

St Cyprian's Greek Orthodox Primary Academy



Code of Conduct and Guidelines for Safe Working Practices for the Protection of Children and Staff

Revised: September 2016

Reviewed and ratified by Full academy Trust:

Date: 13/9/2016

Signed: 

Name: A. BROADBENT

Position: Chair

1. Introduction

- 1.1 The Governors of St Cyprian's Greek Orthodox Primary Academy have a legal duty under section 175 of the Education Act 2002 to safeguard and promote the welfare of pupils by creating and maintaining a safe learning environment.
- 1.2 In this regard, all St Cyprian's Greek Orthodox Primary Academy staff have a duty to keep children and young people safe and protect them from harm. Staff should ensure that they do not put themselves in situations in which allegations of abuse or inappropriate behaviour could be made.
- 1.3 The Public are also entitled to expect the highest standards of conduct from Academy staff, governors and volunteers and to have trust and confidence in their integrity.
- 1.4 All adults working at St Cyprian's Greek Orthodox Primary Academy must therefore act with the utmost good faith with regard to the business of the school and not do anything, which may adversely affect its reputation.
- 1.5 The following Code has been drawn up with a view to reducing the risk of staff being accused of improper or unprofessional conduct in all aspects of their work. It aims to help staff work safely and professionally and clarify what behaviour constitutes safe practice and what is unacceptable and/or illegal.
- 1.6 The Code refers closely to the IRSC Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings and has been agreed following consultation with the recognised trade unions.

2. Scope

- 2.1 The Code applies to all adults working in schools whatever their position, roles or responsibilities and is therefore aimed at all school-based staff and volunteers.
- 2.2 The Code is predominantly geared towards safe working practices for the protection of children and in this connection should be read in conjunction with St Cyprian's Greek Orthodox Primary Academy Safeguarding and Child Protection Policy. However, the Code also encompasses other general aspects of conduct expected within St Cyprian's Greek Orthodox Primary Academy.
- 2.3 The Code cannot cover every eventuality. Its purpose is to show the standard expected of employees, but it does not replace the general requirements of the law.

3. General obligations

- Staff should understand the responsibilities that are an intrinsic part of their employment or role. They should make a professional judgement about their actions and behaviour and seek to avoid conduct, which would lead any reasonable person to question their motivation or intentions.
- If there is an incident where staff feel there may be a concern, they should discuss the circumstances that informed their action, or their proposed action with a senior colleague, to help ensure that the safest practices are employed and the risk of actions being misinterpreted reduced.

- Records should be made of any incidents and decisions made or further actions agreed, with their justifications, in accordance with school policy.
- All staff should know the designated person for child protection, be familiar with local child protection arrangements and understand their responsibilities to safeguard and protect children and young people.
- Staff should understand their responsibility to voice any general concerns that they might have about practice within the school, in accordance with the St Cyprian's Greek Orthodox Primary Academy Whistle Blowing policy.
- Staff should also be aware of and comply with St Cyprian's Greek Orthodox Primary Academy financial and administrative regulations and any other procedure manuals such as the staff handbook.
- Unlawful, unsafe or inappropriate behaviour may result in disciplinary action being taken.

4. Good practice guidelines

The following Code and guidelines set out specific areas of conduct and behaviour that constitute expected and safe practice.

If staff are in any doubt about any aspect of this guidance or need to seek further clarification about a particular situation in the absence of specific guidance, they are advised to speak to the Headteacher at St Cyprian's Greek Orthodox Primary School

4.1. Propriety and Behaviour

- 4.1.1 All adults working with children and young people are in a position of trust in relation to the individuals in their care. Staff are expected to adopt high standards of personal integrity and conduct and behave in such a way that does not compromise their position both within or outside St Cyprian's Greek Orthodox Primary Academy.

Staff should not:

- behave in a manner, which would lead any reasonable person to question their suitability to work with children or act as a role model;
- use their power to intimidate, threaten, coerce or undermine pupils;
- make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate other individuals or might be interpreted as such.

4.2 Confidentiality and Information disclosure

- 4.2.1 Staff should not use any information obtained in the course of their duties to the detriment of St Cyprian's Greek Orthodox Primary Academy or for personal gain or benefit or pass this information on to others who might use it in such a way.
- 4.2.2 Staff must also take all reasonable steps to ensure that the loss, destruction, inaccuracy or disclosure of information does not occur as a result of their actions, including information relating to school business and pupil data.
- 4.2.3 There are some circumstances in which staff may be expected to share information about a child, for example, when child protection issues arise. In such cases staff have a duty to pass information on without delay in line with local procedures. If staff are in any

doubt about whether to share information or keep it confidential they should seek guidance from the Headteacher who has designated Child Protection responsibility.

- staff should not use their position to gain access to information for their own advantage or to intimidate, humiliate or embarrass a child;
- staff are expected to treat any information they receive about children and young people in a discreet and confidential manner;
- staff need to be cautious when passing on information to others about a child/young person and if in any doubt about sharing information, seek the advice of a senior member of staff, or those with designated child protection responsibilities.

4.2.4 Members of staff must back up any non-confidential information such as lesson plans by emailing the items to their lgfl email address, but no pupil information or photos should be stored outside of the school building.

4.3 Equality issues

4.3.1 All staff should adhere to the St Cyprian's Greek Orthodox Primary Academy Equal Opportunities Policy, in addition to the requirements of the law.

4.3.2 All staff must follow the guideline set out in Appendix 1 'Dignity at work, bullying and harassment guidelines'

- staff should not discriminate in recruitment and employment practices, nor in the delivery of services;
- staff should also ensure that in their dealings with parents and other members of the public, they ensure the provision of an efficient and impartial delivery to all individuals.

4.4 Employment matters

4.4.1 All staff involved in appointments and/or tendering process should ensure that these are made on the basis of merit.

- staff should not be involved in an appointment or decisions relating to discipline, promotion or pay adjustments for any individual who is a relative or with whom they are in a close personal relationship;
- all relationships of a business or private nature with external contractors, or potential contractors should be made known to the Headteacher.

4.5 Public duty and private interest

4.5.1 It is important that staff do not put themselves in a position where their duty to St Cyprian's Greek Orthodox Primary Academy and their private interests conflict.

- Staff should not allow their own personal or political opinions to interfere with their work and the provision of a balanced and professional service, ensuring that they work to the professional standard required.

4.6 Internet based social networking

4.6.1 If staff / governors do use Facebook or any other internet based social networking system, they must ensure that privacy requirements are set i.e. ensure nobody else apart

from friends can see their page. This must also be set to ensure that friends of friends cannot see their Facebook page.

- 4.6.2 Staff/ governors should not contravene any data protection issues e.g. mention where present or past pupils live or their names.
- 4.6.3 Staff/ governors should not write any derogatory comments about the school, colleagues, procedures or any other stakeholders of the school.
- 4.6.4 Staff/ governors should not discuss or make any comments at all about school life, or stakeholders both internal and external of the school.
- 4.6.5 Pictures or any images taken at school and especially involving any pupils should not be displayed on any internet based social networking sites.
- 4.6.6 Pictures from any Staff/ governors social events should not be displayed and or shared on internet based social networking sites.
- 4.6.7 Staff/ governors must at all times adhere to the rules set out within the Code of Conduct and remember that even though it is a social network, they do have a professional duty of care.

Failure to comply may lead to disciplinary action.

4.7 Other employment/private work

- 4.7.1 Any external work that staff undertake must not bring St Cyprian's Greek Orthodox Primary Academy into disrepute or conflict with the Academy's interest.
- 4.7.2 Any copyright created by a member of staff during their employment with St Cyprian's Greek Orthodox Primary Academy becomes the property of the school.

- staff should not set up a business or accept employment with a business that is engaged in work, which is in direct competition with St Cyprian's Greek Orthodox Primary Academy. Private work should not be undertaken in the school's time, or using the schools premises or equipment, without prior approval of the Headteacher;

4.8 Dress and Appearance

- 4.8.1 Staff should ensure that they are dressed decently, safely and appropriately for the tasks that they undertake and that through their appearance, they promote a positive and professional image.
- 4.8.2 Staff should not have any extra ordinary piercings visible and if they are visible during school times should be taken out e.g. tongue piercings.
- 4.8.3 If staff have been supplied with a uniform, it must be worn at all times for safety of the individual and/or promoting a professional image of the Academy.

4.9 Financial inducements, gifts, hospitality and sponsorship

- 4.9.1 Staff should ensure that they use public funds entrusted to them in a responsible and lawful manner and that they do not give or receive any gift, loan, fee, reward or advantage, which might be misinterpreted.
- 4.9.2 Although staff should not give or receive gifts from pupils or parents on a regular basis or of any significant value, it is acceptable however for staff to receive small tokens of appreciation, such as at Christmas time.

- staff should not seek or receive preferential rates for themselves by virtue of their dealings on behalf of the school;
- staff should ensure that gifts are declared if they are received;
- staff should generally only give gifts to an individual young person as part of an agreed reward system;
- where staff do give gifts, they should ensure that they are of insignificant value and given to all children equally.

4.10 Use of Academy's Time and Facilities

- 4.10.1 The School's property and facilities (eg stationery, computers, photocopiers) may only be used for school business unless permission for their private use has been granted.
- 4.10.2 When staff leave school employment, resources should not be taken or any displays or work which have been printed and laminated using school resources

4.11 Publication of Books/Articles

- 4.11.1 If staff want to publish books, articles, letters, dissertations etc that they have written in connection with their duties and in which they describe themselves as holding an appointment with the school they must consult the Headteacher.

- staff should speak to the Headteacher if they wish to publish books, articles, letters, dissertations etc, which have been written in connection with their duties and their role within St Cyprian's Greek Orthodox Primary Academy.

4.12 Infatuations

- 4.12.1 In cases where a young person develops an infatuation, there is a high risk of words or actions being misinterpreted and for allegations to be made against staff.

- staff should report to the Headteacher any clear/apparent indications (whether they are verbal, written or physical), that suggest a pupil may be infatuated with them and respond sensitively to such situations in order to maintain the dignity of all parties.

4.13 Social contact

- 4.13.1 Staff should not establish or seek to establish social contact with pupils to secure or strengthen a friendship. This includes giving any personal details to a pupil such as a home/mobile phone number, home or email address. Only in exceptional circumstances can this be with the prior approval of a senior member of staff.

- Do not give out personal details such as home/mobile numbers, home address or e-mail address to pupils.
- staff should always approve any planned social contact with pupils with senior colleagues, for example, when it is part of a reward scheme or pastoral care programme;
- staff should advise senior management of any regular social contact they have with a pupil, where it is apparent that it may give rise to a concern.

4.14 Physical contact

4.14.1 It is unrealistic to suggest that teachers should never touch pupils. There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, such as when a distressed pupil needs comfort and reassurance or as an integral part of some lessons such as PE and music (see also changing section 4.15).

4.14.2 However, innocent actions and appropriate physical contact can often be misconstrued and it is therefore crucial that staff only initiate physical contact for the minimum time necessary and in ways appropriate to their own role and the needs of the child.

4.14.3 Staff should use their professional judgement at all times. Where feasible, staff should seek the child's permission before initiating contact. Where a member of staff thinks that an incident could have been misinterpreted it should be reported to the Headteacher.

4.14.4 Any formally agreed plan for children with SEN or physical disabilities should be understood and agreed by all concerned and staff should be provided with relevant information about vulnerable pupils in their care where it is relevant for this to be provided in order for staff to be able to undertake tasks appropriately.

4.14.5 Extra caution may also be required where it is known that a child has suffered previous abuse or neglect. Many such children are often needy and seek out inappropriate contact, thereby leading staff to be vulnerable to allegations of abuse.

4.14.6 In extreme circumstances and only as a last resort, it may be necessary to hold a child for their own safety. If this rare circumstance occurs, staff must be mindful of their own physical safety before handling a child.

In this regard, staff should:

- be aware that even well intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described;
- never touch a child in a way which may be considered indecent;
- always explain to a pupil the reason why contact is necessary and what form that contact will take;
- look at alternatives, where it is anticipated that a pupil might misinterpret contact and consider involving another member of staff, or a less vulnerable pupil in a demonstration;
- never indulge in horseplay, tickling or fun fights;
- always tell a colleague when and how they offered comfort to a distressed child and record any situations, where they think they may give rise to concern;
- adhere to the school's Code of Conduct policy and be acquainted with DfES Guidance in respect of physical contact with pupils and meeting the medical needs of children and young people in school.

4.15 Changing

4.15.1 Children are entitled to respect and privacy when changing clothes.

4.15.2 However, there does need to be an appropriate level of supervision to safeguard young people and satisfy health and safety considerations. Any supervision must therefore be appropriate to the needs and age of the young people concerned.

- staff should avoid any physical contact when children are in a state of undress or any visually intrusive behaviour where there are changing rooms;
- staff should announce their intention of entering a changing room and avoid remaining in the room unless pupil needs require it;
- staff should not change in the same place as children.

4.16 Behaviour management and physical intervention

4.16.1 Corporal punishment is unlawful in all schools and physical force should never be used as a form of punishment; to do so is likely to constitute a criminal offence.

4.16.2 However in some circumstances, staff in schools have the right to use physical intervention/reasonable force for the shortest period necessary to control or restrain pupils. The Education and Inspections Act 2006 provides the legal power for school staff to use reasonable force to prevent pupils from committing a crime or causing injury, damage or disruption.

- staff should try to defuse situations before they escalate;
- staff should keep parents informed of any sanctions;
- staff should adhere to St Cyprian's Greek Orthodox Primary Academy policies on Behaviour Management.
- where it is identified that staff are likely to have to restrain on a regular basis they should have received appropriate training.

4.17 Sexual contact with children and curriculum issues

4.17.1 It is a criminal offence for any adult in a position of trust to engage in any form of sexual activity with a young person under 18, even with their consent (Sexual Offences Act 2003). This also includes non-contact activities such as causing children to engage in or watch sexual activity.

4.17.2 There may be occasions when, as part of the curriculum, a teacher has to raise subject matter that is sexually explicit. In such situations, any lesson plan should highlight the areas of risk and sensitivity. Staff should respond to questions with careful judgement and avoid entering into inappropriate or offensive discussions about sexual activity.

In this regard, staff should not:

- use their status and standing to form or promote relationships with children, which are of a sexual nature;
- pursue sexual relationships with children and young people either in or out of school;
- enter into or encourage inappropriate or offensive discussion about sexual activity;
- make sexual remarks to a pupil (including email, text messages, phone or letter), or use any communication which could be interpreted as sexually suggestive or provocative;
- discuss their own sexual relationships with, or in the presence of pupils;
- discuss a pupil's sexual relationships in inappropriate settings or contexts;
- confer special attention and favour upon a child which might be misconstrued as being part of a 'grooming' process.

4.18 One to one situations

4.18.1 When staff work regularly on an individual basis with children, they are generally more vulnerable to allegations.

4.18.2 To avoid such situations arising meetings should, wherever possible, be arranged so that staff are visible and/or audible and not in secluded areas of the school.

4.18.3 Staff should not arrange to meet a pupil away from the school premises without good reason, but if this is necessary, only with the expressed approval of parents and a senior member of staff.

Staff should:

- ensure there is visual access and/or an open door in one to one situations;
- inform other staff of the meeting beforehand, assessing the need to have them present or close by;
- avoid the use of 'engaged' or equivalent signs wherever possible, as they may create an opportunity for secrecy or the interpretation of secrecy;
- always report to the Headteacher any situation which gives rise to complaint, disagreement or misunderstanding or where a child becomes distressed or angry.

4.19 Transporting children

4.19.1 In such cases where children need to be transported between different locations, a designated member of staff should be appointed to plan and provide oversight of all arrangements.

4.19.2 Wherever practicable, an adult additional to the driver should act as an escort and all arrangements agreed with relevant parties in advance.

All staff:

- should avoid using private vehicles wherever possible;
- must ensure that they have the appropriate insurance (for business use) where they do have to use their private vehicle;
- should ensure that they are alone with a child for the minimum time possible;
- should be aware that the safety and welfare of the child is their responsibility until this is safely passed over to a parent/carer;
- should report the nature of the journey, the route and expected time of arrival in accordance with agreed procedures;
- should ensure that their behaviour and all arrangements ensure vehicle, passenger and driver safety, taking into account any specific needs that the child may have.

4.20 Educational visits and after school clubs

4.20.1 Staff should always take care to have another adult present during out of school activities, unless otherwise agreed with senior staff. Health and safety requirements should be strictly adhered to.

4.20.2 Staff should ensure that they display professional behaviour during activities that take place off the school site and ensure that their behaviour cannot be interpreted as seeking to establish an inappropriate relationship or friendship. Staff should therefore maintain a professional relationship with pupils at all times.

4.20.3 Where out of school activities include overnight stays, particular consideration should be given to sleeping arrangements, and if applicable and pupils, staff and parents informed of the arrangements in advance.

In this regard, staff should therefore:

- undertake risk assessments;
- have parental consent to the activity;
- ensure that their behaviour remains professional at all times.

4.21 First aid and administration of medication

4.21.1 In cases where first aid or medication needs to be administered, all staff should adhere to St Cyprian's Greek Orthodox Primary Academy Health and Safety policy, First Aid Policy and Health Care Plans.

4.21.2 A Health Care Plan should be drawn up in circumstances where the child needs to take regular medication and any such agreement between the child, parents/carers and the school must be negotiated, agreed and recorded.

Staff should:

- make other staff aware of the task being undertaken;
- explain to the child what is happening.

4.22 Intimate Care

4.22.1 All children have a right to safety, privacy, dignity and respect when contact of an intimate nature is required. A care plan should be drawn up and agreed with parents for all children, including those with special needs, who require intimate care on a regular basis.

4.22.2 When intimate care is being carried out, **all** children have the right to dignity and privacy.

4.22.3 If the child appears distressed or uncomfortable when personal care tasks are being carried out, the care should stop immediately. Try to ascertain why the child is distressed and provide reassurance.

4.22.4 Report any concerns you may have to the Headteacher

4.22.5 When intimate care is being carried out, ensure two members of staff are present.

In this regard staff should:

- adhere to the school's intimate care guidelines, as outlined above in 4.22;
- adhere to the guidelines in the school's Intimate Care Policy
- make other staff aware of the task being undertaken;
- explain to the child what is happening;
- consult with colleagues where any variation from the agreed procedure or care plan is necessary and record the justification, sharing the information with parents.

4.23 Photography, videos and other creative arts

4.23.1 Many school activities involve recording images, but the use of such images needs careful consideration and handling. In particular, children who may have been abused in this way may feel threatened by the use of photography and filming.

4.23.2 The use of any images of children for publicity purposes will also require the appropriate consent of the individual concerned and their legal guardians.

4.23.3 When taking photographs of children for educational purposes, staff must always use a school camera which remains in school. Staff should not have pictures of children on their personal phone or camera.

Staff should therefore:

- be clear about the purpose of the activity and about what will happen to the photographs when the lesson or activity is concluded;
- ensure consent is gained from the pupil and their legal guardians when images are being used for publicity purposes;
- ensure that a senior member of staff is aware of the use and purpose of the photograph/image;
- ensure that all images are available for scrutiny in order to screen for acceptability;
- be able to justify images of children in their possession;
- never use mobile phones to take images;
- avoid making images in one to one situations.

4.24 Internet use

4.24.1 Accessing child pornography or indecent images of children on the computer is illegal. Under no circumstances should adults in schools access inappropriate images on the internet. The same rule applies to the use of the school's equipment by members of staff at home, e.g. use of laptops.

4.3 Smoking

Smoking is not permitted at St Cyprian's. Staff who wish to smoke are required to exit the school premises and move a suitable distance away from the school gates.

This policy is to be reviewed annually.

Date of next review: July 2017

1. Scope

- 1.1 These guidelines have been adopted by the Academy Trust and apply to all employees of the school. The procedure may also be used by any worker (whether or not they are an employee of the school) who wishes to raise a complaint of bullying and harassment by a school employee, another worker, or a member of the public visiting the school.

Equality Act 2010

It should be noted that the Act brings together for the first time all the legal requirements on equality that the private, public and voluntary sectors need to follow. It affects equality law at work and in delivering all sorts of services and running clubs.

It replaces all the existing equality law including:

- The Equal Pay Act 1970
- The Sex Discrimination Act
- The Race Relations Act
- The Disability Discrimination Act 1995

Whether at work as an employee or in using a service, the message (or purpose) of the Equality Act is that everyone has the right to be treated fairly at work or when using services. It protects people from discrimination on the basis of certain characteristics. These are known as protected characteristics and they vary slightly according to whether a person is at work or using a service.

There are nine protected characteristics employees might have. These are:

- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sexual orientation
- Sex (gender)
- Age

2. Dignity at work statement

The Academy is determined to drive up standards of service delivery through a high performing, high quality and motivated workforce.

Bullying and harassment

- negatively impacts on the productivity, well-being, morale and creativity of Individuals and their teams
- damages the school's reputation as a fair employer.

The school is committed to creating a positive and safe working environment for its workers in line with its core values.

Everyone has the right to be treated with respect and dignity in the workplace, irrespective of their level, status or position within the organisation. Bullying and harassment, whether perpetrated by colleagues, visitors or service users, will not be tolerated.

The Academy Trust sets clear standards of behaviour which shall be communicated to all employees, workers and visitors to the school by appropriate means. If any worker believes that they are not being treated with respect they have the right to challenge such behaviour and/or to raise a complaint. Workers are encouraged to challenge unacceptable behaviour. Managers will be proactive in taking action to resolve conflict in the workplace when they become aware of it, whether or not they have received complaints.

All allegations will be treated seriously and sensitively. They will be investigated promptly and a speedy resolution sought. Appropriate action may include:

disciplinary action, taken where an allegation of bullying and harassment has been upheld. **Confidentiality will be maintained throughout the process.**

Workers will be protected from victimisation after seeking resolution of a genuine complaint, whatever the outcome.

3. Informal Procedure

- 3.1 Attempts should be made to resolve any complaints informally and confidentially with the person(s) concerned wherever possible. Full and complete details of the complaint, the effect of the behaviour and the required changes, should be provided in order to facilitate effective resolution.
- 3.2 Serious incidents, including verbal or physical abuse, should be reported, in writing, to the Academy's Headteacher for formal progression under the disciplinary or managing performance procedures.
- 3.3 It will be important for those involved to maintain confidentiality.

- 3.4 If the worker does not feel able to approach the person concerned, or has tried without success to deal with the issue then - in order to proceed with the matter informally - they should seek the support of their Headteacher in the first instance. If their Headteacher is implicated then they should contact the Vice-chair of the Academy Trust who will arrange meetings with a view to effecting a resolution. Support at any meetings may be sought from another work colleague or trade union representative.
- 3.5 To support informal resolution, mediation (if both parties agree to it) may be arranged through the Headteacher. If the parties are able to resolve the matter through mediation, no further action will be taken.
- 3.6 The parties should attempt to resolve their issues within one month, or two if mediation is in progress, after which time any of the parties can refer the matter to the formal procedure.

4. Formal Procedure

- 4.1 A case being formally considered under one procedure cannot be switched to another procedure by any of the parties. If a case has been considered fully under one Academy procedure, the same case cannot be brought under another Academy procedure, unless the facts are substantially different or if raising a serious concern about the behaviour of an individual involved in undertaking the previous process.
- 4.2 If a formal harassment complaint is made while formal action under another formal procedure is being considered, it will be dealt with as part of that procedure (provided the complaint is raised before the appeal is considered).
- 4.3 In exceptional circumstances, for example where there is clear evidence of serious concerns of bullying and harassment related to a teacher involved in any other formal procedure, the case will be considered by a teacher not involved with any of these procedures. All interrelated issues concerning both bullying and harassment as well as the disciplinary/performance/sickness/grievance should be considered by that Manager under the relevant procedure.
- 4.4 Similarly, in exceptional circumstances, where there is evidence of serious concern over discipline/performance/sickness/grievance whilst a formal bullying and harassment case is current, this will be considered under the relevant procedure by a Manager not involved with the bullying and harassment complaint but having regard to all the interrelated issues.

5. Raising the Formal Complaint

- 5.1 Formal complaints should be made within **20 working** days of:
- the failure to reach a satisfactory outcome informally
 - the behaviour causing serious concern where this could not be raised informally
 - the last event of a series of events

unless there is good reason for delay, for example attempts to resolve the issue with the other party or due to illness.

- 5.2 The worker bringing a formal complaint must provide full written details of the complaint, outline their attempts to resolve the matter informally and the outcome of any mediation.

- 5.3 The matter should be raised with the Headteacher in the first instance. If the Headteacher is a party, the issues should be brought to the attention of the Chair. If both of these people are implicated, then the complaint will be referred to the Vice-Chair. In any event they will appoint a member as an "Investigating Manager" who has not had any previous involvement with the case.
- 5.4 Where a complaint is against a member paid on the leadership scale the complaint should be referred to the Clerk to the Governors who will seek advice from Human Resources regarding an appropriate person to investigate the matter.
- 5.6 Expressly stated intentions to bring a complaint about an incident or series of incidents must be acted upon within **15** working days from the date when the intentions were expressed. If the complaint is not raised within this time, the incident or series of incidents giving rise to the expression of intent to make a complaint cannot be raised later unless good reason can be shown for the delay.

6. Deciding the Approach

- 6.1 On receiving the complaint the Headteacher will write to the complainant within **5** working days to acknowledge receipt of the complaint and explain the timescale and process.
- 6.2 The Headteacher will meet with the employee raising the complaint within **15** working days.
- 6.3 Following advice from Human Resources the Headteacher will decide on the most appropriate course of action. The Headteacher will provide the parties with a written statement of the way in which the complaint is to be progressed, stating the reasons for the decision **within 15 working days** of the meeting.
- 6.4 If the complaint is to be progressed through the Discipline, Managing Performance or Managing Sickness and Ill-Health Procedures the complaint will follow the relevant procedure.

7. Formal Investigation

- 7.1 If the complaint is progressed under this Policy a panel, comprising the Headteacher and HR Representative, will investigate the complaint.
- 7.2 The panel will convene within **15** working days of receiving the formal complaint. All parties and their witnesses will provide statements within **10** working days of a request and will attend scheduled meetings. Failure to co-operate or to provide evidence in person or through statements will result in the case progressing without this evidence.
- 7.3 Either party has the statutory right to be accompanied at any meeting by either a trade union representative or a work colleague (but not by legal representative). Both the employee and their companion will be allowed reasonable paid time off to attend the meeting. If the employee's chosen companion is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date.
- 7.4 Other than in exceptional circumstances, the parties involved should be given a copy of all witness statements and any relevant reports prior to meetings. If it is not appropriate to do

so, the parties should be given a clear outline of the issues raised and the nature of the evidence relied upon.

7.5 All parties have the right to representation by a colleague or trade union representative.

8. Outcomes

8.1 If the complaint is substantiated the panel will make recommendations to the person who referred the case in order to decide on a course of action.

Action may include:-

- an agreement between the parties on standards of behaviour
- support, including mentoring, for the complainant and/or the other party
- assistance to help the other party to change their behaviour
- assistance to help the other party to understand the impact of their behaviour on others
- alternative working arrangements
- training and counselling
- conciliation
- team development

or any other appropriate action.

8.2 Where the Headteacher believes that the allegations proven are of a serious nature the matter may be transferred to the formal disciplinary procedure. The evidence used in the investigation of the complaint will be made available to the Disciplinary Panel.

8.3 The Chair of Governors will be advised of the complaint and its resolution.

8.4 Copies of the relevant documents, including any reports by the Headteacher and subsequent outcomes, should be sent to the Head of HR Consultancy, who will arrange for all complaints to be logged and monitored.

9. Right to Appeal

9.1 Either party can appeal the findings of the Investigating Panel, within **10** working days of the notification of the decision, setting out

- their reasons for the appeal;
- their suggested remedy for resolving the matter

9.2 Appeals may only proceed on the following grounds:

- the proper procedure was not followed and this materially affected the decision.
- the decision reached was incorrect in that the conclusion reached was not supported by the evidence presented.

- the sanction awarded was too severe, taking into account the nature of the complaint and the mitigating circumstances.
- where new evidence - which is pertinent, goes to the heart of the case and was not reasonably available at the time - has become accessible.

9.3 Any appeal will be considered by a panel of 3 directors (nominated by the Chair), within **15** working days of receipt, based on the reasons set out in the appeal and a preliminary review of the evidence and documentation.

9.4 Either party has the statutory right to be accompanied at the appeal meeting by either a trade union representative or a work colleague (but not by legal representative). Both the employee and their companion will be allowed reasonable paid time off to attend the meeting. If the employee's chosen companion is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date. The meeting may be rescheduled to accommodate the availability of the companion as long as an alternative date is offered which is within 5 working days of the originally proposed date

9.5 The decision of the appeal panel will be confirmed in writing, with reasons, and is final.

10. Conciliation

10.1 Conciliation can be used to restore working relationships within the workplace following resolution of a case.

11. Malicious Complaints

11.1 Any malicious or vexatious allegations will be treated as a disciplinary offence.

12. Unsubstantiated Complaints

12.1 Complaints cannot be investigated fairly unless the worker raising the issue provides details of the basis of the complaint. If details are not provided within 15 working days of the complaint, without good reason, then the complaint will be deemed to have been retracted.

13. Victimisation

13.1 Workers should report any victimisation that they experience relating to a complaint, to the Headteacher immediately they become aware of victimisation.

Further reference documents

- **Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings**, produced by The National Network of Investigation and Referral Support Co-ordinators, February 2005
- **School Whistle-blowing Policy**

- This policy provides the framework by which staff can voice their concerns in good faith about practice within the school, without fear of repercussion and in accordance with the Public Interest Disclosure Act 1998.
- **Dealing with allegations of abuse against members of staff and volunteers**
 - Aims to ensure that any allegations are dealt with fairly, consistently and quickly and in a way that provides protection for the child, whilst supporting the person who is the subject of the allegation.
- **Education and Inspections Act 2006**
 - Forbids corporal punishment, but allows all teachers to use reasonable force to prevent a pupil from committing a criminal offence, injuring themselves or others, damaging property, acting in a way that is counter to maintaining good order and discipline at the school.
 - Also provides legal right to confiscate items such as mobile phones and music players.
- **Violent Crime Reduction Act 2006**
 - Allows headteachers (or other school staff who have been authorised by the headteacher) to undertake searches of pupils where they suspect they are carrying a knife or other offensive weapon.
- **Equality Act 2010**
- **What to Do if you are Worried that a child is Being Abused.** Department of Health 2010
- **School Policies - Behaviour & Anti Bullying and Health and Safety**
- **Safeguarding & Child Protection Policy**

Other legal considerations

Education Act 2002 (section 175)

Schools should exercise their functions with a view to safeguarding and promoting the welfare of children.

Children Act 1989

Recognises that the identification and investigation of child abuse together with the protection and support of victims requires multi-agency collaboration.

Children Act 2004

Duty on all agencies to make arrangements to safeguard and promote the welfare of children.

Public Interest Disclosure Act 1998

Gives legislative protection for 'whistle blowers' where there is a qualifying disclosure.

Sexual Offences Act 2003

It is a criminal offence for any adult in a position of trust to engage in any form of sexual activity with a young person under 18, even with their consent.

Safeguarding Vulnerable Groups Act 2006

Safeguarding Children & Safer Recruitment in Education 2007

London + Child Protection Procedures 2010

Working Together to Safeguard Children 2013

A DUTY to cooperate

Establishment of Local Safeguarding Children Boards

Declaration of receipt

I confirm that I have received and read the Code of Conduct and Guidelines for Safe Working Practice and understand that any unlawful or unsafe behaviour could lead to appropriate legal or disciplinary action being taken.

Name: *(please print)*:

Signature: Date:

Please sign and return to the office

Notes