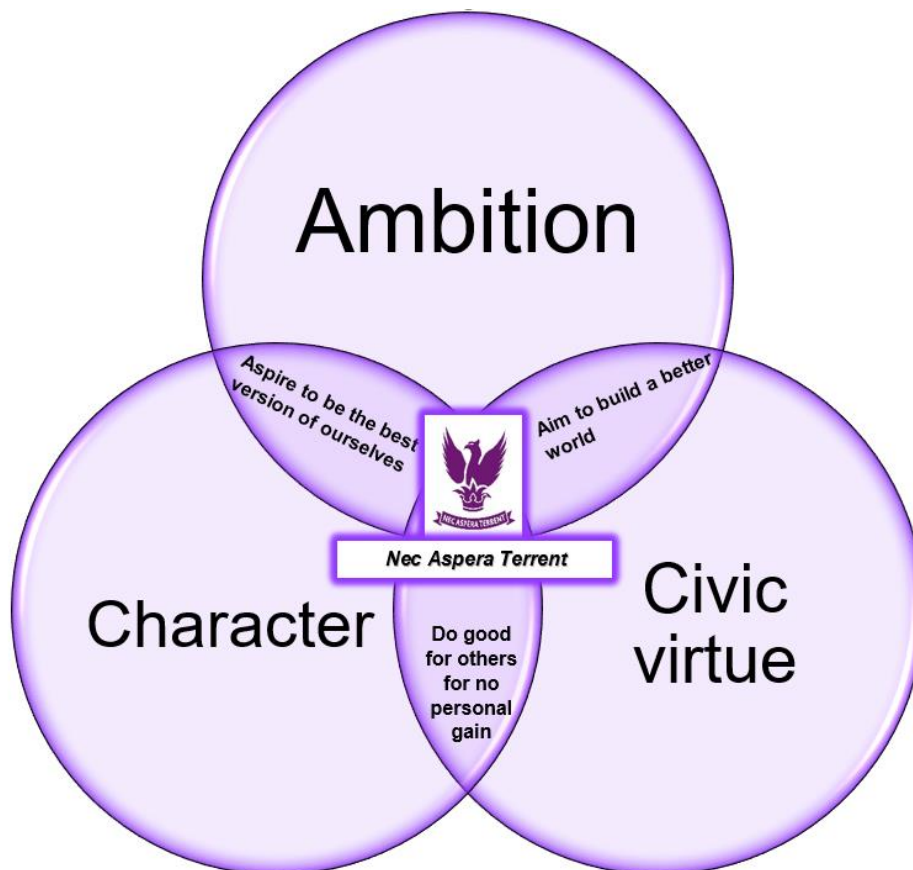




# DRAYTON MANOR HIGH SCHOOL

## CODE OF CONDUCT





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# DRAYTON MANOR HIGH SCHOOL

## CODE OF CONDUCT

### 1. Introduction

- 1.1 The Governing Body of Drayton Manor High School will foster a culture of the highest professional standards. This Code of Conduct sets out the standards expected and the duty upon all staff, volunteers and governors to abide by it. All staff, governors and volunteers have a duty to keep students safe and to protect them from physical and emotional harm. This duty is, in part, exercised through the development of respectful, caring and professional relationships between adults and students and behaviour by adults that demonstrate integrity, maturity and good judgment. Following this Code of Conduct will help to safeguard staff, governors and volunteers from being maliciously, falsely or mistakenly suspected or accused of professional misconduct in relation to students.
- 1.2 Staff, governors 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. A member of staff who, in good faith, “whistleblows” or makes a public interest disclosure will have the protection of the relevant legislation (see separate Whistleblowing Policy contained within the Staff Handbook).
- 1.3 This Code of Conduct cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. However, it does highlight behaviour that is illegal, inappropriate or inadvisable in relation to students. There will be occasions and circumstances in which staff have to make decisions or take action in the best interests of the student 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 students in their charge.
- 1.4 All teachers must by law be registered with the Teaching Agency and comply with the Code of Conduct and Practice for Registered Teachers and the Statement of Professional Values and Practice which are therefore incorporated into this Code of Practice. These documents can be accessed at <http://www.education.gov.uk>. The document Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings March 2009 is also incorporated into this Code of Conduct.

- 1.5 This Code of Conduct forms part of the school's disciplinary rules for staff. A serious breach of the Code will be regarded as gross misconduct. A less serious breach may result in a disciplinary warning.
- 1.6 Where an allegation of abuse is made against a member of staff, the Governing Body will follow the school's Management of Allegations Against Staff Policy

## **2. Principles of Professional Practice**

- 2.1 All staff, governors and volunteers as appropriate to the role and/or job description of the individual, must
  - place the well-being and learning of students at the centre of their professional practice
  - have high expectations for all students, be committed to addressing underachievement, and work to help students progress regardless of their background and personal circumstances
  - treat students 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 students, 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 students, recognising the key role that parents and carers play in students' 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

## **3. Confidentiality**

- 3.1 Members of staff and governors may have access to confidential information about students in order to undertake their responsibilities. In some circumstances the information may be highly sensitive. Confidential or personal information about a student or her/his family must never be disclosed to anyone other than on a need to know basis. In circumstances where the student'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 student.
- 3.2 There are some circumstances in which a member of staff may be expected to share information about a student, 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 student protection responsibilities.
- 3.3 Confidential information about students must be held securely. Confidential information about students 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.

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

#### **4. Propriety, Behaviour and Appearance**

- 4.1 All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of students. They should adopt high standards of personal conduct in order to maintain the confidence and respect of their peers, students and the public in general. An individual's behaviour, either in or out of the workplace, should not compromise her/his position within the work setting or bring the school into disrepute.
- 4.2 A person's dress and appearance are matters of personal choice and self-expression. However staff and volunteers must ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct.
- 4.3 Personal property of a sexually explicit nature such as books, magazines, videos or digital media must not be brought onto or stored on the school premises.
- 4.4 Social networking sites and blogging are extremely popular. Staff must 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 could be considered as inappropriate or who click the button to signify their agreement with such material posted by others, could render themselves vulnerable to criticism or allegations of misconduct.

#### **5. Sexual Contact with Children and Young People and Abuse of Trust**

- 5.1 Any sexual behaviour, whether homosexual or heterosexual, by a member of staff, volunteer or governor 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. All adults working in the school who have contact with students are in positions of trust. The Sexual Offences (Amendment) Act 2000 specifically established a criminal offence of the abuse of trust in relation to teachers and others who are in relationship of trust with 16 -18 year olds.
- 5.2 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'.

- 5.3 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 and volunteers should be aware that conferring special attention and favour upon a student might be construed as being part of a 'grooming' process, which is a criminal offence.
- 5.4 A relationship between a member of staff, a volunteer or a governor and any student cannot be a relationship between equals. There is potential for exploitation and harm of students and all adults have a responsibility to ensure that the unequal balance of power is not used for personal advantage or gratification. It is important to recognise that women as well as men may abuse a position of trust.

## **6. Infatuations and Crushes**

6.1 Adults must recognise that a student may be strongly attracted to a member of staff or volunteer and/or develop a heterosexual or homosexual infatuation. A member of staff or volunteer, who becomes aware that a student may be infatuated with him/herself or a colleague, should report this without delay to a senior colleague so that appropriate action can be taken. The situation will be taken seriously and the adult should be careful to ensure that no encouragement of any kind is given to the student. It should also be recognised that careless and insensitive reactions may provoke false accusations. Whilst the risk of infatuation is not limited to younger members of staff, newly qualified teachers must recognise their particular vulnerability to adolescent infatuation.

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 student which could have the potential to represent an abuse of trust
- Where a member of staff or volunteer is concerned that a student 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 student 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 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 students 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. If a member of staff is unsure if it is acceptable to accept a gift, they should refer to a member of the Senior Leadership Group for advice.

- 7.2 Personal gifts must not be given to individual students. 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 student should be consistent with the school's behaviour policy, recorded, and not based on favouritism.
- 7.3 Employees and, where applicable, associated persons are required to take particular care to ensure that all School records are accurately maintained in relation to any contracts or business activities, including financial invoices and all payment transactions with clients, suppliers and public officials.
- 7.4 Due diligence should be undertaken by employees and associated persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative. Employees and associated persons are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts accepted or offered.
- 7.5 Reporting suspected bribery the School depends on its employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all its business dealings. Employees and associated persons are requested to assist the School and to remain vigilant in preventing, detecting and reporting bribery.
- 7.6 Employees and associated persons are encouraged to report any concerns that they may have to the appropriate member of senior management as soon as possible. Issues that should be reported include
  - any suspected or actual attempts at bribery
  - concerns that other employees or associated persons may be being bribed
  - concerns that other employees or associated persons may be bribing third parties, such as clients or government officials
- 7.7 Employees should record any incidents of suspected bribery to a member of the Senior Leadership Group. Any such reports will be thoroughly and promptly investigated by the appropriate member of senior management in the strictest confidence. Employees and associated persons will be required to assist in any investigation into possible or suspected bribery.
- 7.8 Employees will also be required to comply with the School's Whistleblowing Policy.
- 7.9 Employees or associated persons who report instances of bribery in good faith will be supported by the School. The School will ensure that the individual is



not subjected to detrimental treatment as a consequence of his/her report. Any instances of detrimental treatment by a fellow employee because an employee has made a report will be treated as a disciplinary offence. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees and associated persons should not agree to remain silent. They should report the matter to an appropriate member of senior management.

- 7.10 The School will fully investigate any instances of alleged or suspected bribery. Employees suspected of bribery may be suspended from their duties while the investigation is being carried out. The School will invoke its disciplinary procedures where any employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal. The School may terminate the contracts of any associated persons, including consultants or other workers who act for, or on behalf of, the School who are found to have breached this policy.
- 7.11 The School may also report any matter to the relevant authorities, including the Director of Public Prosecutions, Serious Fraud Office, Revenue and Customs Prosecutions Office and the police. The School will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

## **8. Social Contact**

- 8.1 Adults in school should not establish or seek to establish social contact with any student or parent in the school for the purpose of securing a friendship or to pursue or strengthen a relationship. This includes all social media networking sites. Even if a student seeks to establish social contact, the adult should exercise her/his professional judgment in not making a response, as this could be misconstrued and may place the member of staff in a vulnerable position. If a student attempts to make contact over social media, staff must should inform the Designated Safeguarding Lead or Deputy.

Staff and volunteers must not give their personal details such as home/mobile phone number; home address or home e-mail address to students unless the need to do so is agreed with the Headteacher.

## **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 students, but it is crucial that they only do so in ways appropriate to their professional role. When physical contact is made with students this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate

with one student in one set of circumstances may be inappropriate in another, or with a different student.

- 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.
- 9.3 Physical contact, which occurs regularly with a student or students, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to students 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 student's permission before initiating contact. Staff should listen, observe and take note of the student's reaction or feelings and – so far as is possible - use a level of contact which is acceptable to the student for the minimum time necessary.
- 9.4 There may be occasions when a distressed student 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 students in order to support a student 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 student'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 student.
- 9.7 Students 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 students, 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 students 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 students 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 student. The use of sarcasm, demeaning or insensitive comments towards students is not acceptable in any situation. Shouting aggressively or hectoring is not acceptable in any situation. Deliberately intimidating students by overweening physical presence is not acceptable in any situation.
- 10.2 The circumstances in which staff can physically intervene with a student are covered by the 1996 Education Act. Staff may legitimately intervene to prevent a student 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 which forms part of this Code of Conduct.
- 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 Students**

- 11.1 Staff working in one to one situations with students are more vulnerable to allegations. 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 students 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 student. 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 students away from the school premises or on the school site when the school is not in session are not permitted unless approval is obtained from their parent/ guardian and the head teacher or other senior colleague with delegated authority.

## **12 Transporting Students**

- 12.1 In certain situations eg out of school activities, staff, volunteers or governors may agree to transport students. Wherever possible 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

## **13 Educational Visits and School Clubs**

- 13.1 Staff and volunteers should take particular care when supervising students 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. The school has a policy on educational visits which forms part of this Code of Conduct.

## **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 students' questions can require careful judgement and staff must take guidance in these circumstances from a senior member of staff.
- 14.3 The governing body is required by law to have a policy on sex and relationships education and it forms part of this Code of Conduct.

## **15 Photography, Videos and other Creative Arts**

- 15.1 Many school activities involve recording images. These may be undertaken as part of the curriculum, extra school activities, for publicity, or to celebrate achievement. The Data Protection Act 1998 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 for any images made such as those used for school web sites, productions or other purposes.

- 15.2 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. Particular regard needs to be given when they involve young or vulnerable students who may be unable to question why or how the activities are taking place. Students who have been previously abused in this way may feel threatened by the use of photography, filming etc in the teaching environment.
- 15.3 Staff should remain sensitive to any student 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.
- 15.4 Using images of students for publicity purposes will require the age-appropriate consent of the individual concerned and their legal guardians. Images must not be displayed on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access.
- 15.5 When using a photograph the following guidance must be followed
- if the photograph is used, avoid naming the student
  - if the student is named, avoid using the photograph
  - 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 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 images are available for scrutiny in order to screen for acceptability
  - be able to justify the images made
  - do not make images in one to one situations.
  - do not take, display or distribute images of students unless there is consent to do so.
- 15.6 The school has additional guidance on the use of images which includes a consent form. The guidance forms part of this Code of Conduct.

## **16 Internet Use**

- 16.1 The school has a separate policy on internet use, electronic communication including children and security which forms part of this Code of Conduct. Staff must read and acknowledge the Online Safety Policy each year

- 16.2 Under no circumstances should adults in school access inappropriate images. Deliberately accessing pornography on school equipment will be treated as gross misconduct and may be a criminal offence. Accessing indecent images of children on the internet, and making, storing or disseminating such material, is illegal and is likely to lead to criminal prosecution and may result in barring from work with children and young people.
- 16.3 Communication or contact with all students of the school must be done via the secure school intranet and must NOT be made outside of the school intranet on any social media networks or use of personal email addresses

## **17 Sharing Concerns and Recording Incidents**

- 17.1 The school promotes an open and transparent culture in which all concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly and with the right person and recorded and dealt with appropriately. If implemented well this should encourage an open and transparent culture, enabling our school to identify concerning, problematic or inappropriate behaviour early, minimise the risk of abuse and ensure that adults working in or on behalf of the school are clear about professional boundaries and act within them, in accordance with the ethos and values of Drayton Manor High School.
- 17.2 All staff, volunteers and governors must be aware of the school's child protection and safeguarding procedures. Staff, volunteers and governors must be vigilant, share concerns and report incidents if they are concerned that a member of staff is, or may be, behaving in a manner that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work.
- 17.3 Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. The following 'Red Flag or 'Low Level Concern' Behaviours give indications of the kinds of situations which should be shared with the Head immediately

An adult who

- allows a student/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 which is for example, sexualised intimidating or offensive
- dresses in a way which is inappropriate for the job role
- does not treat students fairly - demonstrates favouritism/having favourites
- 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 student or students
- appears to have special or different relationships with a student or students
- seems to seek out unnecessary opportunities to be alone with a student – engages one on one with a child
- is overly friendly with children
- takes photographs of children on their mobile phone or similar personal device
- appears to 'humiliate' children using banter

17.4 The term 'low level' concern does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the harm threshold. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult may have acted in a way that:

- is inconsistent with an organisation's staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO – but may merit consulting with and seeking advice from the LADO.

17.5 Staff do not need to be able to determine in each case whether their concern is a low level concern, or if it is not serious enough to consider a referral to the LADO, or whether it meets the threshold of an allegation. Once staff have shared what they believe to be a low level concern, that determination should be made by the Head.

17.6

Occasionally a member of staff may find themselves in a situation which could be misinterpreted or might appear compromising to others. Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the staff code of conduct. Self-reporting in these circumstances can be positive for several reasons: it is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity; it demonstrates awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived and, crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

In line with KCSIE, Drayton Manor High School will ensure that there is an environment where staff are encouraged and feel confident to self-refer.

## **18 Child Safeguarding Competencies for staff and volunteers who work with Children and Young People**

All staff must read and sign 'Keeping Children Safe in Education Part 1; Information for all school and college staff on at least an annual basis. They are expected to act within the

wording and spirit of this document and any subsequent version, as well as the wording and spirit of the Teaching Standards (2012).

The following competences are necessary

- Emotional Awareness
  - Aware of the range of emotions in self and others
  - Demonstrates empathy for the concerns of others
  - Listens to and understands directly and indirectly expressed feelings
  - Encourages others to express themselves openly
  - Manages strong emotions and responds constructively to the source of problems
  - Listens to personal comments without becoming defensive
  - In highly stressful situations, keeps own feelings in check, takes constructive action and calms others down
  - Has a range of mechanisms for dealing with stress, can recognise when to use them and does so
  - Shows respect for others' feelings, views and circumstances
  
- Working within Professional Boundaries
  - Demonstrates professional curiosity
  - Accepts responsibility and accountability for own work and can define the responsibilities of others
  - Recognises the limits of own authority within the role
  - Seeks and uses professional support appropriately
  - Understands the principle of confidentiality
  
- Self-awareness
  - Has a balanced understanding of self and others
  - Has a realistic knowledge of personal strengths and weaknesses
  - Can demonstrate flexibility of approach
  - Shows a realistic appreciation of the challenges of working with this client group
  
- Ability to Safeguard and promote the welfare of children and young people
  - Appreciates the significance of safeguarding and interprets this accurately for all individual children and young people whatever their life circumstances
  - Has a good understanding of the safeguarding agenda
  - Can demonstrate an ability to contribute towards a safe environment
  - Is up-to-date with legislation and current events
  - Can demonstrate how s/he has promoted 'best practice'
  - Shows a personal commitment to safeguarding children

## 19. Gross Misconduct



Gross misconduct is the committing of an act which renders it inadvisable for the employee to be allowed to remain at work. Any employee suspected of committing an act of gross misconduct, as indicated in the list below, may be suspended with full pay pending investigation. If after proper investigation it is decided that the employee has committed an act of gross misconduct or if the act is admitted by the employee, s/he will be dismissed without further warning, unless there are mitigating circumstances. The disciplinary procedure must be followed in all cases. The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment.

- 1 Dishonesty associated with place of work or job being undertaken.
  - Theft of property belonging to the School, contractor, an employee or student, or member of the public
  - Deliberate falsification of timesheets or expenses claims for pecuniary advantage
  - Demanding or accepting monies or other considerations as a bribe for the use of School property, provision of School service or the showing of favour on behalf of the School
  - Falsification of any information given on an application form for a post to gain advantage whether pecuniary or otherwise
  - Failure to disclose criminal convictions not exempt under the terms of the Rehabilitation of Offenders Act, 1975
  - Falsification of registration of students for pecuniary gain
- 2 Deliberate refusal to carry out a reasonable, lawful and safe instruction or the normal agreed defined duties of the post.
- 3 Gross negligence in failing to attend to or carry out the agreed duties of the post.
- 4 Wilfully ignoring responsibilities/instructions thus placing other employees/students in danger eg ignoring handling instructions/safety regulations in respect of radioactive materials.
- 5 Being unfit to perform duties associated with the post as a result of taking drugs, other than in accordance with medical advice, or taking alcohol.
- 6 Wilful unauthorised disclosure of information (classified as confidential), by employees who, in the course of their duties, have access to such information which, by its release, could be harmful to the School, other employees or students.
- 7 Acts of violence or vandalism in the course of employment.
  - Malicious damage to School, Contractor, other employees or students' property
  - Actual physical violence towards members of the school staff, Governors, parents, students or other members of the public

- 8 Sexual misconduct at work.
  - Sexual misconduct whether criminal or not
  - Sexual relations with students
- 9 Off-duty misconduct.
  - An act of criminal sexual misconduct by an employee who, in the course of duty, has contact with young people
  - Drug offences committed by employees whose job brings them into contact with young people
  - Sexual relations with students, or young persons
- 10 Misuse of the internet or email facilities of the school.
  - Using the internet to access unseemly or sexually explicit material
  - Using email for communicating unseemly or sexually explicit material
  - Use of the internet or social media for inappropriate means or one which brings the school into disrepute

## 20 Misconduct

Misconduct is of a degree less serious than that which would warrant immediate suspension from duty for a first offence but which could nevertheless lead to dismissal if persistent. The disciplinary procedure must be followed when dealing with misconduct. Some more serious acts of misconduct might justify omitting the first stage of disciplinary procedures by issuing a final warning in the first instance, if there is no satisfactory explanation. Only when it can be shown that the warnings have not been heeded will misconduct lead to action being taken which will lead to an employee's dismissal. The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment.

- 1 Absenteeism and lateness, for example
  - failure to remain at the place of work during normal working hours without permission or sufficient cause for absence;
  - frequent failure to attend work punctually;
  - failure to notify the school immediately or as soon as reasonably practicable when absence is due to sickness;
  - failure to provide medical certificates in accordance with the Conditions of Service
- 2 Dishonesty - petty wrongs, for example
  - making unauthorised private telephone calls and/or sending personal mail at the establishment's expense;
  - failure to report any loss and/or damage to any property issued to or by the employee in connection with his/her employment.

- using the school's telephone, fax, email or internet for unauthorised personal purposes
- 3 Neglect of duty, for example
- failure to adopt safe working practices/use protective equipment where required by law or management;
  - negligent use of school property in such a way as is likely to cause serious damage or loss;
  - failure to discharge without sufficient cause the obligations which statute or the contract of employment places on the employee, e.g. failure to act in accordance with the requirements placed on the school by the Special Education Needs Discrimination Act.
  - insubordination;
  - failure to exercise proper control or supervision of students
- 4 Abusive behaviour/offensive language which arises directly out of or in connection with work and which is directed at colleagues, Governors, students or members of the public.
- 5 Victimisation of other employees in the course of duty.
- 6 Unlawful discrimination against other employees, students or members of the public in the course of duty.
- 7 Discrimination, whether unlawful or not, in the course of duty against other employees, students or members of the public on the grounds of sex, marital status, ethnic origin, disability or sexual orientation
- 8 Undertaking additional employment outside normal working hours which would be detrimental to the work to be performed as a full time employee of the school