



Policy & Procedure Guidance for Staff Code of Conduct (Including Whistleblowing)

This policy has been approved by the Board of Trustees with reference to the academy's Equality Policy. The aims of the Equality Policy are to ensure that Plume Academy meets the needs of all, taking account of gender, gender identity, ethnicity, culture, religion, language, sexual orientation, age, ability, disability and social circumstances. It is important that in this academy we meet the diverse needs of students to ensure inclusion for all and that all students are prepared for full participation in a multi-ethnic society.

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1. Introduction

- 1.1 The Trustees are committed to providing a professional and ethical environment, which serves and protects the whole education community. Certain expectations for good conduct are described in specific policies and procedures e.g. Disciplinary Procedure, Equality and Diversity in Employment Policy, Recruitment Policy and professional expectations are set out in national and local conditions of service and by relevant professional bodies. This policy supplements these provisions and provides additional guidance for employees and individuals engaged to work in the academy.
- 1.2 The overriding expectation is that employees and those engaged to work in the academy will adopt high standards of personal conduct in order to maintain the confidence and respect of their colleagues, students or students, the public in general and all those with whom they work or come into contact with in the course of their employment or engagement by the academy.

This means that employees and those engaged to work in the academy should not:

- Behave through words, actions or inaction in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model.

2. Scope

- 2.1 This Code applies to all individuals employed or engaged by the academy including:

- relief/supply staff
- voluntary workers

All provisions of this Code are applicable to employees. Employees must familiarise themselves with the content of this Code and any updates as soon as they are available.

For engaged workers and volunteers, this code applies in so far as specific provisions are relevant to the role they are performing within the academy. These workers and volunteers should familiarise themselves with the relevant provisions of this Code at the earliest opportunity.

- 2.2 Any breaches of this Code of Conduct Policy will be regarded as a serious matter which could result in disciplinary action, and in certain circumstances could potentially lead to dismissal.

3. Roles and responsibilities

- 3.1 The Trustees

It is the responsibility of the Trustees to establish and monitor standards of conduct and behaviour within the academy, including the establishment of relevant policies and procedures.

- 3.2 Executive Principal and Line Managers

It is the responsibility of the Executive Principal and line managers to address promptly any breaches of good conduct and behaviour, using informal procedures where possible but implementing formal procedures where necessary.

- 3.3 Employees

It is the responsibility of all employees to familiarise themselves, and comply, with this policy and all procedures, conditions of service and relevant professional standards.

It is an express term of each employee's employment with the academy that any wrongdoing or alleged wrongdoing by the employee (regardless of whether the employee denies the wrongdoing/alleged wrongdoing), including any incidents arising from alternative employment or outside of work which may have a bearing on the employee's employment with the academy, must be disclosed to the academy immediately. Any such disclosure should be to the Executive Principal and in the case of the Executive Principal to the Chair of Trustees. Failure to disclose any wrongdoing or alleged wrongdoing will be considered a serious matter which could result in disciplinary action, and in certain circumstances could potentially lead to dismissal. Any such disclosure (and any action arising from it (if any)) will be considered in the context of the individual circumstances and taking into account all the relevant factors including (but not limited to) the seriousness/level of the disclosed information and the individual's role within the academy.

Any individual employed in a post covered by the Childcare (Disqualification) Regulations 2009 ("the Regulations") must immediately inform the academy of any events or circumstances which may lead to their disqualification from working in the post by virtue of the Regulations.

GUIDANCE & RESPONSIBILITY

4. Safer Practice for Work with Children and Young People

It is important that all adults working with children understand that the nature of their work and the responsibilities related to it, place them in a position of trust. Adults must be clear about appropriate and safe behaviours for working with children in paid or unpaid capacities, in all settings and in all contexts.

It is a requirement that all staff attend, as part of their Induction, Safeguarding Training as delivered by the Assistant Designated Safeguarding Lead and/or the Designated Safeguarding Lead.

4.1 Underpinning Principles

- The welfare of the child is paramount.
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.
- Adults who work with children are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Adults should work and be seen to work, in an open and transparent way.
- The same professional standards should always be applied regardless of individual characteristics which include age, disability, gender, language, race, religion or belief and/or sexual orientation.
- Adults should continually monitor and review their practice and ensure they follow the guidance contained in this document.

Appendix A sets out guidance on safer working practices which all employees are expected to follow.

5. Reporting breaches of standards of good conduct

There is an expectation that all employees will provide the highest possible standard of service and care to all those in the academy community through the performance of their duties. Furthermore, the Trustees are committed to achieving high standards of integrity and accountability and expects

the same commitment from its employees and others working in or for the academy. As such the Trustees wish to promote an open environment that enables staff to raise issues in a constructive way and with confidence that they will be acted upon appropriately without fear of recrimination.

All employees will be expected to bring to the attention of their Line Manager, any deficiency in the provision of service or care. Employees must report to the appropriate manager / Trustees any impropriety or breach of policy. In the event that the concern is not resolved by the employee's line manager or by another appropriate manager, employees may follow the procedure set out in the Whistleblowing policy set out at Appendix C.

5.1 Whistleblowing

5.1.1 Whistleblowing ("protected disclosure") occurs when an employee or worker provides certain types of information, usually to the employer or a prescribed body, which has come to their attention through work. The disclosure may be about the alleged wrongful conduct of the employer, or about the conduct of a fellow employee, or any third party.

Whistleblowing is therefore 'making a disclosure in the public interest' and occurs when a worker raises a concern about danger or illegality that affects others, for example students in the academy or members of the public.

Employees and workers who make a 'protected disclosure' are protected from being subjected to a detriment or being dismissed as a result of making the disclosure. The key piece of legislation is the Public Interest Disclosure Act 1998 (PIDA) ("the Act") which applies to almost all workers and employees, including agency workers and self-employed workers. The provisions of the Act have been supplemented by the Enterprise and Regulatory Reform Act 2013.

The Act affords protection against dismissal or detriment where an employee discloses information relating to:

- a breach of any legal obligation
- a miscarriage of justice
- a criminal offence
- a danger to the Health and Safety of any individual
- damage to the environment
- deliberate concealment of information about any of the above.

5.1.2 To qualify for protection the employee must believe that they are telling the appropriate person and they must have reasonable grounds for belief in the disclosure. The employee must also reasonably believe that making the disclosure is in the public interest. The employee should usually have raised the matter internally prior to making a protected disclosure. Disclosures are only protected if made to the employer/some other person responsible for the matter/regulatory body. There is a list of prescribed bodies to whom disclosures can be made, depending on the nature of the disclosure.

5.1.3 This procedure should be used where the concern is about the consequences for other employees or the public. If the concern is about employees being disadvantaged by the

action or failure to take action of others, then that should be pursued through the academy grievance procedure.

5.1.4 In all cases employees may wish to seek advice from their professional association / trade union before making a protected disclosure. Further details on the Whistleblowing procedure can be found in Appendix C.

6. Confidentiality

Working in the academy environment means having access, in a variety of ways, to information that must be regarded as confidential. As a general rule, all information received in the course of employment or whilst being engaged by the academy, no matter how it is received, should be regarded as sensitive and confidential. Employees should use their discretion regarding these matters, and should seek further advice from their line manager or the Executive Principal, as appropriate.

All workers and volunteers must be aware that they may be obliged to disclose information relating to child protection issues and should make it clear to the individual either that confidentiality cannot be guaranteed and/or decline to receive the information and direct them to a more appropriate colleague.

6.1. Discussions outside work

Employees should have regard to potential difficulties which may arise as a result of discussions outside work. While it is natural to talk about work at home or socially, employees should be cautious about discussing specific and sensitive matters and should take steps to ensure that information is not passed on. Employees should be particularly aware that many people will have a direct interest in the Academy and even the closest of friends may inadvertently use information gleaned through casual discussion. In particular, employees need to understand the implications of discussions on social networking sites (see section 8).

6.2. Types of confidential information

6.2.1 Information that is regarded as confidential can relate to a variety of people e.g. students, parents/carers, employees, casual and agency workers, Trustees or job applicants and a variety of matters, for example, personal information, conduct and performance, health, pay, internal minutes etc.

6.2.2 Confidential information can take various forms and be held and transmitted in a variety of ways e.g. manual records (files, reports, notes), computerised records and disks, telephone calls, face-to-face, fax, email, intranet/internet.

6.2.3 The methods of acquiring information can also vary. Individuals and groups may become aware of confidential information in the following ways:

- access is gained as part of the employee's day to day work
- information is supplied openly by an external third party
- employees may inadvertently become aware of information.

6.3. Sharing Information

While it is often necessary to share such information, in doing so, employees should consider the following key points:

The nature of the information:

- how sensitive is the information?
- how did it come to your attention?

The appropriate audience:

- who does the information need to be shared with?
- for what purpose?
- who is the information being copied to? and why?
- does restriction of access need to be passed on to your audience?
- the most appropriate method of communication e.g. verbal, written, email, in person
- the potential consequences of inappropriate communication
- it is also an individual employee's responsibility to safeguard sensitive information in their possession.

6.3.1 Within the course of daily operation, information related to the academy or those connected with it, may be requested by, supplied by, or passed to a range of people. This might include internal colleagues, students, Trustees, trade unions, parents/carers, the local authority, Dept. of Education and contractors.

6.3.2 Clearly, the sensitivity of the information will be partly dependent upon the recipient/supplier and the manner in which it is transferred.

6.3.3 Particular responsibilities are:

- personal (e.g. home addresses and telephone numbers) and work-related information (e.g. salary details, medical details) relating to individuals, should not be disclosed to third parties except where the individual has given their express permission (e.g. where they are key holders) or where this is necessary to the particular work being undertaken, e.g. it is necessary for an individual to be written to
- if someone requesting information is not known to the academy, particularly in the case of telephone calls, his/her identity and the legitimacy of his/her request should be verified by calling them back. A person with a genuine reason for seeking information will never mind this safety measure. It is a requirement under the Data Protection Act 2018 that action is taken to ensure the validity of any caller even if they state they have a statutory right to the information requested.
- wherever possible requests for information should be made in writing
- the same principle applies when sending emails and faxes. Employees should always check that the information is going to the correct person and is marked confidential where appropriate
- being known as an employee of the academy may mean being asked for information, for instance, by parents/carers about a member of staff who is off sick. Although this can be awkward, parents/carers must be informed that employees are unable to discuss confidential matters. Persistent enquiries should be referred to the line manager

- the Data Protection Act 2018 refers to the principle of third party confidentiality. Information relating to, or provided by, a third party should not be released without the written consent of the third party or unless an 'order for disclosure' is made by a court of competent jurisdiction.

6.4. Responsibility of employees in possession of sensitive information

6.4.1 Employees have a responsibility to make sure sensitive information is used and stored securely.

They should:

- make sure filing cabinets are kept locked when unattended
- make sure sensitive information is not left on desks or the photocopier/fax/printer
- make sure papers are not left lying around at home or in the car. If confidential materials or paperwork are taken away from the academy, precautions must be taken to ensure they are not accessible to third parties
- make sure appropriate steps are taken to keep track of files which are on loan or being worked on i.e. a record of the date sent and the recipient's name and position
- make sure, if it is necessary to supply personal files through the external mail, these are sent recorded delivery
- make sure copies of faxes and emails are stored securely
- make sure steps are taken to ensure that private/confidential telephone calls/conversations are not overheard
- make sure meetings where sensitive or confidential information is being discussed are held in a secure environment
- make sure confidential paperwork is disposed of correctly either by shredding or using the confidential waste facility
- make sure personal data is not used for training or demonstration purposes where fictional data can be used
- make sure line managers comply with the procedures for the storage and sharing of information relating to individuals' performance management reviews.

6.4.2 Employees have a responsibility to make sure computer data is used and stored securely.

They should:

- make sure computer data is not left exposed to others' view when unattended, or when using computers for sensitive data where other employees may have sight of such data – screen savers should be used where appropriate
- make sure machines are switched off when leaving the office
- passwords must not be disclosed to other colleagues unless authorised by an appropriate manager or required by the academy (see 7.3 below)
- make sure sensitive data is not stored on public folders

- staff should be familiar with the security of email/internet systems
- make sure computer discs are wiped clean correctly before being reused
- make sure any user IDs and passwords remain confidential unless express permission has been given by management to disclose them
- computer files should be backed up regularly and not solely saved to the hard drive.

6.5 Disclosure of Information

6.5.1 Both during and on leaving the employment of the Trustees employees must not divulge information of a confidential, sensitive or commercial nature gained during the course of employment for purposes detrimental to the interests of the Trustees or its employees. In the case of any commercially sensitive information the condition applies for a period of 12 months after leaving employment.

6.5.2 If during the course or as a result of employment an employee invents or designs anything which has some connection with the work, details of the invention or design must not be disclosed to anybody until the matter has been reported to the Executive Principal and permission has been given. The right to register the design or patent the invention may be lost by a premature disclosure of its nature and as a result personal interest or that of the Trustees might be prejudiced.

6.6 Preserving anonymity

6.6.1 In the event of an allegation against a teacher employed or engaged by the academy made by a student at the same academy, the academy has a duty to act in accordance with the provisions of the Education Act 2011. These provisions contain reporting restrictions preventing the publication of any material which could lead to the identification of a teacher. All employees and individuals engaged by the academy must ensure they preserve anonymity in such cases and must not publish any material in breach of these provisions. Any employee or individual engaged by the academy who publishes material which could lead to the identification of the employee who is the subject of an allegation of this kind may be subject to disciplinary action, up to and including dismissal.

6.6.2 For the purposes of these provisions, “publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public. For the avoidance of doubt, this includes publishing details of an allegation or other information on a social networking site which could lead to the identification of the teacher.

Such restrictions cease to apply where a teacher waives their rights by giving written consent or by going public themselves.

6.7. Media queries

6.7.1 Employees should not respond to media queries on behalf of the academy under any circumstances. All media queries should be referred immediately to the Executive Principal.

7. Use of computers, email and the internet

The email system and the internet/intranet can be extremely valuable tools in an educational context, encouraging the development of communication skills, and transforming the learning

process by opening up possibilities that, conventionally, would be impossible to achieve. The use of electronic mail as a medium for paper mail replacement and as a means of enhancing communications is encouraged.

Those using the academy's electronic mail services and/or the internet are expected to do so responsibly and to comply with all applicable laws, policies and procedures, and with normal standards of professional and personal courtesy and conduct.

Those using their own personal computer or equipment for academy purposes must only do so where this has been authorised by management. Whilst using their own computer for academy purposes, employees must do so responsibly and to comply with all applicable laws, policies and procedures, including the provisions set out in this Code. Employees should not bring their own computer or equipment onto academy premises unless this has been specifically authorised by an appropriate manager. In such circumstances, the computer/equipment must be kept securely and security protected so that it cannot be accessed by students at the academy.

Computers and laptops loaned to employees by the academy are provided to support their professional responsibilities and employees must notify their employer of any significant personal use (see 7.1 below). Reasonable access and use of the internet/intranet and email facilities is also available to recognised representatives of professional associations' i.e. union officers.

Employees must not use academy equipment or property for personal gain or fraudulent, malicious, illegal, libelous, immoral, dangerous, offensive purposes. Employees should not undertake IT related activities that are contrary to the academy's policies or business interests including accessing, downloading, storing, creating, copying or distributing offensive material (this includes but is not limited to pornographic, sexual, violent or criminal content and racist, sexist, or otherwise discriminatory material).

All forms of chain mail are unacceptable and the transmission of user names, passwords or other information related to the security of the academy's computers is not permitted.

7.1 Personal Use

7.1.1 The academy's e-mail and internet service may be used for incidental personal purposes, with the approval of the line manager, provided that it:

- does not interfere with the academy's operation of computing facilities or email services
- does not interfere with the user's employment or other obligations to the academy
- does not interfere with the performance of professional duties
- is of a reasonable duration and frequency
- is performed in non-work time
- does not over burden the system or create any additional expense to the academy
- does not bring the academy and its employees into disrepute.

Such use must not be for:

- unlawful activities
- commercial purposes not under the auspices of the academy

- personal financial gain
- personal use that is inconsistent of other academy policies or guidelines.

If an employee fails to meet these conditions for personal use, their rights to use equipment may be withdrawn. If an employee fails to follow this policy and other supporting procedures, this could result in disciplinary action.

7.1.2 Use of email and internet at home

Access to the internet from an employee's home using a academy owned computer or through academy owned connections must adhere to all the policies that apply to their use. Family members or other non-employees must not be allowed to access the academy's computer system or use the academy's computer facilities, without the formal agreement of their line manager.

7.2 Security

7.2.1 The academy follows sound professional practices to secure email records, data and system programmes under its control. As with standard paper based mail systems, confidentiality of email cannot be 100% assured. Consequently, users should consider the risks when transmitting highly confidential or sensitive information and use the appropriate level of security measure.

7.2.2 Enhancement of the base level security to a higher or intermediate level can be achieved by the use of passwords for confidential files. It should be remembered emails forwarded from another individual can be amended by the forwarder. This possibility should be considered before acting on any such mail.

7.2.3 In order to effectively manage the email system, the following should be adhered to:

- open mailboxes must not be left unattended
- care should be taken about the content of an email as it has the same standing as a memo or letter. Both the individual who sent the message and/or the academy can be sued for libel
- reporting immediately to IT units when a virus is suspected in an email.

7.3. Privacy

7.3.1 The academy respects users' privacy. Email content will not be routinely inspected or monitored, nor content disclosed without the originator's consent. However, under the following circumstances such action may be required:

- when required by law
- if there is a substantiated reason to believe that a breach of the law or academy's policy has taken place
- when there are emergency or compelling circumstances.

7.3.2 The academy reserves the right, at its discretion, to review any employee's electronic files and messages to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy and other policies. Employees will be notified of

any monitoring which will take place and the reason for it. Employees will also be notified of what information will be recorded and retained, and for how long, and who will have access to the information. If monitoring takes place, the academy will also notify employees of how such information will be used, which will include using such information for disciplinary purposes where applicable.

Monitoring will be reasonable and in accordance with Data Protection and Human Rights obligations.

7.3.3 Employees should not have any expectation of privacy to his or her internet usage.

The academy reserves the right to inspect any and all files stored in computers or on the network in order to assure compliance with this policy. Auditors must be given the right of access to any document, information or explanation that they require.

7.3.4 Use of the employee's designated personal file area on the network server provides some level of privacy in that it is not readily accessible by other members of staff. These file areas will however be monitored to ensure adherence to policies and to the law. The employee's personal file area is disk space on the central computer allocated to that particular employee. Because it is not readily accessible to colleagues it should not be used for the storage of documents or other data that should be open and available to the whole staff or wider academy community.

7.3.5 Managers will not routinely have access to an employee's personal file area. However, management information on usage size of drives or a report outlining the amount of information held on an individual's personal file area will be made available from time to time.

7.4. Email/IT Protocol

7.4.1 Users must:

- respond to emails in a timely and appropriate fashion. The system is designed for speedy communication. If urgent, the email requires a prompt response, otherwise a response should be sent within a reasonable timeframe according to the nature of the enquiry
- not use anonymous mailing services to conceal identity when mailing through the Internet, falsify e-mails to make them appear to originate from someone else, or provide false information to any Internet service which requests name, e-mail address or other details
- not abuse others (known as 'flaming'), even in response to abuse directed at themselves
- not use electronic media and services in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system
- not use, transfer or tamper with other people's accounts and files
- not use their own equipment to connect to the academy's network unless specifically permitted to do so and the equipment meets appropriate security and other standards. Under no circumstances is personal equipment containing inappropriate images or links

to them, to be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work in an academy or with children

- ensure that students are not exposed to any inappropriate images or web links whether on academy owned computers or on their own computer/equipment used for academy purposes (where this has been authorised). The academy and all adults need to ensure that internet equipment used by children have the appropriate controls with regards to access. E.g. personal passwords should be kept confidential
- not store sensitive or confidential data on their own equipment – this extends to personal cameras, mobile phones and other similar devices
- use unsecured disks/memory sticks (all disks/memory sticks used must be encrypted and/or password protected)
- respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner
- not use the internet/intranet facilities or equipment to deliberately propagate any virus, worm, Trojan horse or any such other programme that is harmful to normal computer operations.

If a user finds themselves connected accidentally to a site that contains sexually explicit or offensive material, they must disconnect from that site immediately. Such unintentional access to inappropriate internet sites must be reported immediately to their line manager. Any failure to report such access may result in disciplinary action.

7.4.2 Except in cases in which explicit authorisation has been granted by an appropriate manager, employees are prohibited from engaging in, or attempting to engage in:

- monitoring or intercepting the files or electronic communications of other employees or third parties
- hacking or obtaining access to systems or accounts they are not authorised to use
- using other people's log-ins or passwords
- breaching, testing, or monitoring computer or network security measures
- interfering with other people's work or computing facilities
- sending mass e-mails without consultation with the Executive Principal. Global sends (send to everybody in the Global address book) are prohibited.

7.5. Data Protection

7.5.1 The Data Protection Act 2018 prohibits the disclosure of personal data except in accordance with the principles of the Act. This prohibition applies to e-mail in the same way as to other media. Information gathered on the basis that it would be seen by specified employees must not be given to a wider audience. In accordance with the provisions of Article 8 of the European Convention on Human Rights, the academy respects the right to privacy for employees who use IT equipment but does not offer any guarantee of privacy to employees using IT equipment for private purposes.

7.5.2 As data controller, the academy has responsibility for any data processed or stored on any of its equipment. Any employee monitoring will be carried out in accordance with the principles contained in the Code of Practice issued by the Information Commissioner under the provisions of the Data Protection Act 2018.

7.5.3 In order to comply with its duties under the Human Rights Act 1998, the academy is required to show that it has acted proportionately, i.e. are not going beyond what is necessary to deal with the abuse and that the need to investigate outweighs the individual's rights to privacy, taking into account the academy's wider interests. In drawing up and operating this policy the academy recognises that the need for any monitoring must be reasonable and proportionate.

7.5.4 Auditors (internal or external) are able to monitor the use of the academy's IT equipment and the storage of data. They are nevertheless bound by the provisions of the Human Rights Act 1998, the Data Protection Act 2018, associated codes of practice and other statutory provisions and guidance, including the Regulation of Investigatory Powers Act 2016 in respect of any activity that could be classed as directed surveillance.

8. Social Networking

The purpose of this policy is to ensure:

- that the academy is not exposed to legal and governance risks
- that the reputation of the academy is not adversely affected
- that users are able to clearly distinguish where information has been provided via social networking applications, that it is legitimately representative of the academy
- protocols to be applied where employees are contributing in an official capacity to social networking applications provided by external organisations.

Social networking applications include but are not limited to:

- blogs i.e. blogger
- Online discussion forums, for example Facebook, Bebo, Myspace
- Media sharing services for example YouTube
- Professional networking sites, for example Linked In
- 'Micro-blogging' application for example Twitter.

8.1 Access to Social Networking Sites

The following permissions are given in respect of social networking applications:

Restricted access for work purposes only, where explicit permission has been given by the Executive Principal.

8.2 Academy managed social networking sites

This may include internal forums for staff and outward facing forums for academy activities/clubs etc.

It is important to ensure that employees, members of the public and other users of online services know when a social networking application is being used for official academy/ purposes. To assist with this, all employees must adhere to the following requirements:

- only use an official (i.e. not personal) email addresses for user accounts which will be used for official purposes
- appropriate feedback and complaints information must be published in a prominent place which is easily accessible to other users
- the academy's logo and other branding elements should be used where appropriate to indicate the academy's support. The academy's logo should not be used on social networking applications which are unrelated to or are not representative of the academy's official position
- employees should identify themselves as their official position held within the academy on social networking applications. eg through providing additional information on user profiles
- employees should ensure that any contributions on any social networking application they make are professional and uphold the reputation of the academy– the general rules on internet/email apply
- employees should not spend an unreasonable or disproportionate amount of time during the working day developing, maintaining or using sites
- employees must not promote or comment on personal, political, religious or other matters
- employees should be aware that sites will be monitored.

8.3 Personal social networking sites

All employees of the academy, individuals engaged by the academy or individuals acting on behalf of the academy from third party organisations should bear in mind that information they share through social networking applications, even if they are on private spaces, may still be the subject of actions for breach of contract, breach of copyright, defamation, breach of data protection, breach of confidentiality, intellectual property rights and other claims for damages. Employees must therefore not publish any content on such sites that is inappropriate or may lead to a claim, including but not limited to material of an illegal, sexual or offensive nature that may bring the academy or the local authority into disrepute (see Appendix B for examples of such content).

Employees using social networking sites must also operate at all times in line with the academy's Equality and Diversity policy, failure to do so may lead to disciplinary action, up to and including dismissal.

Social networking applications include, but are not limited to, public facing applications such as open discussion forums and internally-facing applications, (i.e. e-folio) regardless of whether they are hosted on academy networks or not. The academy expects that users of social networking applications will always exercise due consideration for the rights of others and that users will act strictly in accordance with the terms of use set out in this code.

Any communications or content published on a social networking site which is open to public view, may be seen by members of the academy community. Employees hold positions of responsibility and are viewed as such in the public domain. Inappropriate usage of social networking sites by employees can have a major impact on the employment relationship. Any posting that causes

damage to the academy, any of its employees or any third party's reputation may amount to misconduct or gross misconduct which could result in disciplinary action, up to and including dismissal. Employees must not use social networking sites for actions that would put other employees in breach of this policy.

Employees should not use personal sites for any professional activity or in an abusive or malicious manner. The academy reserves the right to require the closure of any applications or removal of content published by employees which may adversely affect the reputation of the academy or put it at risk of legal action.

8.3.1 Posting inappropriate images

Indecent images of any employee that can be accessed by students, parents/carers or members of the public are totally unacceptable and can lead to child protection issues as well as bringing the academy into disrepute.

8.3.2 Posting inappropriate comments

It is totally unacceptable for any employee to discuss students, parents/carers, work colleagues or any other member of the academy community on any type of social networking site.

Reports about oneself may also impact on the employment relationship for example if an employee is off sick but makes comments on a site to the contrary.

8.3.3 Social interaction with students (past and present)

Employees should not engage in conversation with students on any personal social networking sites and should be circumspect in personal network contact with former students, particularly those under the age of 18 years. This would also apply to individuals who are known to be vulnerable adults. Offers of assistance to a student with their studies via any social networking site are inappropriate and also leaves the employee vulnerable to allegations being made. It would be very rare for employees to need to interact with students outside of academy in a social setting and by communicating with them on social networking sites, is tantamount to the same.

Adults should ensure that personal social networking sites are set at private and that students are never listed as approved contacts.

Adults should not use or access social networking sites of students.

8.3.4 Making Friends

Employees should be cautious when accepting new people as friends on a social networking site where they are not entirely sure who they are communicating with. Again this may leave employees vulnerable to allegations being made.

8.3.5 Political and financial purposes

Social networking sites must not be used for party political purposes or specific campaigning purposes as the local authority is not permitted to publish any material which 'in whole or part appears to affect public support for a political party' (LGA 1986).

Social networking sites must not be used for the promotion of personal financial interests, commercial ventures or personal campaigns.

8.3.6 Reporting breaches of this code

Anyone who becomes aware of inappropriate postings on social networking sites must report it to their line manager straight away. The line manager will then follow the disciplinary procedure where appropriate. If an employee fails to disclose an incident or type of conduct relating to social networking sites, knowing that it is inappropriate and falls within the remit of this code of conduct, then that employee may be subject to disciplinary action up to and including dismissal.

Should an employee become aware of an underage person using social networking sites, (Facebook and Bebo have set it at 13 years and MySpace have set it at 14 years), then they should report this to the site operator and if that child is at their particular academy, then this should also be reported to their line manager.

8.4 Cyber bullying

The academy will not tolerate any form of cyber bullying by employees. Any such behaviour will result in disciplinary action, up to and including dismissal. Cyber bullying may include but is not limited to:

- offensive emails including joke emails which may offend other employees
- email threats
- leaving offensive or inappropriate comments on blogs or networking sites
- offensive comments sent by text, email or posted on social networking sites
- sharing another person's details/personal information online without appropriate consent.

Employees who feel they are the subject of cyber bullying must notify their line manager at the earliest opportunity.

9. Use of Mobile Telephones

- 9.1 Employees are required to ensure mobile telephones are used only when necessary during working hours. Phones should be set to either silent or a quiet setting to ensure colleagues are not disturbed. Employees are not permitted to use their mobile telephones when in any classroom setting, unless there are exceptional emergency circumstances. Staff should ensure their phones are stored securely and are not accessible by students at any time.
- 9.2 Employees are not permitted to contact students by telephone, text message or by sending picture messages using their mobile telephone or divulge their telephone number to students under any circumstances or unless given express permission by their line manager.
- 9.3 Employees provided with a mobile telephone to carry out their duties must ensure they only use the mobile telephone for the purposes agreed with their line manager. Any unauthorised usage must be reimbursed to the academy and/or may be the subject of disciplinary action.

10. Relationships

10.1 Trustee proceedings

There are restrictions on Trustees or persons taking part in proceedings of the Trustees or their committees (“a relevant person”) under the Academy Governance (Roles, Procedures and Allowances) Regulations 2013 (Regulation 16 and Schedule 1)

The Regulations require that they must disclose his or her interest, withdraw from the meeting and not vote on the matter in question:

- if there is a conflict of interest between the interests of a relevant person and the interests of the governing body
- where a fair hearing is required and there is reasonable doubt about the relevant person’s ability to act impartially
- where they have pecuniary interest, (for example contracts) or if a relative (including spouse) living with them has pecuniary interest.

10.2 The community and service users

Employees must always remember their responsibilities in the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community as defined by the policies of the Trustees and, where applicable, the local authority.

10.3 Contracts

10.3.1 All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the Trustees. Orders and contracts must be in accordance with standing orders and financial regulations of the Academy. No special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

10.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship to the academy’s Trustees.

11. Gifts, Legacies, Bequests and Hospitality

Employees may not accept any gift or legacy from a person intended to benefit from their services (or those whom they supervise) or from any relative without the prior written permission of the Executive Principal/Trustees. Employees may not give any gift to someone from whom they expect to receive any favour in their official capacity.

Hospitality offered to an employee’s official capacity should only be accepted if that is part of a genuine business activity. Any such hospitality should be properly authorised and recorded by the Executive Principal/Trustees.

Employees should always consider any particular sensitivity around accepting hospitality from an organisation that may be affected by decisions taken by the Trustees.

Whilst employees may accept gifts of token value such as pens and diaries, they should not accept personal gifts from contractors or outside suppliers.

Failure to observe these rules will be regarded as gross misconduct. See Appendix A for gifts in respect of students.

12. Close personal relationships at work

Situations arise where relations, or those in other close relationships, may be employed at the academy and it is recognised that close personal relationships can be formed at work.

Close personal relationships are defined as:

- employees who are married, dating or in a partnership or co-habiting arrangement
- immediate family members for example parent, child, sibling, grandparent/child
- other relationships for example extended family (cousins, uncles, in-laws), close friendships, business associates (outside the academy).

Whilst not all such situations where those in close personal relationships work together raise issues of conflict of interest, implications can include:

- effect on trust and confidence
- perception of service users, the public and other employees on professionalism and fairness
- operational issues e.g. working patterns, financial and procurement separation requirements
- conflicting loyalties and breaches of confidentiality and trust.

Open, constructive and confidential discussion between employees and managers is essential to ensure these implications do not occur.

12.1. Management

12.1.1 It is inappropriate for an employee to line manage or sit on an appointment panel, for those with who they have a close personal relationship. Employees must not be involved in any decisions relating to discipline, promotion or pay adjustment for anyone where there is a close personal relationship. If this was the case, the Executive Principal would need to identify another individual to undertake the particular responsibility, so that a 'conflict of interest' situation is avoided.

12.1.2 Any applicants applying for positions are required to disclose on their application form if they:

- are a relative or partner of, or
- have a close personal relationship with any employee in the academy.

Applicants are asked to state the name of the person and the relationship. Failure to disclose such a relationship may disqualify the applicant.

12.1.3 Employees should discuss confidentiality with the Executive Principal and/or their line manager, any relationships with an applicant.

12.1.4 If a close personal relationship is formed between two colleagues in the academy this should be disclosed, in confidence, to the line manager by the employees concerned as this may impact on the conduct of the academy.

12.1.5 It is important to ensure that any approach or actions are not unfair or discriminatory. Nevertheless it is important to explore, in discussion with the employees concerned, the issues that may arise to ensure these can be managed effectively.

12.2. Impact

12.2.1 It may be appropriate to employ someone to work in a team with someone with whom they have a close personal relationship. It may also be necessary in certain circumstances to consider transferring staff that form close personal relationships at work. Any such action will be taken wherever possible by agreement with both parties and without discrimination.

12.2.2 Colleagues who feel they are affected by a close personal relationship at work involving other colleagues should at all times feel that they can discuss this, without prejudice, with the Executive Principal/line manager, other manager or the Trustees.

12.3 References

12.3.1 When providing a reference, the individual providing the reference must make it clear if it is provided as a personal or colleague reference or provided formally as a reference on behalf of the employer.

12.3.2 Personal or colleague references should not be provided on headed paper. References on behalf of the employer should be cleared and signed by another manager.

13. Dress code

All staff are expected to demonstrate consistently high standards of personal and professional conduct. The expectation is that staff will dress in such a way as to ensure that they uphold public trust in the profession e.g. fellow staff, Trustees, parents/carers, the local Community and of course our students.

We respect the rights of individuals to use their own discretion and to dress in accordance with their culture. However, there is an expectation that staff will present themselves in a manner that will command respect and be consistent with a professional and business-like approach in an academy serving a multi-cultural society.

The Dress Code:

Staff are expected to dress professionally:

- a suit, dress, smart trousers/skirt and a shirt and tie/blouse
- smart footwear that is appropriate and safe for walking around the academy site
- ID badges and lanyards to be worn at all times and must be those provided by the academy.

Staff should also note that if they accompany students on an academy trip they should dress appropriately with due regards for health and safety. It is expected that if the students have to wear academy uniform, then the staff will wear smart dress as well.

Whilst the academy does not want to be prescriptive as far as dress is concerned, we would hope/expect staff to respond appropriately to these guidelines. In cases where it is felt staff are not maintaining appropriate professional standards, a Head of Faculty or member of SLT will seek to advise staff of any concerns raised.

If you have any queries please speak to your line manager or a member of the Senior Leadership Team.

13.1 Drink and Narcotics

No alcohol, tobacco, drugs or other intoxicants are allowed on the academy premises at any time and there should be no signs of consumption of any of the above when staff are on the premises.

14. **Neutrality**

14.1 Employees serve the community as a whole. It follows they must serve all members of the academy community and the public and ensure that the individual rights of all of these groups are respected. Employees must not allow their own personal, political, religious or other views and opinions to interfere with their work.

15. **Use of financial resources**

15.1 Employees must ensure that they use public and any other funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and to avoid legal challenge to the Trustees or the local authority. They must also observe the EFA financial regulations and academy's financial regulations.

16. **Sponsorship**

16.1 Where an outside organisation wishes to sponsor or is seeking to sponsor an academy activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. The sponsorship should always be related to the academy's interests and/or the authority's departmental or corporate activities and never for personal benefit only. Particular care must be taken when dealing with contractors or potential contractors.

17 **Academy Property and personal possessions**

17.1 Employees must ensure they take care of academy property at all times. If employees are found to have caused damage to academy property through misuse or carelessness this may result in disciplinary action.

17.2 Employees are responsible for the safety and security of their personal possessions while on academy premises. The academy will not accept responsibility for the loss or damage of personal possessions.

Appendix A – Safer Working Practices

Below is a broad overview of the key expectations for adult's interactions with children and young people (source Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings (DCSF 2009)). However, **Keeping Children Safe in Education (September 2019, as amended) is the current key statutory guidance which all employees must follow.** All employees and volunteers must, as a minimum, read Part 1 of that document.

These documents should be read in conjunction with the body of the Code of Conduct and other relevant academy policies and procedures.

1. Duty of Care

All staff, whether paid or voluntary, have a duty to keep young people safe and to protect them from sexual, physical and emotional harm. Children have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of students. Failure to do so may be regarded as professional neglect.

The duty of care is, in part, exercised through the development of respectful, caring and professional relationships between staff and students and behaviour by staff that demonstrates integrity, maturity and good judgement.

This means that adults should:

- understand the responsibilities, which are part of their employment or role always act, and be seen to act, in the child's best interests
- avoid any conduct which would lead any reasonable person to question their motivation and intentions
- take responsibility for their own actions and behaviour

2. Making a Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not appropriate behaviour for adults in all circumstances. There may be occasions and circumstances in which adults have to make decisions or take action in the best interests of the child or young person which could contravene this guidance or where no guidance exists. Individuals are expected to seek advice wherever possible prior to acting, or in an emergency, to make judgements to secure the best interests and welfare of the children in their charge.

Such judgements should always be recorded and shared with a member of the Senior Leadership Team and with the parent or carer. In undertaking these actions individuals will be seen to be acting reasonably.

3. Power and Positions of Trust

Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity.

A relationship between an adult and a child or young person is not a relationship between equals. There is potential for exploitation and harm of vulnerable young people. Adults therefore have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Adults should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

Where a person aged 18 or over is in a specified position of trust with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity

4. The Use of Personal Living Space

No child or young person should be in or invited into, the home of an adult who works with them, unless the reason for this has been firmly established and agreed with parents/ carers and a senior manager or Executive Principal.

Under no circumstances should students assist with chores or tasks in the home of an adult who works with them. Neither should they be asked to do so by friends or family of that adult.

5. Gifts, Rewards and Favouritism

The giving of gifts or rewards to students should only be part of an agreed policy for supporting positive behaviour or recognising particular achievements.

The giving of gifts is only acceptable practice where, in line with the agreed policy, the adult has first discussed the giving of the gift and the reason for it, with the Executive Principal and/or a senior manager as well as the parent or carer and the action is recorded. Any gifts should be given openly and not be based on favouritism.

Staff should exercise care when selecting students for academy teams, productions, trips and/or specific work tasks in order to avoid perceptions of favouritism or injustice. Similar care should be exercised when students are excluded from an activity. Methods of selection and exclusion should always be subject to clear, agreed criteria.

There are occasions when children, young people or parents/carers wish to pass small tokens of appreciation to adults e.g. on special occasions or as a thank-you and this is acceptable. It is inappropriate to receive gifts on a regular basis or of any significant value.

6. Infatuations

Occasionally, a child or young person may develop an infatuation with an adult who works with them. These adults should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such

infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

An adult, who becomes aware that a child or young person is developing an infatuation, should discuss this at the earliest opportunity with a Executive Principal, senior manager and parent/carer so appropriate action can be taken to avoid any hurt, distress or embarrassment.

7. Communication with Students (including the Use of Technology)

Communication between students and adults, by whatever method, should take place within clear and explicit professional boundaries as set out in this Code of Conduct and relevant IT policies.

Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child/young person, other than that which might be appropriate as part of their professional role. Adults should ensure that all communications are transparent and open to scrutiny.

Adults should also be circumspect in their communications with children so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to students including e-mail, home or mobile telephone numbers, unless the need to do so is agreed with senior management and parents/carers.

E-mail or text communications between an adult and a child young person outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based websites.

8. Social Contact

Adults should not establish or seek to establish social contact with students for the purpose of securing a friendship or to pursue or strengthen a relationship. If a student or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise her/his professional judgement in making a response. There will be occasions when there are social contacts between students and staff, where for example the parent and teacher are part of the same social circle. These contacts however, will be easily recognised and openly acknowledge.

Nevertheless, there must be awareness on the part of those working with children and young people that some social contacts, especially where these are not common knowledge can be misconstrued as being part of a grooming process. This can also apply to social contacts made through outside interests or through the staff member's own family. It is recognised that staff can support a parent who may be in particular difficulty. Care needs to be exercised in those situations where the parent comes to depend upon the staff member for support outside their professional role. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency.

9. Sexual Contact

All adults should clearly understand the need to maintain appropriate boundaries in their contacts with students. Intimate or sexual relationships between children/young people and the adults who work with them will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable. Any sexual activity between an adult and the child or young person with whom they work may be regarded as a criminal offence and will always be a matter for disciplinary action.

All children and young people are protected by specific legal provisions in this respect regardless of whether the child or young person consents or not. The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage or watch sexual activity or the production of pornographic material.

“Working Together to Safeguard Children”¹, defines sexual abuse as “forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening”.

Adults should be aware that consistently conferring inappropriate special attention and favour upon a child might be construed as being part of a ‘grooming’ process and as such will give rise to concerns about their behaviour.

10. Physical Contact

Any physical contact should always be in line with the academy’s policy on behaviour management and physical contact.

Generally:

When physical contact is made with students this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background.

Staff should therefore, use their professional judgement at all times.

Unusual incidents should be recorded as soon as possible in the academy’s incident book and, if appropriate, a copy placed on the child’s file.

Where feasible, staff should seek the child’s permission before initiating contact. Staff should listen, observe and take note of the child’s reaction or feelings and – so far as is possible – use a level of contact and/or form of communication which is acceptable to the child for the minimum time necessary.

Children with special needs may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in

¹ Working Together to Safeguarding Children. A guide to interagency working to safeguard and promote the welfare of children HM Government 2018.

terms of the child's needs, consistently applied and open to scrutiny.

In circumstances where a child or young person initiates inappropriate physical contact, it is the responsibility of the adult to sensitively deter the child and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager and the parent/carer.

Physical intervention should only be used to manage a child or young person's behaviour if it is necessary to prevent personal injury to the child, other children or an adult, to prevent serious damage to property in what would reasonably be regarded as exceptional circumstances.

11. Children and Young People in Distress

There may be occasions when a distressed child needs comfort and reassurance and this may involve physical contact. Young children, in particular, many need immediate physical comfort, for example after a fall, separation from parent etc. Adults should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

Where an adult has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager and parents/carers.

12. Intimate Care

Some job responsibilities necessitate intimate physical contact with children on a regular basis, for example assisting young children with toileting, providing intimate care for children with disabilities or in the provision of medical care. The nature, circumstances and context of such contact should comply with professional codes of practice or guidance and/or be part of a formally agreed plan, which is regularly reviewed. The additional vulnerabilities that may arise from a physical or learning disability should be taken into account and be recorded as part of an agreed care plan. The emotional responses of any child to intimate care should be carefully and sensitively observed, and where necessary, any concerns passed to the Executive Principal or senior managers and parents/carers.

All children have a right to safety, privacy and dignity when contact of a physical or intimate nature is required and depending on their abilities, age and maturity should be encouraged to act as independently as possible.

The views of the child should be actively sought, wherever possible, when drawing up and reviewing formal arrangements. As with all individual arrangements for intimate care needs, arrangements between the child, parents/carers and the academy/service must be negotiated and recorded.

13. Personal Care

Young people are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are

occasions where there will be a need for an appropriate level of supervision in order to safeguard young people and/or satisfy health and safety considerations.

This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

Adults need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the students with whom they work.

14. First Aid and Administration of Medication

Medication and First Aid must only be administered in accordance with academy policies.

15. One to One situations/home visits

Where there is a need for an adult and young person to be alone together or for an adult to visit a young person's home this should be within recognised policies and procedures.

Pre-arranged meetings with students away from the academy premises should not occur unless prior approval is obtained from their parent and the Executive Principal or other senior colleagues with designated authority.

16. Transporting Students

In certain situations, eg out of academy activities, staff or volunteers may transport children – such arrangements are subject to strict policies and procedures.

It is inappropriate for adults to offer lifts to a child or young person outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the parents/carers. Male staff must not transport female students unless there is a second female present and vice versa.

There may be occasions where the child or young person requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

17. Educational Visits and Extra-Curricular Activities

Trips and Activities are subject to specific policies and procedures.

Adults should take particular care when supervising students on trips and outings, where the setting is less formal than the usual workplace. Adults remain in a position of trust and need to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries.

18. Photography and Videos

Working with students may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and wellbeing of students. Informed written consent from parents or carers and agreement, where possible, from the child or young person, should always be sought before an image is taken for any purpose.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the internet. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

Adults need to remain sensitive to any children who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings.

It is not appropriate for adults to take photographs of children for their personal use.

It is recommended that when using a photograph, the following guidance should be followed:

- if the photograph is used, avoid naming the student
- if the student is named, avoid using their photograph
- the academy should establish whether the image will be retained for further use
- images should be securely stored and used only by those authorised to do so.

Appendix B - Examples of unacceptable behaviour using social networking sites

1. Breach of contract

There is an implied term of mutual trust and confidence between employer and employee in all employment contracts. A very negative and damaging posting or communication on a social networking site about the academy or colleagues may entitle the Executive Principal/line manager to decide that this term has been broken. Such conduct would be subject to the academy's disciplinary procedure and could warrant the employee's dismissal.

Emails are capable of forming contractual documents. Contracts can easily be formed by careless emails and non-compliance with the terms of any such contracts will render an organisation liable for a breach of contract claim. Emails tend not to be subject to the same safeguard procedures as paper documents which are often checked before they are signed off.

2. Defamation

If an employee places defamatory information or material on a social networking site such as bad mouthing another colleague or a student of the academy, such conduct would be subject to the academy's disciplinary procedure and could lead to the employee's dismissal

3. Discrimination

The academy's Recruitment and Selection Policy provides the correct and proper procedures to be used in the recruitment and selection of staff. Candidates should be selected on the basis of testable evidence provided on application forms and through the selection process and references as provided by the applicant. Under no circumstances should information from social networking sites be used to make selection decisions. Such action could result in expensive discrimination claims. For example - not all candidates will have profiles on social networking sites and using information from this source may be seen as giving an unfair advantage or disadvantage to certain candidates, possibly discriminating against younger people who are likely to use social networking sites more often.

Many forms of discrimination claims, including harassment claims can occur via emails, if an employee places discriminatory material about another employee, a Trustee, parents/carers, children, young people, and vulnerable adults, this could amount to bullying or harassment of that individual.

The academy may be vicariously liable for such acts unless it took such steps that were reasonably practicable to prevent material being placed on a site. Where an employee carries out an act of harassment or discrimination in the course of their employment, the academy is vicariously liable for that act even when the act is unauthorised. Once an issue of email harassment has been raised and the harasser identified, immediate action should be taken to stop the harassment and instigate the disciplinary procedure while supporting the harassed employee

4. **Breach of health and safety**

An example of breach of health and safety would be an internet video clip of employees performing stunts wearing the organisations uniform. When information like this is found, the academy should follow the disciplinary procedure to investigate the possibility of a breach of health and safety legislation on the part of the employee. If an academy is aware of this and fails to investigate there may be liability for personal injuries in the law of negligence.

Appendix C – Whistleblowing Policy

Public Interest Disclosure Act 1998

1. Introduction

- 1.1. The Public Interest Disclosure Act 1998 (“the Act”) protects workers and employees from detrimental treatment or dismissal as a consequence of disclosing information about unlawful actions of their employer or information about the conduct or behaviour of employees, volunteers or others associated with the operation and organisation of the academy. This is known as “whistleblowing”. The protection applies to employees, volunteers, agency and contract workers. The academy is committed to creating an open and supportive environment where individuals feel able to make a disclosure and feel confident in the process that will be followed. This policy sets out how disclosures can be made and how they will be handled. All disclosures will be treated consistently and fairly.
- 1.2. If an employee/worker makes a disclosure it must concern one of the 6 types of “qualifying disclosure” specified in the Act to be protected. These are where there has been or is likely to be:
- a breach of any legal obligation
 - a miscarriage of justice
 - a criminal offence
 - a danger to the Health and Safety of any individual
 - damage to the environment
 - deliberate concealment of information about any of the above.

The employee/worker raising the concern must reasonably believe they are doing so in the public interest. This means that personal grievances and complaints are not usually covered by this policy and should be dealt with under the Grievance Procedure.

- 1.3 Concerns should normally be raised initially with the employee’s line manager. If a concern is raised verbally it should be followed up in writing wherever possible. However, where the complaint relates to the employee/worker’s line manager, the complaint should be brought to the attention of a more senior manager, the Executive Principal or the Chair of Trustees.

2. Raising concerns

- 2.1. Where having raised a concern informally and the employee/worker has a genuine belief that the Academy has failed to take appropriate action or the employee/worker considers the informal process is inappropriate and wishes to raise the matter formally, they may report their concern to the Chair of Trustees or in exceptional circumstances to the Local Authority or to a prescribed body. (A prescribed body is an organisation, normally with some regulatory function (for example the Health and Safety Executive), which is prescribed by the Secretary of State for the purposes of the Act who an individual may make a protected disclosure to. Any such disclosure to a prescribed body will qualify for protection under the Act. A list of

prescribed bodies is available at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360648/bis-14-1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-persons-list-v4.pdf

- 2.2. Where the complaint is serious, for example involving fraud, theft or other potential gross misconduct, employees/workers should act quickly to report it but should not mention it to the subject of the complainant or other colleagues as that could prejudice any investigatory process.
- 2.3. It may be the case that employees/workers will have very genuine and justified suspicions of wrong-doing even though at the time of reporting they cannot point to concrete evidence. That should not deter employees/workers from going ahead and reporting the matter, particularly where it may involve potential risk to vulnerable people.
- 2.4. If the concern/complaint relates to the safeguarding of children (including concerns about other colleagues/works) and the employee/worker considers the informal process is inappropriate and/or wishes to raise the matter formally, they may report their concern to the Chair of Trustees or they should contact their Local Authority Designated Officer (LADO) using the Duty Line – **03330 139 797**

3. **Action by recipients of disclosures**

- 3.1. It would be inappropriate to have hard or fast rules and judgement must be exercised. While it is essential for problems to be tackled effectively and with the aim of righting wrongs, this may well be best achieved in many less serious cases by discussion with the ‘offending’ employee/worker and securing a commitment as to future standards and corrective action. In other more serious cases the matter may need to be passed to a more senior level of management or directly to the Trustees, as appropriate.

Once a disclosure has been made, the line manager/Trustee responsible for handling the grievance may ask the whistleblower to attend a meeting to gather all the information needed to ensure a clear understanding of the situation. Where a meeting is held, the whistleblower may be accompanied by a trade union representative or work colleague if they wish.

- 3.2. Where complaints are received from members of the public, the academy’s formal complaints procedure (as contained in the academy Customer Care Code of Practice) must be followed, unless the complaint relates to the specific conduct or performance of an individual employee/worker in which case the Disciplinary Procedure may need to be instigated.
- 3.3. Any written complaint/allegation should be given a written acknowledgement and confirmation that the matter will be looked into. Unless clearly made in a very low key way about minor matters, verbal complaints/allegations should receive a written acknowledgement in the same way.
- 3.4. In the event of the allegation being of a very serious nature, for example relating to a fraud or other potential gross misconduct offence, there may well be a need to involve the academy’s

auditors and/or the police. This should normally be agreed initially by the Chair of Trustees who should, in turn, and where appropriate, keep the Local Authority informed in view of any possible implications concerning public monies. Advice may be sought from the academy's legal advisers before involving the police in any such internal complaint or allegation.

- 3.5. When any complaint or allegation has been looked into and resolved or dealt with, the person who raised the matter in the first instance should be notified of that, normally in writing unless common-sense indicates that it can be done more appropriately in a verbal, informal way. How much detail to give of findings and outcomes is a matter of judgement and it would, for example, be inappropriate to disclose details of disciplinary actions taken against another employee.
- 3.6. All disclosures will be handled by the academy in a timely manner. The timescales for handling disclosures will differ depending on the nature of the disclosure made but all disclosures (whether formal or informal) will be acknowledged by the academy within [2] working days. The timescales for any further steps in the process will be notified to the whistleblower when the disclosure is acknowledged.

4. Protecting 'whistle-blowers' and complainants

- 4.1. Whistle-blowers are protected by the Act from suffering a detriment or dismissal as a result of making a protected disclosure which they reasonably believe is in the public interest

A 'whistleblower' may ask for their identity to be kept concealed. Frequently the answer will be yes, but in more serious cases where disciplinary action may have to be taken against others they may well have a right to know the source as well as the nature of such complaints. In any case the academy is committed to doing as much as possible to ensure that well-being at work does not suffer as a result of the tensions that may result from the making or investigation of complaints

Where a whistleblower remains anonymous the academy will not ordinarily be able to provide feedback to the whistleblower and any action taken as a result of an anonymous disclosure may be limited. The academy will take all appropriate steps to investigate such a disclosure in line with the level of information provided. If an anonymous whistleblower wishes to seek feedback from the academy an appropriate anonymised email address should be provided.

- 4.2. If an individual believes they are experiencing harassment or victimisation at work as a consequence of 'whistleblowing' they are strongly encouraged to bring this to an appropriate senior manager's attention at an early stage so that it can be addressed. The academy will take all reasonable steps to prevent/address such harassment or victimisation.
- 4.3. Whether or not work relationships suffer in this way it may well be that 'whistle-blowers' will find the process of reporting wrong-doing and making statements etc stressful, particularly where there may be feelings of divided loyalties. In such circumstances the 'whistleblower' may welcome the opportunity to talk through these anxieties and feelings either with their manager, or possibly, with someone from a counselling service. This is to be encouraged.

5. **What if an employee receives a complaint about him/herself?**

- 5.1. If the complaint or allegation is at all significant or made in a formal way, particularly by a member of the public or other external users, then employees/workers should inform their line manager or Chair of Trustees in the case of the Executive Principal – even if they believe or know the complaint to be groundless or unjustified.
- 5.2. Where a complaint or ‘grumble’ clearly does not justify taking up the line in this way, making a brief note on a file or diary or similar will often be advisable.

6. **Malicious allegations**

- 6.1. If, following appropriate investigation, it is considered that an employee has made a malicious allegation without real substance and/or which could not be reasonably considered to be in the public interest, this will be taken as a most serious matter and may potentially lead to disciplinary action in line with the academy’s disciplinary procedure.
- 6.2. If an individual engaged by the academy makes a malicious allegation, the academy will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract with the individual.

This Staff Code of Conduct policy was reviewed and ratified by the Personnel Committee on 13 November 2019, with delegated authority from the Trustees of Plume, Maldon’s Community Academy.