

# Code of Conduct Policy



## ST JOHN PAYNE CATHOLIC SCHOOL

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## **1. Introduction**

The overriding expectation is that employees, volunteers and those engaged to work in the school will adopt the highest standards of personal integrity and conduct both in and outside work. As role models they must behave, through their words and actions, at all times in a manner which demonstrates their suitability to work with children and which upholds the standards and reputation of the school.

This Code of Conduct provides an overall framework of the behaviours expected of individuals who work in the school. The Code is not intended to be exhaustive and individuals should use sound professional, ethical and moral judgement to act in the best interests of the school, its pupils and its community.

The Code should be read in conjunction with:

- other school policies and procedures;
- the terms of any employment or service contracts and agreements;
- relevant professional standards.

## **2. Scope**

This Code applies to all individuals employed by the school or those engaged by the school including:

The Code should be read in conjunction with:

- relief/casual staff;
- supply staff;
- third parties providing services to the school (including self-employed individuals); and
- voluntary workers.

For the purpose of elements of this Code applying to all individuals set out above, they are collectively referred to as “workers”.

## **3. Roles and responsibilities**

### **3.1 Governing Body**

It is the responsibility of the Governing Body to establish and monitor standards of conduct and behaviour within the school, including the establishment of relevant policies and procedures. Governors are subject to their own Code of Conduct.

### **3.2 Headteacher and Line Managers**

It is the responsibility of Headteacher 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 with, and comply, with this Code.

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

### **3.4 Engaged workers/Volunteers**

Engaged workers and volunteers are required to familiarise themselves, and comply, with this Code in so far as it is relevant to their role. Any breaches of this Code may result in the engagement of the worker/volunteer being terminated, in accordance with any applicable terms of engagement.

## **4. Reporting breaches of standards of good conduct**

The School wishes to promote an open environment that enables individuals to raise issues in a constructive way and with confidence that they will be acted upon appropriately without fear of recrimination.

All employees, engaged workers and volunteers are expected to bring to the attention of an appropriate manager/Governing Body any impropriety, deficiency in the provision of service or breach of policy or this Code.

### **4.1 Whistleblowing**

**Please see Appendix 2**

## **5. The Code of Conduct**

### **5.1 Safeguarding and Child Protection**

It is essential 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, including outside work.

The relevant requirements specific to safeguarding and child protection are set out in:

- the school's Child Protection and Behaviour Management Policies and Procedures
- the Department for Education Statutory Guidance "Keeping Children Safe in Education" (September 2016, as amended from time to time).

This is the key statutory guidance which all employees must follow and all employees and volunteers must, as a minimum, read Part 1 of that Document.

“Guidance for Safer Working Practice for those working with Children and Young People in Education Settings” issued by the Safer Recruitment Consortium sets out key expectations for adult interactions with children and young people – the full guidance is available at <https://www.saferrecruitmentconsortium.org/GSWP%20May%202019%20final.pdf>

In addition, individuals should be aware that it is criminal offence (s 16. Sexual Offences Act 2003) for a person aged 18 or over to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual.

Individuals should familiarise themselves with these documents, in conjunction with the body of the Code of Conduct and other relevant schools policies and procedures.

## **5.2 Conduct outside work**

The school recognises and respects individuals’ right to a private life without interference. However, individuals connected with the school must not act in a way that would bring the school, or their profession, into disrepute or that calls into question their suitability to work with children. This covers relevant criminal offences, such as violence or sexual misconduct, inappropriate behaviour such as lewd or offensive action, as well as negative comments about the school or its community.

Workers must disclose to the school (Headteacher and in the case of the Headteacher to the Chair of Governors) immediately, any wrongdoing or alleged wrongdoing by a themselves (regardless of whether they deny the wrongdoing/alleged wrongdoing), including any incidents arising from alternative employment or outside of work which may have a bearing on their employment or engagement with the school.

Employees should also refer to the expectations set out in their contract of employment and the disciplinary procedures.

In addition, any worker engaged in a post covered by the Childcare (Disqualification) Regulations 2009 (“the Regulations”) must immediately inform the school of any events or circumstances which may lead to their disqualification from working in the post by virtue of the Regulations. The statutory guidance relating to Disqualification under the Childcare Act 2006 can be found at the following link: <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006#disqualification-under-the-childcare-act>.

### **5.2.1 Secondary employment**

The school does not seek to unreasonably preclude employees from undertaking additional employment but employees are required to devote their attention and abilities to their duties at the

school during their working hours and to act in the best interests of the school at all times. The school also has a duty to protect health and safety in relation to employee working hours. Accordingly, employees must not, without the written consent of the school, undertake any employment or engagement which might interfere with the performance of their duties. In addition, employees should avoid engaging in business or employment activities that might conflict with the school's interests.

### **5.3 Confidentiality**

Confidential information can take various forms and be held and transmitted in various ways e.g. manual records (files, reports and notes), verbal discussions and electronic records. As a general rule, all information received in the course of employment or whilst volunteering/being engaged by the school, no matter how it is received, held or transmitted, should be regarded as sensitive and confidential and must not be disclosed or divulged within or outside the school other than in accordance with the requirement of the role and/or where specific permission has been provided.

**NOTE:** All workers must be aware that they are 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 person e.g. the Designated Safeguarding Lead.

The school is committed to being transparent about how it collects and uses the personal data of its workforce, and to meeting its data protection obligations. The Data Protection Policy sets out the school's commitment to data protection, and individual rights and obligations in relation to personal data.

Any actual or suspected/potential breach of data protection must be reported immediately to the school's Data Protection Officer.

#### **5.3.1 Preserving anonymity**

The Education Act 2011 contains reporting restrictions preventing the publication of any material which could lead to the identification of a teacher in the event of an allegation against them made by a pupil at the same school. Any individual 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 criminal and disciplinary action, up to and including dismissal.

"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 media site which could lead to the identification of the teacher.

### **5.3.2 Media queries**

Workers must not speak to the press or respond to media queries on any matter relating to the school. All media queries should be referred immediately to the Headteacher/Chair of Governors.

### **5.4 Use of computers, email and the internet and social media**

The school recognises that electronic devices and media are important tools and resources in an educational context and can save time and expense.

Those using the school's equipment and networks 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.

Personal use of social media and other on-line applications which may fall into the public domain should not be such that it could bring the school into disrepute and/or call into question an individual's suitability to work with children.

*Detailed expectations are set out in Acceptable Use Policy at Appendix [ ].*

Any worker who is unsure about whether or not something he/she proposes to do might breach that policy or if something is not specifically covered in the policy they should seek advice from their line manager or a member of the Senior Leadership Team.

### **5.5 Relationships**

#### **5.5.1 The internal school community**

All workers are expected to treat member of the school community with dignity and respect and to work co-operatively and supportively. Bullying, Harassment and Victimisation will not be tolerated (see also the school's Grievance Procedure).

#### **5.5.2 The wider community and service users**

All workers have a responsibility to ensure courteous, efficient and impartial service delivery to all groups and individuals within the community. No favour must be shown to any individual or group of individuals, nor any individual or group unreasonably excluded from, or discriminated against, in any aspect of school business.

#### **5.5.3 Contracts**

All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the Governing Body. Orders and contracts must be in accordance with standing orders and financial regulations of the school. No special favour should be shown to businesses run by, for example, friends, partners or relatives in the awarding of contracts, tendering process or any other business transaction.

#### **5.5.4 Gifts and Hospitality**

Workers may not accept any gift or hospitality from a person intended to benefit from their services (or those whom they supervise) or from any relative without the express permission of the school.

Where an outside organisation wishes to sponsor or is seeking to sponsor a school activity, whether by invitation, tender, negotiation or voluntarily, the sponsorship should always be related to the school's interests and never for personal benefit.

The School's policy on gifts and hospitality is available from the school office. Any breaches of this policy may lead to disciplinary action.

#### **5.5.5 Neutrality**

Workers must not allow their own personal, political, religious or other views and opinions to interfere with their work. They are expected to be neutral in their views in the course of their work at the school and to present a balanced view when working with pupils.

### **5.6 Close personal relationships at work**

Close personal relationships are defined as:

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

#### **5.6.1 Applicants**

Applicants are required to disclose on their application form if they have a close personal relationship with any person connected with the school.

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

Workers should discuss confidentiality with their Headteacher/line manager, any relationships with an applicant.

It is inappropriate for any worker to sit on an appointment panel, for those with whom they have a close personal relationship.

### **5.6.2 References**

It is expected that, for those working with children, professional references, and not personal references, are sought and provided. All references provided on behalf of the school must be signed by the Headteacher (Chair of Governors for the Headteacher).

Anyone agreeing to act as a personal referee must make it clear in the reference that it is provided as a personal or colleague reference and is not a reference on behalf of the school. Personal or colleague references must not be provided on school headed paper.

### **5.6.3 Relationships at work**

It is also recognised that situations arise where close personal relationships can be formed at work. Such relationships should be disclosed, in confidence, to the line manager/supervisor by the individuals concerned as this may impact on the conduct of the school.

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 workers and managers/supervisors is essential to ensure these implications do not occur and that all parties can be protected.

No-one should be involved in discipline, promotion, pay or other decisions for anyone where there is a close personal relationship.

It may be necessary in certain circumstances to consider transferring workers that form close personal relationships at work. Any such action will be taken wherever possible by agreement with both parties and without discrimination.

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 their Head teacher/line manager, other manager or Governing Body.

### **5.6.4 Workers related to pupils**

Any workers related to, or who are the carer of a pupil are expected to separate their familial and employment role.

Workers must not show or provide any preferential treatment to them or become involved in their education or care beyond their specific role as an employee/volunteer or their role as a parent/carer/relation.

## **5.7 Dress code**

The school dress code recognizes that staff at St John Payne Catholic School are clear role models to the pupils. This code also addresses health and safety considerations for specific activities.

### **School Day**

Everyone should wear smart business dress.

Men should wear a shirt and tie with smart trousers or a suit. Shoes should be formal, not trainers.

Women should wear a dress, suit, skirt or tailored trousers; with a blouse or other appropriate top. Hem lines should be no shorter than mid thigh. Shoes should be formal , not flip flops, Fitflops or trainers. (Stiletto heels should not be worn in the school halls)

Jackets for men and women are optional but encouraged for formal school events, meetings with parents, visitors or when representing SJP in the wider community.

Our professional image is paramount and therefore denim /jeans/jeggings should not be worn at work. Undergarments should not be visible through items of clothing and leggings should not be worn as trousers.

Teachers of practical subjects should wear protective clothing when necessary. Protective equipment for use with specific machinery must be worn.

PE teachers should wear appropriate clothing for practical sessions; shorts should be mid thigh in length (no shorter).

Piercings and visible body art should be carefully considered to minimise exposure.

### **Inset day (non-pupil day)**

All staff may dress in smart casual clothes of personal choice. However, footwear in the form of flip flops is discouraged.

Casual t-shirts or any clothing with slogans or brand names that may cause offence should not be worn.

All staff are provided with a security identity badge which should be worn at all times.

## **5.8 Use of financial resources**

Workers 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 and ensure rigorous adherence to Financial Regulations.

## **5.9 School Property and personal possessions**

Workers must ensure they take due care of school property at all times, including proper and safe use, security, appropriate maintenance and reporting faults. If employees are found to have caused damage to school property through misuse or carelessness this may result in disciplinary action.

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

## **Appendix 1 – ICT Acceptable Use Policy**

### **1. Introduction**

ICT (including data) and the related technologies such as computers, email, the internet and mobile devices are an expected part of daily working life in school and the use of electronic communication and resources is encouraged.

All members of the school community are expected to use ICT responsibly and to comply with all applicable laws, policies and procedures, and with normal standards of professional and personal courtesy and conduct.

This policy is designed to ensure that all workers are aware of their professional responsibilities when using any form of ICT.

Failure to follow this policy may result in the withdrawal of access to school computers, email and internet and/or to disciplinary action, depending on the circumstances of the case.

Technology and the law change regularly and this policy will be updated as and when necessary. Workers will be informed when the policy has changed but it is their responsibility to read the latest version of this document.

### **2. Use of School Equipment/Networks**

Computers, Mobile Phones and other devices provided by the school are loaned to individuals to support their professional responsibilities and must be used in accordance with this policy.

Workers are responsible for the safe and proper use, care and security of equipment and systems provided. Devices must be secured appropriately especially when leaving the school premises (i.e. not left unattended) and protected from unauthorised access or use (i.e. not accessed by family members). Any loss, damage or unauthorised access must be reported immediately.

Workers must not use school equipment, networks or system to access, download, send or receive, store, create, copy or distribute any material which may be malicious, illegal, libellous, immoral, dangerous or offensive (this includes but is not limited to pornographic, sexual, violent or criminal content and racist, sexist, or otherwise discriminatory material).

Any appropriate and authorised electronic communication with pupils must be through official school network, channels, systems and on school equipment.

### **3. Use of Email**

School business must always be conducted through official email addresses, which must be secured with password controls. Workers should respond to emails during working hours in a timely and appropriate fashion.

Email should be treated like any other form of written communication and, as such, the content should be appropriate and accurate and data protection compliant.

Extreme care must be taken with attachments from third parties, particularly unidentified third parties, as these may contain viruses.

Email must not be used to receive, send or forward messages that are defamatory, obscene or otherwise inappropriate. If such an email is received, whether unwittingly or otherwise and from whatever source, this must not be forwarded to any other address and must be reported immediately.

Reasonable access and use of the internet/intranet and email facilities is available to recognised representatives of professional associations' i.e. union officers for the performance of their official duties and activities.

### **4. Social Networks**

Social networking applications include but are not limited to:

- Blogs
- Online discussion forums, for example Facebook;
- Media sharing services for example YouTube;
- Professional networking sites, for example Linked In
- 'Micro-blogging' application for example Twitter

Where the school operates official networking sites, these must be managed and used in accordance with this policy. This includes the following requirements:

- use of official (i.e. not personal) email addresses for user accounts;
- appropriate feedback and complaints information must be published in a prominent place which is easily accessible to other users;
- the school's logo and other branding elements should be used to indicate the school's support. The school's logo should not be used on social networking applications which are unrelated to or are not representative of the school's official position;
- users should identify themselves as their official position held within the school on social networking applications eg through providing additional information on user profiles;
- any contributions on any social networking application must be professional, uphold the reputation of the school and be in accordance with data protection requirements;

- users must not promote or comment on personal matters (including personal/ financial matters), commercial ventures, political matters or campaigns, religion or other matters;

## **5. Personal use of school Equipment/Networks**

School equipment, internet services, systems and email may be used for incidental personal purposes, with the approval of the line manager, provided that it:

- does not interfere with the school's operation of computing facilities or email services;
- does not interfere with the user's employment or performance of professional duties or other obligations to the school;
- is of a reasonable duration and frequency;
- is carried out in authorised break times or outside their normal working hours;
- does not over burden the system or create any additional expense to the school;
- is not used to access, send, receive or store inappropriate material; and
- does not bring the school and its community into disrepute.

Workers must notify the school of any significant personal use.

Reasonable access and use of the internet/intranet and email facilities is available to recognised representatives of professional associations' i.e. union officers for the performance of their official duties and activities.

Email should be treated like any other form of written communication and, as such, the content should be appropriate and accurate and data protection compliant.

School equipment/networks/systems must additionally not be used for

- commercial purposes not under the auspices of the school;
- personal financial gain;
- personal use that is inconsistent of other school policies or guidelines; or
- ordering of goods to be delivered to the school address or in the school's name.

## **6. Use of personal ICT equipment in school**

### Mobile Phones

It is accepted that individuals may bring personal mobile phones to school. Personal mobiles should have security codes to prevent access by other persons and must be stored securely and not accessible to pupils at any time.

Workers are not permitted to use their personal mobile phones to call, text, email or in any other way message pupils. Nor may they divulge their personal telephone number(s) or other contact details to pupils under any circumstances.

Workers are required to ensure mobile telephones are switched off/to silent during working hours and accessed only during authorised breaks. Any urgent phone calls or messages must be directed to the office who will notify workers immediately. Workers who need to use their mobile

telephone to make or receive an urgent call during working hours should where possible obtain prior authorisation from their line manager to do so.

#### Other electronic devices

Workers should not bring other electronic devices onto school premises unless this has been specifically authorised by an appropriate manager. In such circumstances, the computer / equipment must be kept securely (at the risk of the owner) and security protected so that it cannot be accessed by pupils or others at the school.

Any personal use of such equipment must be restricted to an employee's break times or outside their normal working hours and must not impact on their duties in any way.

Additionally, specific permission must be obtained prior to connecting any device to school networks/systems and the device(s) must have adequate virus protection.

Workers must ensure that no personal information regarding school business, its pupils or staff is stored on such personal equipment.

Where exceptionally, specific permission is granted to use personal equipment for work purposes e.g. to give a presentation, the employee must be extremely vigilant that personal files/data etc. are not inadvertently accessed or displayed.

No pictures or videos may be taken within school or at any school related activity, on personal devices.

### **7. Personal social networks**

The school recognises individual rights to privacy and a private life. However, the law generally views social media as in the public domain, irrespective of privacy settings. Workers are therefore advised to be mindful of their duties and obligations to uphold the reputation of the school, to comply with the Code of Conduct and other policies and contractual terms in their use of personal social media – being mindful of the real possibility for material to be posted, shared and made public inadvertently or by other contacts.

The school may require the removal of content it considers inappropriate.

It is totally unacceptable for any worker to discuss pupils, parents, work colleagues or any other member of the school community or any school related business on any type of social networking site.

Other posting on personal sites may also impact on the reputation of the school or the suitability/conduct of the employee for example if an employee is off sick but makes comments on a site to the contrary, postings of indecent or inappropriate images/activities etc.

Workers must not accept or propose contact, nor engage in any conversation with pupils on any personal social networking sites and should be circumspect in personal network contact with former pupils, particularly those under the age of 18 years.

Individuals working in the school should not use or access social networking sites of pupils.

## 8. Security

The school follows sound professional practices to secure data, system programmes, email records and networks under its control.

Workers must take all reasonable precautions to maintain security and confidentiality and to protect data. This includes:

- using appropriate security measures such as encryption/password protection to transmit confidential or sensitive information;
- ensuring all devices and system access are password protected Using secured memory sticks (all laptops, memory sticks and devices used must be encrypted);
- ensuring that pupils are not exposed to any inappropriate images or web links; and
- respecting all copyrights and not copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.

Users must not:

- use, transfer or tamper with other people's accounts and files;
- 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;
- 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;
- store sensitive or confidential data on their own equipment – this extends to personal cameras, mobile phones and other similar devices;
- use the internet/intranet facilities or equipment to deliberately create any virus, worm, Trojan horse or any such other programme that is harmful to normal computer operations.
- monitor or intercept the files or electronic communications of other workers or third parties;
- hack or obtain access to systems or accounts they are not authorised to use;
- use other people's log-ins or passwords; or
- breach, test, or monitor computer or network security measures without authorisation.

Where any security breach or inappropriate connection or ICT activity occurs, the user must immediately disconnect/log out and report immediately.

## 9. Privacy and Monitoring

The school respects workers' privacy and will not routinely inspect or monitor emails, data or internet usage.

However, workers should not have any expectation of absolute privacy in his or her use of the school systems or equipment (including but not limited to networks/servers/internet usage/networks/Wi-Fi). Under the following circumstances the school reserves the right, at its discretion, to review any electronic files and messages to the extent necessary to ensure systems are being used appropriately:

- when required by law;
- if there is a substantiated reason to believe that a breach of the law; or school's policy has taken place;
- if the school suspects that the employee has been viewing/transmitting offensive or illegal material;
- if the school suspects that the employee has been spending an excessive amount of time on activity which is not work related;
- where required for compliance checks eg auditors, data protection; or
- where there are emergency or compelling circumstances.

The school will endeavour to notify affected individuals of any monitoring which will take place and the reason for it, save in exceptional circumstances (see below).

Workers will normally be notified of what information will be recorded and retained, and for how long, who will have access and how such information will be used, which will include using such information for disciplinary purposes where applicable.

When monitoring emails, the school will, save in exceptional circumstances; confine itself to looking at the address and heading of the emails. Workers should mark any personal emails (where these are permitted by the school) as such and encourage those who send them to do the same. The school will avoid, where possible, opening emails clearly marked as private or personal.

The school considers the following to be valid reasons for checking an employee's email:

- if the employee is absent for any reason and communications must be checked for the smooth running of the school to continue;
- if the school suspects that the employee has been viewing or sending offensive or illegal material, such as material containing racist terminology or nudity (although the school understands that it is possible for workers inadvertently to receive such material and they

will have the opportunity to explain if this is the case);

- if the school suspects that an employee has been using the email system to send and receive an excessive number of personal communications (or any personal emails if this is prohibited by the school); and
- if the school suspects that the employee is sending or receiving emails that are detrimental to the school or its pupils.

The school may monitor communications without notification in certain specific circumstances, including but not limited to;

- establish the existence of facts relevant to the school e.g. whether a contract was entered into by email;
- ascertain compliance with regulatory or self-regulatory practices e.g. checking that the school is complying with external or internal regulations;
- ascertain or demonstrate standards that are or ought to be achieved by workers using the system;
- investigate or detect unauthorised use of the telecommunication system, which would include checking that workers are not breaching the school's policy on email and internet use; and
- ensure the effective operation of the system, for example through virus monitoring.

Monitoring will be reasonable and in accordance with current legislation.

#### **10. Covert monitoring**

The use of covert monitoring will only be used in exceptional circumstances, for example, where the school suspects criminal activity or where telling the employee about the monitoring would make it difficult to prevent or detect such wrongdoing.

If the schools considers covert monitoring to be justified, this will only take place as part of a specific investigation, and will cease when the investigation has been completed.

## **Appendix 2 – 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 school. This is known as “whistleblowing”. The protection applies to employees, volunteers, agency and contract workers.

Employees who have a role involving finance should also have regard to the Financial Regulations document for their school which includes a Whistleblowing Policy containing specific provisions relating to financial issues.

- 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; and,
  - 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. 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’s line manager, the complaint should be brought to the attention of a more senior manager, the Head teacher or the Chair of Governors.

#### **2. Raising concerns**

- 2.1 Where having raised a concern informally and the employee/worker has a genuine belief that the School 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 Governors 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 [www.direct.gov.uk](http://www.direct.gov.uk))
- 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.

### **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 Governing Body, as appropriate.
- 3.2 Where complaints are received from members of the public, the school's formal complaints procedure (as contained in the school 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 school's auditors and/or the police. This should normally be agreed initially by the Chair of Governors 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 school'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.

### **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 school 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.
- 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 school 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 Governors in the case of Headteachers – 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 school’s disciplinary procedure.
- 6.2 If an individual engaged by the school makes a malicious allegation, the school will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract with the individual.

