the collation of documentary evidence and/or witness statements (including evidence which may be in support of the employee) in order to establish whether there is an issue that needs to be addressed.

Once the investigation is complete, the investigating officer will consider, based on all available

information, whether there is a case to answer. The potential outcomes of the investigation are:

- no further action is necessary
- deal with the matter informally, e.g. via a good practice discussion/expectation letter, mediation, training
- refer the matter to a formal disciplinary hearing (possibly including suspension of the employee)

Where the investigating Officer has been commissioned externally or does not have the authority to make such decisions on the outcome of the investigation, they will present their report back to the Commissioning/Decision Making Manager who will then decide how the case will proceed.

### **Disciplinary Hearing**

At least 10 working days' notice will be given to attend a disciplinary hearing. The invite letter will state:

- the reasons for the hearing
- the specific allegations to be considered at the hearing
- the names of any witnesses to be called by the management side
- the employee's right to be accompanied by a work colleague or Trade Union representative
- that a potential outcome of the hearing is dismissal

The employee will also receive copies of any relevant documentation that will be used as evidence during the hearing, including the management's statement of case.

It is the employee's responsibility to give advance notice that they intend to invite relevant witnesses (if required) to support their case at the hearing. Management will ensure that such witnesses are released from their duties to enable them to attend the hearing

During the hearing the employee will be given an opportunity to state their case, providing any relevant evidence and will be allowed to question both management and any witnesses.

Notes will be taken at the hearing and a copy sent to the employee. For the format of the hearing refer to the Appendix C.

The following outcomes are available to the panel or delegated person dependent on the seriousness of the offence and taking in to account any mitigation:

- no further formal action is necessary
- first written warning (which will remain on file for 6 months)
- final written warning (which will remain on file for 12 months)
- dismissal (with or without notice)

Employees will be dismissed with notice except in the case of gross misconduct. In the case of gross misconduct, the employee will be summarily dismissed with no notice.

The employee will be notified in writing of the outcome of the hearing. If the outcome is dismissal, the letter will include the reason for the dismissal and the date this is effective from. The letter will also include details of the employee's right to appeal.

### **Dismissal**

The school will also notify the Local Authority of the decision and the reasons for it. The Local Authority will then write to the employee to dismiss them within 14 days of the date of the notification.

## Right of Appeal

Individuals will have the right to appeal the decision. Appeals are to be made in accordance with the school's Appeal Policy.

## Case Referral

Where a teacher/Headteacher is dismissed for misconduct or resigns prior to the completion of the disciplinary process, the Investigating Officer or panel/delegated person may consider making the appropriate referral to the Teaching Regulation Agency in accordance with the TRA's "Teachers Misconduct: Disciplinary procedures for the teaching profession" document (updated 20<sup>th</sup> May 2020) which sets out the procedures for the regulatory systems relating to teacher misconduct. Information regarding how to make a referral can be found: <https://www.gov.uk/government/publications/teacher-misconduct-referral-form>.

## The Disclosure & Barring Service (DBS)

If the allegation against any member of staff (both Teaching and Support staff) is in any way connected to the safeguarding of children, a referral will be made to the Disclosure & Barring Service (DBS) by the Designated Safeguarding Lead in conjunction with the Investigating Officer.

If misconduct and safeguarding are both involved, a referral will be made to both the DBS and the TRA.

## Record-keeping

The Case Manager (Jason Brooks – Headteacher) will maintain clear records on the concern chronology on Confide.

The Confide chronology of all concerns and allegations will include the following information:

- a clear and comprehensive summary of the allegation
- details of how the allegation was followed up and resolved
- notes of any discussions and meetings, action taken, decisions reached and the outcome
- all documents and correspondences related to any investigation

Once the Case Manager (Jason Brooks – Headteacher) is satisfied that the relevant policies have been followed and the concern can be closed, the Case Manager (Jason Brooks – Headteacher) will file the concern on Confide recording one of the following as the reason for filing the concern:

- Disciplinary complete and no formal action
- Disciplinary: 1<sup>st</sup> written warning
- Disciplinary: Final written warning
- Dismissal with notice
- Dismissal without notice
- False allegation
- Informal actions recorded and completed
- Informal investigation and no further action
- Malicious allegation
- Unfounded
- Unsubstantiated

The records of any concern and allegation that, following an investigation (either informal or under the Disciplinary policy), is found to be malicious, false, unsubstantiated or unfounded, will remain on Confide for the duration of their employment. A record of these concerns or allegations **will not** be transferred to the individual's personnel file.

The records of any concerns or allegations which are found to be substantiated, will remain on Confide for the duration of their employment. A record of these concerns or allegations **will** be transferred to the individual's personnel file and where appropriate a declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

## Examples of Misconduct – Appendix A

The following list is not exhaustive but gives examples of offences which may amount to misconduct:

- Persistent bad timekeeping;
- Unauthorised absence from work;
- Failure to follow reporting procedures;
- Damage to school property;
- Failure to follow policies and procedures;
- Abusive or disruptive behaviour;
- Minor breaches of Health and Safety regulations;
- Misuse of school facilities;
- Insubordination;
- Failure to exercise proper control or supervision of students;
- Undertaking unauthorised employment;
- Failure to comply with the procedure for the notification of sickness absence;
- Improper behaviour or conduct towards colleagues, parents or members of the public;
- Unreasonable refusal to follow a management instruction;
- Showing inappropriate information/footage to students which is outside of the curriculum;
- Complaints from parents that have been upheld on balance of probabilities;
- Inappropriate use of social media which may affect your role in the school.
- Smoking and/or Vaping on school premises (including vehicles);

Serious examples of any of the above may amount to gross misconduct.



## Examples of Gross Misconduct – Appendix B

The following list is not intended to be exhaustive and gives only an indication of the types of offences which could be considered as gross misconduct:

- Serious incapability as a result of being intoxicated by reason of alcohol, non-prescribed drugs, illegal drugs or prescribed drugs which may have an adverse effect on performance and safety\*;
- Deliberate falsification of documentation and/or records
- Theft, removal or unauthorised possession or deliberately aiding another person to remove or failure to properly account for any property or facilities belonging to the school or to another employee or student;
- Repeated and/or refusal to carry out duties or reasonable instructions
- Failure to comply with the school's policies and procedures;
- Serious damage deliberately sustained to school property or to the property of another employee or pupil;
- Repeatedly leaving school premises during normal working hours without obtaining the permission of the line manager;
- Any indecent act (which is defined as any act of a lewd, suggestive or indecent nature which could cause any person to be offended or feel threatened);
- Serious acts of insubordination;
- Serious breach of the school's policies and procedures concerning health and safety at work;
- Acts of bullying, harassment or discrimination;
- Any tampering with the school's computer systems which results in loss or damage to hardware or software or unauthorized exposure of confidential information including the accidental installation of virus programs. This also includes any contravention of the General Data Protection Regulations and the disclosure of any password or key to unauthorized persons or to install, run, load or download any pornography, unauthorised software or to copy, run, transfer or load software such as public domain programs or games of any description or to disregard any operating protocol;
- Serious negligence/incompetence which causes unacceptable loss, damage or injury;
- Personal behaviour which is likely to bring the School into serious disrepute and/or have an adverse effect on students;
- A criminal offence, which may (whether it is committed during or outside of the employee's hours of work) adversely affect the school's reputation, the employee's suitability for the type of work they are employed to perform, or their acceptability to other employees or students;
- Violent or threatening behaviour;
- Breach of the Safe Guarding Vulnerable Groups Act 2006;
- Inappropriate use of social media which may affect your role in the school;

- Maladministration.

\*In certain cases, drugs prescribed by a doctor or purchased from a chemist can induce drowsiness and will include the advice not to operate machinery. Employees must inform their line manager if they have taken such medicine and would normally be required to operate machinery or drive a vehicle during the course of their work.

## Appendix C: Procedure for Formal Hearings

- The presenting officer, the employee and their representative will be invited into the room together.
- The chair of the panel will introduce all parties present and run through the procedure for the hearing.
- An employee who is not accompanied will be reminded of their right to representation by a work colleague or Trade Union representative.
- The presenting officer will present the evidence to the panel in the presence of the employee and representative. Witnesses may be called individually by the presenting officer in support of the case.
- The witnesses may be asked questions by the presenting officer.
- The presenting officer and any witnesses called may then be asked questions by the employee or their representative on the evidence presented.
- Members of the panel may ask questions of the presenting officer and witnesses on the evidence submitted.
- The employee or representative will state their case in the presence of the presenting officer. Witnesses may be called by the employee in support of their case.
- The employee and any witnesses called may then be asked questions by the employee or their representative.
- The witnesses may then be asked further questions by management.
- The panel may ask questions of the employee and their representative and any witnesses called.

**Note:** After completion of the above stages the witnesses will be:

- *instructed not to discuss the case outside of this process until after the hearing has been determined*
  - *asked to retire. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall*
- 
- The presenting officer will then have the opportunity to sum up the case. No new evidence can be included at this point.
  - The employee or their representative will have the opportunity to sum up on their behalf. No new evidence can be included at this point.
  - The employee, representative and presenting officer shall then withdraw from the hearing.
  - The Panel will then deliberate in private, only recalling the employee (and their representative) and the presenting officer to clarify points of uncertainty on evidence already given. If recall is necessary, both parties must return.
  - After deliberating, the Panel will invite all parties back into the room to deliver the decision.
  - The right of appeal against the decision will also be explained. The Panel will then formally write to the employee within 3 working days confirming the decision and any right of appeal.

