

SEPTEMBER 2019



STAFF CODE OF CONDUCT POLICY

HORIZONS EDUCATION TRUST
AMERICAN LANE, HUNTINGDON, CAMBRIDGESHIRE. PE29 1TQ

1. INTRODUCTION

- 1.1 This Code of Conduct ('the Code') sets out the professional standards expected and the duty upon staff, trustees and volunteers to abide by it. All staff, Trustees and volunteers have a duty to keep pupils safe, promote their welfare and to protect them from sexual, physical and emotional harm. This duty is, in part, exercised through the development of respectful, caring and professional relationships between adults and pupils and behaviour by adults that demonstrate integrity, maturity and good judgement. Following this Code will help to safeguard staff, trustees and volunteers from being maliciously, falsely or mistakenly suspected or accused of misconduct in relation to pupils and the Required Professional Standards.
- 1.2 Staff, trustees and volunteers must feel able to raise issues of concern and everyone must fully recognise the duty to do so particularly in terms of child protection. Adults have a duty to report any child protection or welfare concerns to the safeguarding lead in school using the child protection log of concern form. A member of staff who, in good faith, "whistleblows" or makes a public interest disclosure will have the protection of the relevant legislation.
- 1.3 This Code cannot provide an exhaustive list of what is, or is not, appropriate behaviour for staff, Trustees or volunteers. However, it does highlight behaviour that is illegal, inappropriate or inadvisable in relation to the Required Professional Standards. There will be occasions and circumstances in which staff, trustees or volunteers have to make decisions or take action in the best interests of the pupil where no specific guidance has been given. Adults are expected to make responsible and informed judgements about their own behaviour in order to secure the best interests and welfare of the pupils for which that individual is responsible.
- 1.4 Any member of staff who is found to have committed a breach of this Code will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The Trustees will take a strict approach to serious breaches of this Code.
- 1.5 Where an allegation of abuse is made against a member of staff the Trustees will follow the school Managing Allegations of Abuse policy and Whistleblowing policy and the guidance set out in [Keeping Children Safe in Education DfE](#) and the statutory guidance within '[Dealing with Allegations of Abuse against Teachers and other Staff](#)' (DfE Oct 2012) where it is alleged that a member of staff, a trustee or volunteer has:
- behaved in a way that has harmed a child, or may have harmed a child;

- possibly committed a criminal offence against or related to a child; or,
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

2. EXPECTED PROFESSIONAL STANDARDS

2.1 All staff, trustees and volunteers as appropriate to the role and/or job description of the individual, must:

- place the well-being and learning of pupils at the centre of their professional practice.
- have high expectations for all pupils, be committed to addressing underachievement, and work to help pupils progress regardless of their background and personal circumstances.
- treat pupils fairly and with respect, take their knowledge, views, opinions and feelings seriously, and value diversity and individuality.
- model the characteristics they are trying to inspire in pupils, including enthusiasm for learning, a spirit of enquiry, honesty, tolerance, social responsibility, patience, and a genuine concern for other people.
- respond sensitively to the differences in the home backgrounds and circumstances of pupils, recognising the key role that parents and carers play in pupils' education.
- seek to work in partnership with parents and carers, respecting their views and promoting understanding and co-operation to support the young person's learning and well-being in and out of school.
- reflect on their own practice, develop their skills, knowledge and expertise, and adapt appropriately to learn with and from colleagues.
- the same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.

2.2 OUTSIDE INTERESTS

During your employment, you shall not, without the prior written authority of the Employer, whether paid or unpaid, be directly or indirectly engaged, concerned or have any financial interest as an agent, consultant, director, employer, owner, partner, shareholder or other capacity in any other business, trade, profession or occupation (or the setting up of any business, trade, profession or occupation).

2.3 Teachers are required to comply with the Teachers' Standards in force, in particular Part 2 Personal and Professional Standards.

2.4 All staff trustees and volunteers must be familiar with and act in accordance with Part 1 of [Keeping Children Safe in Education DfE](#)

2.5 Our Disciplinary Rules should be read in conjunction with our Disciplinary Procedure. The Disciplinary Rules are intended to give examples of the type of conduct that is considered to be misconduct or gross misconduct, and which could lead to action under our Disciplinary Rules and can be found in the attached appendix.

3. CONFIDENTIALITY

3.1 As data controllers, all schools are subject to the Data Protection Act 2019. In addition, teachers owe a common law duty of care to safeguard the welfare of their pupils. This duty is acknowledged in the provisions governing disclosure of information about pupils.

3.2 Members of staff and Trustees may have access to confidential information about pupils in order to undertake their responsibilities. In some circumstances the information may be sensitive and/or confidential. Confidential or personal information about a pupil or her/his family must never be disclosed to anyone other than on a need to know basis. In circumstances where the pupil's identity does not need to be disclosed the information should be used anonymously. Information must never be used to intimidate, humiliate, or embarrass the pupil.

3.3 There are some circumstances in which a member of staff may be expected to share information about a pupil, for example when abuse is alleged or suspected. In such cases, individuals have a duty to pass information on without delay to those with designated pupil protection responsibilities.

3.4 Confidential information about pupils must be held securely. Confidential information about pupils must not be held off the school site other than on security protected school equipment. Information must only be stored for the length of time necessary to discharge the task for which it is required.

3.5 If a member of staff is in any doubt about the storage or sharing of information s/he must seek guidance from a senior member of staff. Any media or legal enquiries must be passed to senior management.

4. PROPRIETY, BEHAVIOUR AND APPEARANCE

- 4.1 All adults working with children have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of pupils. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their colleagues, pupils and the public in general. An individual's behaviour or actions, either in or out of the workplace, should not compromise her/his position within the work setting or bring the school into disrepute. The misuse of drugs, alcohol or acts of violence would be examples of such behaviour.
- 4.2 A person's dress and appearance are matters of personal choice and self-expression. However staff, trustees and volunteers must ensure they are dressed in ways which are appropriate to their role and not likely to be viewed as offensive, revealing or sexually provocative and specifically should not distract, cause embarrassment or give rise to misunderstanding, should be culturally sensitive and free of any political or otherwise contentious slogans, and not considered to be discriminatory. Those who dress or appear in a manner which may be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct. We recommend that staff adopt the optional uniform for staff.
- 4.3 Personal property of a sexually explicit nature such as books, magazines, CDs, DVDs or such material on any electronic media must not be brought onto or stored on the school premises or on any school equipment.

5. SEXUAL CONTACT WITH CHILDREN AND YOUNG PEOPLE AND ABUSE OF TRUST

- 5.1 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 should maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report any incident with this potential.
- 5.2 Any sexual behaviour or activity, whether homosexual or heterosexual, by a member of staff, trustee or volunteer with or towards a child or young person is illegal. Children and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether there is consent or

not. Where a person aged 18 or over is in a specified position of trust with a child or young person under 18 years, the Sexual Offences Act 2003 makes it 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

- 5.3 Sexual behaviour includes non-contact activities, such as causing a child or young person to engage in or watch sexual activity or the production of indecent images of children. 'Working Together to Safeguard Children' 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".
- 5.4 Staff, trustees and volunteers must not have sexual relationships with pupils, have any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative i.e verbal comments, letters, notes, texts, electronic mail, phone calls, social networking contact or physical contact. The adult should not make sexual remarks to, or about, a child or young person or discuss their own sexual relationships with or in the presence of pupils. Staff, trustees and volunteers should take care that their language or conduct does not give rise to comment or speculations. Attitudes, demeanour and language all require care and thought.
- 5.5 There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child or young person, and manipulate that relationship so that sexual abuse can take place. Staff, trustees and volunteers should be aware that conferring special attention without good reason or favouring a pupil has the potential to be construed as being part of a 'grooming' process, which is a criminal offence.

6. INFATUATIONS AND CRUSHES

6.1 A child or young person may develop an infatuation with an adult who works with them. A member of staff or volunteer, who becomes aware that a pupil may be infatuated with him/herself or a colleague, must report this without delay to a senior colleague so that appropriate action can be taken to avoid any hurt, distress or embarrassment. The situation will be taken seriously and the adult should be careful to ensure that no encouragement of any kind is given to the pupil. It should also be recognised that careless and insensitive reactions may provoke false accusations.

6.2 Examples of situations which must be reported are given below:

- Where a member of staff or volunteer is concerned that he or she might be developing a relationship with a pupil which could have the potential to represent an abuse of trust,
- Where a member of staff or volunteer is concerned that a pupil is becoming attracted to him or her or that there is a developing attachment or dependency.
- Where a member of staff or volunteer is concerned that actions or words have been misunderstood or misconstrued by a pupil such that an abuse of trust might be wrongly suspected by others.
- Where a member of staff or volunteer is concerned about the apparent development of a relationship by another member of staff or volunteer, or receives information about such a relationship

7. GIFTS

7.1 It is against the law for public servants to take bribes. Staff, trustees and volunteers need to take care that they do not accept any gift that might be construed by others as a bribe, or lead the giver to expect preferential treatment. There are occasions when pupils or parents wish to pass small tokens of appreciation to staff e.g. at Christmas or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

7.2 Personal gifts must not be given to pupils. This could be misinterpreted as a gesture either to bribe, or single out the young person. It might be perceived that a 'favour' of some kind is expected in return. Any reward given to a pupil should be consistent with the school's behaviour or rewards policy, recorded, and not based on favouritism.

8. SOCIAL CONTACT AND SOCIAL NETWORKING

- 8.1 Communication between pupils and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones, text messaging, emails, digital cameras, videos, web-cams, websites and blogs. Staff and volunteers should not share any personal information with pupils. 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. If a pupil seeks to establish social contact, or if this occurs coincidentally, the adult should exercise his or her professional judgment in making a response and should ensure that all communications are transparent and open to scrutiny.
- 8.2 Staff and volunteers must not give their personal contact details such as home/mobile phone number; home or personal e-mail address or social networking details to pupils unless the need to do so is agreed in writing with senior management.
- 8.3 It is recommended that staff ensure that all possible privacy settings are activated to prevent pupils from making contact on personal profiles and to prevent students from accessing photo albums or other personal information which may appear on social networking sites.
- 8.4 Staff must not have any pupils or any ex-pupils under the age of 18 as friends on their social networking sites. Staff are advised not to have any online friendships with any young people under the age of 18, unless they are family members or close family friends. Staff are advised not to have online friendships with parents or carers of pupils, or members of the Board of Trustees. Where such on line friendships exist, staff must ensure that appropriate professional boundaries are maintained.
- 8.5 Staff are personally responsible for what they communicate in social media and must bear in mind that what is published might be read by us, pupils, the general public, future employers and friends and family for a long time. Staff must ensure that their on-line profiles are consistent with the professional image expected by us and should not post material which damages the reputation of the school or which causes concern about their suitability to work with children and young people. Those who post material which may be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct which may be dealt with under the school's disciplinary procedure. Even where it is made clear that the writer's views on such topics do not represent those of the School/Academy,

such comments are inappropriate.

9. PHYSICAL CONTACT AND PERSONAL PRIVACY

- 9.1 There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role. When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity, culture and background. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one pupil in one set of circumstances may be inappropriate in another, or with a different pupil.
- 9.2 Physical contact should never be secretive or casual, or for the gratification of the adult, or represent a misuse of authority. If a member of staff or volunteer believes that an action could be misinterpreted, the incident and circumstances should be reported as soon as possible in the school's incident book, and, if appropriate, a copy placed on the pupil's file.
- 9.3 Physical contact, which occurs regularly with a pupil or pupils, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review. Where feasible, staff should seek the pupil's permission before initiating contact. Staff should listen, observe and take note of the pupil's reaction or feelings and – so far as is possible - use a level of contact which is acceptable to the pupil for the minimum time necessary.
- 9.4 There may be occasions when a distressed pupil needs comfort and reassurance. This may include age-appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation.
- 9.5 Where a member of staff has a particular concern about the need to provide this type of care and reassurance s/he should seek further advice from a senior manager.
- 9.6 Some staff, for example, those who teach PE and games, or who provide music tuition will on occasions have to initiate physical contact with pupils in order to support a pupil so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the pupil's agreement. Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment. Staff

should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil

- 9.7 Pupils are entitled to respect and privacy when changing clothes or taking a shower. However, there needs to be an appropriate level of supervision in order to safeguard pupils, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the pupils concerned and sensitive to the potential for embarrassment.
- 9.8 Staff with a job description which includes intimate care duties will have appropriate training and written guidance. No other member of staff or volunteer should be involved in intimate care duties except in an emergency.

10 BEHAVIOUR MANAGEMENT AND PHYSICAL INTERVENTION

- 10.1 All pupils have a right to be treated with respect and dignity. Corporal punishment is unlawful in all schools. Staff and volunteers must not use any form of degrading treatment to punish a pupil. The use of sarcasm, demeaning or insensitive comments towards pupils is not acceptable in any situation. Deliberately intimidating pupils by shouting aggressively, hectoring or overbearing physical presence is not acceptable in any situation. Any sanctions or rewards used should be part of the Positive Behaviour policy.
- 10.2 Physical intervention can only be justified in exceptional circumstances. Non-statutory guidance is available from the Department of Education website. See 'Guide for Heads and School Staff on behaviour and discipline (including reasonable force) for maintained schools' and 'Use of reasonable force -advice for Head Teachers, Staff and Governing Bodies for all Schools and Academies. Staff may legitimately intervene to prevent a pupil from committing a criminal offence, injuring themselves or others, causing damage to property, engaging in behaviour prejudicial to good order and to maintain good order and discipline. Staff should have regard to the health and safety of themselves and others. Under no circumstances should physical force be used as a form of punishment. The use of unwarranted physical force is likely to constitute a criminal offence. The school has a separate policy on the use of physical intervention.
- 10.3 All schools must have trained first aiders/appointed persons. Staff must have had the appropriate training before administering first aid or medication except in an emergency.

11 ONE TO ONE SITUATIONS AND MEETINGS WITH PUPILS

- 11.1 One to one situations have the potential to make children/young persons more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with pupils may also be more vulnerable to unjust or unfounded allegations being made against them. Staff must recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure that the safety and security needs of both staff and pupils are met. Managers should undertake a risk assessment in relation to the specific nature and implications of one to one work for each worker and pupil. Where such a meeting is demonstrably unavoidable it is advisable to avoid remote or secluded areas of the school and to ensure that the door of the room is left open and/or visual/auditory contact with others is maintained. Any arrangements should be reviewed on a regular basis.
- 11.2 Pre-arranged meetings with pupils away from the school premises or on the school site when the school is not in session are not permitted unless written approval is obtained from their parent/ guardian and the head teacher or other senior colleague with delegated authority.
- 11.3 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 established and agreed with parents/carers and a senior manager/Head teacher.

12 TRANSPORTING PUPILS

- 12.1 In certain situations e.g. out of school activities, staff, trustees or volunteers may agree to transport pupils. Transport arrangements should be made in advance by a designated member of staff. Wherever possible and practicable transport should be provided other than in private vehicles, with at least one adult additional to the driver acting as an escort.
- 12.2 Adults should ensure that their behaviour is safe and that the transport arrangements and the vehicle meet all legal requirements. They must ensure that the vehicle is roadworthy and appropriately insured and that the maximum capacity is not exceeded

- 12.3 It is inappropriate for staff to offer lifts to a pupil outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with parents/carers.
- 12.4 There may be occasions where a pupil requires transport in an emergency situation or where not to give a lift may place a pupil at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

13 EDUCATIONAL VISITS AND SCHOOL CLUBS

- 13.1 Staff, and volunteers should take particular care when supervising pupils in the less formal atmosphere of an educational visit, particularly in a residential setting, or after-school activity. Staff and volunteers remain in a position of trust and the same standards of conduct apply. Please refer to the school's policy on educational visits.

14 CURRICULUM

- 14.1 Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This plan should highlight particular areas of risk and sensitivity.
- 14.2 The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to pupils' questions can require careful judgement and staff must take guidance in these circumstances from a senior member of staff. Staff and volunteers must not enter into or encourage inappropriate discussion about sexual activity or behaviour.
- 14.3 Please refer to the School's policy on sex and relationships education.

15 PHOTOGRAPHY, VIDEOS AND OTHER CREATIVE ARTS

- 15.1 Please refer to the school's guidance on the use of images and the consent forms therein. Also refer to Policy for use of mobile phones and electronic devices.
- 15.2 Many school activities involve the taking or recording of images. This may be undertaken as part of the curriculum, extra school activities, for publicity, or to celebrate achievement. The Data Protection Act 2019 affects the use of photography. An image of a child is personal data and it is, therefore, a requirement under the Act that consent is obtained from the parent of a child before any images are made such as those used for school web sites, notice boards, productions or other purposes.
- 15.3 Staff need to be aware of the potential for such images to be misused to create indecent images of children and/or for 'grooming' purposes. Careful consideration should be given as to how these activities are organised and undertaken. There should 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.
- 15.4 Staff should remain sensitive to any pupil who appears uncomfortable and should recognise the potential for misinterpretation. It is also important to take into account the wishes of the child, remembering that some children do not wish to have their photograph taken.
- 15.5 Adults should only use equipment provided or authorised by the school to make/take images and should not use mobile telephones or any other similar devices to make/take images.
- 15.6 The following guidance must be followed:
- if a photograph is used, avoid naming the pupil
 - if the pupil is named, avoid using the photograph
 - photographs/images must be securely stored and used only by those authorised to do so.
 - be clear about the purpose of the activity and about what will happen to the photographs/images when the lesson/activity is concluded
 - ensure that a senior member of staff is aware that the photography/image equipment is being used and for what purpose.
 - ensure that all photographs/images are available for scrutiny in order to screen for acceptability
 - be able to justify the photographs/images made
 - do not take photographs in one to one situations.

- do not take, display or distribute photographs/images of pupils unless there is consent to do so.

16 WHISTLEBLOWING AND CYBER-BULLYING

- 16.1 Staff who have concerns about any alleged abuse or inappropriate use of ICT resources, virtual learning environments, camera/recording equipment, telephony, social networking sites, email or internet facilities or inappropriate communications, whether by pupils, parents, carers or staff, or others should alert the Head Teacher. Where a concern relates to the Head Teacher, this should be reported to the Chair of Trustees. If a matter concerns child protection it should also be reported to the Designated Child Protection Officer.
- 16.2 Cyber-bullying can be experienced by staff as well as pupils. Staff should notify the Head Teacher if they are subject to cyber-bullying. The School/Academy will endeavour to protect staff and stop any inappropriate conduct.

17 UNACCEPTABLE USE OF ICT FACILITIES AND MONITORING

- 17.1 Posting, creating, accessing, transmitting, downloading, uploading or storing any of the following material (unless it is part of an authorised investigation) is likely to amount to gross misconduct and result in summary dismissal (this list is not exhaustive):
- a. pornographic or sexually suggestive material or images of children or adults which may be construed as such in the circumstances (that is, writing, texting, pictures, films and video clips of a sexually explicit or arousing nature),
 - b. any other type of offensive, obscene or discriminatory material or criminal material or material which is liable to cause distress or embarrassment to the School/Academy or others.
- 17.2 The contents of our ICT resources and communications systems are our property. Therefore, staff should have no expectation of privacy in any message, files, data, document, facsimile, telephone conversation, social media post, conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored or recorded on our electronic information and communications systems.
- 17.3 We reserve the right to monitor, intercept and review, without further notice, staff usage of our IT resources and communications systems, including but not limited to telephone, e-mail, messaging, voicemail, CCTV, internet and social media postings and activities, to ensure that our rules are being complied with and for the following purposes:
- a) to monitor whether the use of the e-mail system or the internet

is legitimate and in accordance with this Code:

- a) to assist in the investigation of alleged wrongful acts; or
 - b) to comply with any legal obligation
- 17.4 Staff consent to monitoring by acknowledgement of this Code and the use of our resources and systems. We may store copies of data or communications for a period of time after they are created, and may delete such copies from time to time without notice. If necessary information may be handed to the police in connection with a criminal investigation.
- 17.5 A CCTV system monitors the School/Academy 24 hours a day. This data is recorded and may be used as evidence of any alleged wrong doing.

18 REPORTING CONCERNS AND RECORDING INCIDENTS

- 18.1 All staff, trustees and volunteers must report concerns and incidents in accordance with the school whistleblowing policy, and/or the managing allegations of abuse policy and PREVENT. The following is a non-exhaustive list of behaviours which would be a cause for concern:

An adult who:

- Allows a pupil/young person to be treated badly; pretends not to know it is happening
- Gossips/shares information inappropriately
- Demonstrates inappropriate discriminatory behaviour and/or uses inappropriate language
- Dresses in a way which is inappropriate for the job role
- Does not treat pupils fairly - demonstrates favouritism
- Demonstrates a lack of understanding about personal and professional boundaries
- Uses his/her position of trust to intimidate, threaten, coerce or undermine
- Appears to have an inappropriate social relationship with a pupil or pupils
- Appears to have special or different relationships with a pupil or pupils
- Seems to seek out unnecessary opportunities to be alone with a pupil

Policy agreed on: September 2019

Signed on behalf of the Trustees _____

Committee: _____

Author: _____

Review date (optional): _____

Website Y/N

APPENDIX 1:



SPRING COMMON ACADEMY

DISCIPLINARY RULES FOR ALL EMPLOYEES

Dated: September 2019.

1. Purpose

The Disciplinary Rules should be read in conjunction with our Disciplinary Procedure. The Disciplinary Rules are intended to give examples of the type of conduct that is considered to be misconduct or gross misconduct, and which could lead to action under our Disciplinary Procedure.

2. Gross Misconduct

Gross Misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our organisation or reputation or irreparably damage the working relationship and trust between us. If you are suspected of committing an act of gross misconduct, you may be suspended with full pay pending investigation. Gross misconduct will be dealt with under our Disciplinary Procedure and will lead to dismissal without notice or pay in lieu of notice (summary dismissal). The following are **examples** of matters that are normally regarded as gross misconduct. This list is intended as a guide and is not exhaustive:

- 2.1. Behaviour that has or may have harmed a child or vulnerable adult or, behaviour towards a child or children that indicates you would pose a risk of harm to children, for example:
 - a) Sexual behaviour towards or relations with a pupil.
 - b) Physically harming a pupil.
 - c) Coercion or intimidation of a child
 - d) Criminal offences related to or against a child.
- 2.2. Criminal activities or offences, whether committed at work or not, that may affect our reputation or otherwise affects your suitability and/or ability to continue in employment.
- 2.3. Sexual misconduct, whether at work or not and, whether criminal or not.
- 2.4. Acts of physical or threatened violence, vandalism, bullying or, behaviour which provokes violence **whether at work or not**.
- 2.5. Possession, use, supply or attempted supply of illegal drugs or any other inappropriate substances, whether illegal or not.
- 2.6. Being under the influence of alcohol or other substances that make you unfit to perform your duties during working time, or illegal use of drugs at any time.
- 2.7. Deliberately accessing internet sites containing pornographic, offensive or obscene material on our school equipment or during working time.
- 2.8. Communicating offensive, obscene or unauthorised sexually explicit material whether verbally, written, in electronic communication, or by social media.
- 2.9. Serious negligence, serious neglect of duties or, a serious or deliberate breach of your conditions of employment, operating procedures, public examination rules, DfE statutory requirements, statutory rules affecting your work or, Health and Safety rules, for example:
 - a) Failure to comply with the Prevent Duty.
 - b) Failure to report safeguarding concerns.
 - c) Failure to exercise proper control or supervision of pupils.
 - d) Disclosure of restricted public examination material or content.
 - e) Falsifying sickness absence.

- f) Taking leave when permission denied.
 - g) Ignoring handling instructions/responsibilities/safety regulations to include those in relation to chemicals, machinery, equipment or food.
 - h) **A breach of our Code of Conduct including any reference to pupils, staff, Trustees and volunteers and parents on social media.**
- 2.10. A serious act of insubordination.
- Dishonesty associated with place of work or job being undertaken, for example:
- a) Theft or unauthorised removal or misuse of property.
 - b) Fraud, forgery or other dishonesty, including fabrication of expense claims, time sheets, qualifications, application forms, public examination forms and any other forms or records in use, falsification of any information given on your application form for a post, entitlement to work (including immigration status) in order to gain employment or other benefits or falsification of registration of pupils.
 - c) Demanding or accepting monies or other considerations as a bribe for the use of our property or provision of our service.
 - d) Failure to disclose criminal convictions, cautions, bindover orders reprimands or warnings (except those which are 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended from time to time) or, failure to disclose during the course of your employment an arrest or summons for an offence, a conviction, a bindover order, a reprimand or a warning given by a police force.
 - e) Undertaking unauthorised paid or unpaid employment during working hours, including during periods of sickness absence.
- 2.11. **Unauthorised use or disclosure of confidential information** (or information which is of a confidential nature) or failure to ensure that such information in your possession is kept secure for data protection.
- 2.12.** Making statements that are or could be damaging, slanderous or libellous whether verbally, written, in electronic communication or by social media, which could be harmful to a pupil, an employee or other worker, a Trustee, a member of the public, or our school or Trust reputation **whether at work or not.**
- 2.13.** Unlawful harassment or victimisation of, or unlawful discrimination against, a pupil, an employee or other worker, Trustee, or a member of the public **including a parent or carer.**
- 2.14. Victimising a person who has raised concerns, made a complaint, given evidence or information under our policies, e.g. Grievance Procedure, Disciplinary Procedure or otherwise.
- 2.15. Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith against a person or, making untrue allegations in bad faith against a person.
- 2.16. Unauthorised use of mobile phones in the presence of pupils
- 2.17. Bringing the organisation into serious disrepute.

3. Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure. This list is intended as a guide and is not exhaustive.

3.1. Absenteeism and lateness, for example:

- a) Unauthorised absence or **leaving your job work place during working hours** without permission or sufficient cause for absence.
- b) Frequent failure to attend work punctually.
- c) Failure to comply with our sickness absence reporting procedure **on time scales specified.**

3.2. Neglect of duty, for example:

- a) Failure to adopt safe working practices/use protective equipment where required by law or management.
- b) **Failure to supervise pupils including using computers or devices.**
- c) **Late arrival to duties for start / end of day, breaks, lunchtimes**
- d) **Off site without permission from Head of School during working hours.**
- e) Damage to, or unauthorised use of our property or contractor's property.
- f) Insubordination.

3.3. Obscene language or other offensive behaviours.

3.4. Undertaking additional employment outside normal working hours without authorisation:

Failure to disclose and obtain discretionary agreement from the Head of School to work with pupils outside school hours due to Code of Conduct rules.

3.5. Breaches of our policies and code of conduct.

3.6. Breaches of your contract.

3.7. Unauthorised use of mobile phones on school premises and **during any regulated school activities.**