



Trust HR Policy Suite

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Trust Suite

Introduction

High quality employees are essential to the success of every school. ACT Multi Academy Trust intend to be outstanding employers, recruiting and developing the best employees for the benefit of students.

As an outstanding employer, the Trust require HR policies that are:

- Compliant with latest law/regulations and case-law
- Fit for purpose for an Academy
- Fair to the employer and employee
- Clear and easily understood

These policies will be reviewed annually at a minimum.

Detailed support documentation, including procedures and template forms/letters, accompany these policies.

The Trust is the employer of employees at an academy, with the Governing Body having the responsibility for the leadership and management of the academy, ensuring appropriate policies are in place are part of that responsibility.



Staffing Policy Statement

ACT Multi Academy Trust

1. Introduction

- 1.1. ACT MAT is committed to the employment of high calibre employees who support school improvement through exceptional work performance. It is expected that all employees will contribute toward clearly defined organisational standards and objectives. Employees will be supported in doing this by a set of staffing procedures, all of which follow the guiding principles set out in this document.
- 1.2. This Staffing Policy Statement should be read and implemented in conjunction with the appropriate staffing procedure.
- 1.3. Collectively the Staffing Policy Statement and staffing procedures are referred to as ACT MAT Staffing Policy and Procedures.

2. Staffing Policies

- 2.1. ACT MAT is committed to having Staffing Policy and Procedures that are:
 - Supportive of school improvement
 - Comprehensive and fit for purpose
 - Legally compliant
 - Clear, consistent and easy to understand
 - Fair to the employer and employee
 - Regularly reviewed with the review date clearly stated
 - Supported by templates and guidance as appropriate
- 2.2. The Staffing Policy and Procedures are non-contractual and may be amended at any time following consultation unless it is stated otherwise in an individual staffing procedure.
- 2.3. The Staffing Policy and Procedures apply to all employees of [Trust name] unless it is stated otherwise in an individual staffing procedure.
- 2.4. The processes that are set out in the Staffing Policy and Procedures, including any time limits, may be varied as appropriate in any case.

3. Accountabilities

- 3.1. The Director of HR is accountable for ACT Multi Academy Trust's Staffing Policy and Procedures.
- 3.2. The Director of HR and Headteacher's are responsible for the implementation of ACT Multi Academy Trust's Staffing Policy and Procedures, ensuring that they are applied consistently and communicated to employees appropriately.
- 3.3. Headteacher's will ensure that:
 - The Staffing Policy and Procedures are readily available and accessible to all employees



- New employees are given access and made aware of the Staffing Policy and Procedures during their induction period
- 3.4. Cases against the Chief Executive Officer will be managed by the Trust Board in accordance with the process set out in the appropriate staffing procedure.
- 3.5. Cases against a Headteacher will be managed by CEO in accordance with the process set out in the appropriate staffing procedure.

4. Definitions

- 4.1. The following terms and definitions apply in all staffing policies in which they are used:

Board of Trustees: The Trustees of ACT Multi Academy Trust. This may refer to a panel of trustees formed to manage a process rather than the full board of trustees.

Board of Directors: The Directors of ACT Multi Academy Trust. This may refer to a panel of directors formed to manage a process rather than the full board of directors.

Chief Executive Officer: The Chief Executive Officer of ACT Multi Academy Trust. This also refers to any other title used to identify the Chief Executive Officer, or other senior manager delegated to deal with a matter by the Chief Executive Officer, as appropriate.

Deputy Chief Executive Officer: The Deputy Chief Executive Officer of ACT Multi Academy Trust.

Executive Headteacher: The Executive Headteacher of ACT Multi Academy Trust. This also refers to any other title used to identify the Executive Headteacher, or other senior manager delegated to deal with a matter by the Executive Headteacher, as appropriate.

Local Governing Body: The Local Governing Body of a School within ACT Multi Academy Trust. This may refer to a panel of governors formed to manage a process rather than the full Governing Body.

Headteacher: The Headteacher of a School within ACT Multi Academy Trust. This also refers to any other title used to identify the Headteacher, or other senior manager delegated to deal with the matter by the Headteacher or Chief Executive Officer/Executive Headteacher, as appropriate.

Trust Senior Manager: A member of the Trust senior leadership team.

Trust HR Director: A member of the Trust senior leadership team with Trust-wide responsibility for staffing.

School Senior Manager: A member of a School's senior leadership team within ACT Multi Academy Trust. This may be a Head of School, Deputy Headteacher, Head of Department, School Business Manager, or other senior employee delegated to deal with a matter by the Headteacher or Chief Executive Officer/Executive Headteacher.

Line Manager: An employee with line management responsibility for a member of staff.

Teaching Staff: Those employees employed by ACT Multi Academy Trust whose terms and conditions are covered by the Conditions of Service for School Teachers in England and Wales (the Burgundy Book).

Support Staff: Those employees employed by ACT Multi Academy Trust whose terms and conditions are covered by the National Joint Council for Local Government Services Conditions of Service (the Green Book).



Companion: A representative of a trade union or workplace colleague chosen by the employee to accompany them to a formal meeting, where this provision is stipulated in the relevant staffing procedure. A companion may make representations and ask questions but should not answer questions on the employee's behalf.

HR Adviser: A HR professional appointed to support a process being followed. This may be a member of ACT Multi Academy Trust's HR team or an external adviser.

Investigating Officer: A senior manager or external person appointed by the ACT Multi Academy Trust to investigate an allegation.

5. Trade Union Officials

- 5.1. ACT Multi Academy Trust Staffing Policy and Procedures apply to all employees. Where an employee is a trade union representative, wherever possible, no formal action will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

6. Probation

- 6.1. Concerns raised during an employee's probationary period may be taken into account in determining whether or not the probationary period is completed satisfactorily. Where this is the case, the matter will normally be dealt with in accordance with the Trust's probation procedure and not the individual staffing procedure to which the issue relates, for example, sickness absence or disciplinary.

7. Confidentiality

- 7.1. All parties must treat information relating to cases being dealt with in accordance with the Staffing Policy and Procedures as confidential, unless there is recourse to legal action or if there is police or LADO involvement in which case appropriate information will be shared by ACT Multi Academy Trust in accordance with Data Protection policies.
- 7.2. The employee and anyone accompanying the employee (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action under the School's disciplinary procedure unless expressly authorised and agreed by all parties.

8. Equalities

- 8.1. The Staffing Policy and Procedures will be operated in accordance with ACT Multi Academy Trust Equality and Diversity Policy. The Trust is committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of ACT Multi Academy Trust Staffing Policy and Procedures will be monitored in accordance with the Equality Act 2010.

9. Formal Meetings

- 9.1. The following arrangements relate to formal meetings, convened in accordance with a staffing procedure. The individual staffing procedure indicates when a meeting constitutes a formal meeting.



10. Arrangements Prior to the Formal Meeting

- 10.1. An employee invited to a formal meeting convened in accordance with a staffing procedure will be provided with:
- a) 5 working days' notice of the meeting
 - b) The date, time and location of the meeting
 - c) Information about the purpose of the meeting, including allegations, where appropriate
 - d) Possible consequences of the meeting, including dismissal, where appropriate
 - e) Notification of their right to be accompanied by their companion
 - f) Copies of documents to be discussed
 - g) Names of people attending the meeting and their role
 - h) An additional copy of correspondence for the employee's companion where requested
 - i) The opportunity to request special arrangements, e.g. relating to disability, language requirements
- 10.2. An employee invited to a formal meeting is required to confirm their attendance, provide the name of their companion where relevant and provide any other requested information at least three working days prior to the meeting.
- 10.3. The employee must take all reasonable steps to attend meetings. Failure to do so without good reason may be treated as misconduct.
- 10.4. If the employee is unable to attend a formal meeting at the scheduled time, the Trust will make a reasonable attempt to re-schedule it on an alternative date. In the event that the employee is unable to attend a rescheduled formal meeting, they may be given alternative options to provide information and be advised that it may go ahead in their absence. Alternatives may include the following, as appropriate to the circumstances of the case:
- Meet in another venue or at their home
 - Attend via telephone conference
 - Send a companion to represent them, providing appropriate written consent
 - Provide a written submission
 - Request that the meeting takes place in their absence
- 10.5. Any manager visiting an employee's home will be accompanied by another manager.

- 10.6. A meeting may be adjourned if the chair of the meeting is awaiting receipt of information, needs to gather further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 10.7. If the employee's chosen companion is unavailable to attend a formal meeting at the scheduled time, and will not be available for more than 5 working days afterwards, the employee will normally be required to find an alternative companion.

11. Procedure During a Formal Meeting

- 11.1. The Chair of a formal meeting, hearing or appeal may be accompanied by an HR Adviser, including during any deliberations. The HR Adviser will not have a vote in any decision that is reached.
- 11.2. An employee's companion may make representations and ask questions but should not answer questions on the employee's behalf.

12. Outcome of a Formal Meeting

- 12.1. The Chair of the meeting will confirm the outcome of a formal meeting in writing to the employee as soon as possible and usually within 10 working days of the meeting.
- 12.2. The record of the meeting will include the outcome and the details of people present.

13. Dismissal

- 13.1. A representative of the diocesan authority may be present at a dismissal hearing.
- 13.2. If a decision is taken to dismiss an employee, the Chair, of the formal meeting at which the decision was reached, will inform the employee, and their companion, that the employee is dismissed, with the required contractual or statutory notice, whichever is the greater.
- 13.3. The written confirmation of the dismissal will include:
- Confirmation that the employee has been dismissed
 - The grounds for the dismissal and the reasons
 - The required contractual or statutory notice due (or payment in lieu of notice where applicable) and the date the dismissal will be effective
 - The employee's right of appeal
- 13.4. Termination of employment will normally be with full notice or payment in lieu of notice. In some cases, it may not be appropriate for the employee to work during their notice. The contract may state that the employee remains at home on 'garden leave' or this may be agreed between the parties.



- 13.5. Where dismissal has been on the grounds of gross misconduct, the employee may be dismissed without notice or pay in lieu of notice and this will be confirmed in the outcome letter.
- 13.6. A Fit Note must be provided to cover the employee's notice period when they are absent due to sickness.

14. Appeals

- 14.1. Appeals constitute formal meetings and should be conducted in accordance with 9.2, 9.3 and 9.4 above.
- 14.2. A representative of the diocesan authority may be present.
- 14.3. Appeals will be heard by a panel who have not had prior involvement with the case.
- 14.4. The appeals panel may be advised by a person engaged by the Trust.
- 14.5. The purpose of an appeal hearing is to review the decision made during the formal process and to decide if the decision was reasonable in all the circumstances.
- 14.6. Individual staffing procedures state where an employee has the right to appeal a decision that has been made.
- 14.7. An employee will be advised of their right to appeal a decision taken during a formal meeting, in writing, when the outcome is communicated to them.
- 14.8. Appeals should be made in writing, stating the grounds for appeal in full, within [5/10] working days of the date of the written decision.
- 14.9. All appeal hearings will be held as soon as possible and, in normal circumstances, within 10 working days after receipt of the appeal.
- 14.10. Individual staffing procedures state who the appeal should be submitted to and who is responsible for hearing it.
- 14.11. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.
- 14.12. Upon conclusion of the appeal process, there is no further right of appeal.

Appraisal and Capability Procedure

ACT Multi Academy Trust

15. Introduction

- 15.1. This appraisal and capability procedure must be read and applied in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.
- 15.2. This procedure aims to set out the framework for a clear and consistent assessment of the overall performance of employees covered by the appraisal procedure and for supporting their development within the context of the Trust's plan for improving educational provision and performance, and the standards expected of employees in their respective roles. It also sets out the arrangements that will apply when employees fall below the levels of competence that are expected of them.

16. Application of the Policy

The policy is in two separate sections:

- 16.1. Part A of the policy, which covers appraisal, applies to all employees of the Trust, except those on contracts of less than one term, those teachers undergoing induction (i.e. ECTs), those support staff subject to a probationary period and those have been transferred to Part B of the policy.
- 16.2. Part B of the policy, which sets out the formal capability procedure, applies to all employees of the Trust. Concerns about the employee's performance will have been identified by the appraisal process and which it has been unable to address.

"Lack of capability" is defined as a situation in which an employee fails consistently to perform their duties to a wholly satisfactory standard of performance over a period of time.

17. Part A: Appraisal

- 17.1. The appraisal policy in this Trust will be a supportive and developmental process designed to ensure that all employees identified by the policy have the skills and support they need to carry out their role effectively. It will help to ensure that all employees can continue to improve their professional/employment practice and to develop in their respective roles.
- 17.2. The appraisal period
 - 17.2.1. The appraisal period will run for twelve months from 01/09/2025 to 20/07/2026
 - 17.2.2. Employees who are employed on a fixed-term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. The length of the review period will be determined by the duration of their contract.
- 17.3. Employees will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence, or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate.

17.4. Appointing appraisers

- 17.4.1. The task of appraising the Chief Executive Officer/Executive Headteacher will be undertaken by the Appraisal Committee of the Trust, supported by a suitably skilled and/or experienced external adviser who has been appointed by the Trust for that purpose.
- 17.4.2. The Trust will decide who will appraise other employees covered by the policy.

17.5. Setting objectives

- 17.5.1. The Chief Executive Officer's objectives will be set by the Appraisal Committee of the Trust after consultation with the external adviser.
- 17.5.2. Objectives for each employee covered by the policy will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set will be Specific, Measurable, Achievable, Realistic and Time-bound (SMART) and will be appropriate to the employee's role and level of experience. Objectives will not be based on externally generated data and predictions, or solely on the assessment data for a single group of pupils. Objectives will be set in relation to robust assessment data. However, these will not be used in isolation and other factors will also be considered. The appraiser and employee will seek to agree on the objectives but, if that is not possible, the appraiser will determine the objectives with guidance sought from the Headteacher. Objectives may be revised if circumstances change.
- 17.5.3. The objectives set for each employee will, if achieved, contribute to the Trust's plans for improving educational provision and performance and improving the educational opportunities of pupils at each School within the Trust. This will be ensured by for example - quality assuring all objectives against the Trust's improvement plan.

17.6. Overall performance of teachers

- 17.6.1. Before or as soon as practicable after, the start of each appraisal period, a teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. Each teacher will be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011 and any subsequent amendment thereof.
- 17.6.2. The FAR Committee will need to consider whether certain teachers should also be assessed against other sets of standards published by the Secretary of State that are relevant to them.

17.7. Reviewing performance

- 17.7.1. Observation
 - 17.7.1.1. The Trust believes that observation of classroom practice and other responsibilities for teachers, and support staff who support teachers in the classroom, is important both as a way of assessing performance in order to identify any particular strengths and areas for development

they may have and of gaining useful information which can inform school improvement more generally.

- 17.7.1.2. All observation will be carried out in a supportive fashion and not add to workload in accordance with an observation protocol. [See Appendix A]
- 17.7.1.3. Teachers' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the employee and the overall needs of the School and Trust.
- 17.7.1.4. Classroom observation of teachers will be carried out by line managers and members of the Trust.
- 17.7.1.5. Employees who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

17.8. Support staff

- 17.8.1. Support staff appraisal will focus on the job description of the employee and the expected standards of performance will be made clear by the appraiser.

17.9. Learning Walks

- 17.9.1. In addition to formal observation, the Trust or other leaders with responsibility for teaching standards may conduct "learning walks" in order to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. The length and frequency of "drop-in" observations will vary depending on specific circumstances.
- 17.9.2. All "learning walks" will be carried out in accordance with a protocol determined by the Trust. [See Appendix A]

17.10. Development and support

- 17.10.1. An appraisal is a supportive process which will be used to inform continuing professional development. The Trust wishes to encourage a culture in which all employees take responsibility for improving their performance through appropriate development.
- 17.10.2. Teachers' professional development will be linked to Trust and School improvement, priorities and the ongoing professional development needs and priorities of individual teachers.

17.11. Feedback

- 17.11.1. Employees will receive constructive feedback on their performance throughout the year and as soon as practicable after an observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention.
- 17.11.2. Where there are concerns about any aspects of the employee's performance the appraiser will meet with the employee to:

- Give clear feedback about the areas of concern
- Give the employee the opportunity to comment and discuss the concerns and establish the likely causes of poor performance and identify any training needs/support needed (e.g. coaching, mentoring, structured observation)
- Clarify the required standards and agree on any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns
- Make clear how, and by when, the appraiser will review progress, including the dates of review meetings
- If it is appropriate to revise objectives, it will be necessary to allow sufficient time for improvement
- Explain the implications and process if no, or insufficient, improvement is made (e.g. that performance may be managed under the formal capability procedure).
 - The amount of time will reflect the seriousness of the concerns; explain the implications and process if no, or insufficient, improvement is made. A minimum of 6 to 8 weeks will usually be allowed however this is dependent on the individual circumstances and may be reduced in cases where there is clear evidence that an individual is unwilling to engage with support, or if there is serious risk to pupil progress or welfare.

17.11.3. An informal support plan will be drawn up with the employee, clearly identifying SMART targets for the areas of concern, what support the employer will put in place, and clear success criteria. When progress is reviewed, if the appraiser is satisfied that the employee has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed through that process. If the appraiser does not feel sufficient progress has been made, or that the support has not all been concluded in time, they may extend the review period but will record this to reflect the decision.

17.11.4. The appraiser will keep a note of any concerns, the support given and the review judgement. A copy of this note will be given to the employee. (See 3.12.1 below.) If required, this will inform any decision on transition to the capability procedure.

17.11.5. If the appraisee and the appraiser cannot agree on the outcomes, a meeting should be held with another manager/HR representative present and colleague/trade union representative to support the decision-making.

17.12. Transition to capability

17.12.1. If the appraiser, is not satisfied with the progress, the employee will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure. The employee will be invited to a formal capability meeting. The capability procedures will be conducted as set out in part B of this policy.

17.13. Annual assessment

17.13.1. The performance of each employee covered by the appraisal policy will be formally assessed in respect of each appraisal period.

17.13.2. In assessing the performance of the Chief Executive Officer, the Trust must consult the external adviser.

17.13.3. This assessment is the endpoint to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place at least once a term.

17.13.4. The employee will receive feedback as soon as practicable following the end of each appraisal period and have the opportunity to comment in writing on a written appraisal report. (In practice, the report could be produced using an online performance management system, which can help to reduce workload.)

17.13.5. Teachers will receive their written appraisal reports by 31 October (31 December for those on the Leadership Pay Range) and support staff by 31st December.

17.13.6. The appraisal report will include:

- Details of the employee's objectives for the appraisal period in question
- An assessment of the employee's performance of their role and responsibilities against their objectives and, for teachers, against the relevant standards
- An assessment of the employee's training and development needs and identification of any action that should be taken to address them. The assessment of performance and of training and development needs will inform the planning process for the following appraisal period

17.13.7. An employee is either under Part A or Part B of this policy; only those on the Capability Procedure (Part B) may be considered for withholding pay progression

18. Part B: Capability

18.1. Formal capability meeting

18.1.1. This procedure applies only to employees about whose performance there are serious concerns that the appraisal process has been unable to address. If under Part A above, an employee's performance, who is covered by Part A, is not wholly satisfactory, the Headteacher will invite the employee to a formal capability meeting to discuss with the employee the identified poor performance as specifically as possible. Once an employee attends a Formal Capability Meeting, they will be considered on the 'Capability Procedure'.

18.1.2. A capability meeting constitutes a formal meeting and should be arranged in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.

18.1.3. Entering the formal capability procedure does not, under usual circumstances warrant an employee's suspension. Suspension will only be considered in exceptional circumstances where the employee's continued presence at work would pose a significant risk to the welfare of pupils, staff, or the integrity of the process.

18.1.4. The capability meeting is intended to establish the facts. It will be conducted by the identified leader. The meeting will allow the employee to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

18.1.5. The Chair of the capability meeting may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end.

18.1.6. The Chair of the capability meeting may also adjourn the meeting if it is decided that further investigation is needed, or that more time is needed in which to consider any additional information. In other cases, the meeting will continue.

18.1.7. During the meeting, or any other meeting which could lead to a formal warning being issued, the Chair will:

- In the case of a teacher, identify the poor performance, including which of the standards expected of the teacher is not being met
- Ensure the employee is given an opportunity to ask questions, present evidence, call witnesses, respond to evidence and make representations
- Establish the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement
- Give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures, which may include the setting of new objectives focused on the specific area/s of poor performance that need to be addressed. It will include any success criteria that are appropriate and the evidence that will

be used to assess whether or not the necessary improvement has been made and this will form a formal support plan

- Identify whether there are further measures which may improve performance and explain any support that will be considered and planned to help the employee, e.g. in-service training, visits to other Schools, discussion with appropriate colleagues or professionals
- Set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but will be reasonable and proportionate, between four and ten weeks in normal circumstances, and will provide sufficient opportunity for improvement to take place. The length of time required will depend on the concerns raised with the employee, the nature of any support and training required, and sufficient time to establish whether performance has improved
- Warn the employee formally that failure to improve within the set period could lead to a final written warning which could then lead to their dismissal
- For teachers, warn the employee that failure to improve within the set period could have implications on pay progression
- Inform the employee of the right of appeal

18.1.8. Agree with the employee and any companion the date of the formal review meeting Notes will be taken of formal meetings and a copy sent to the employee and any companion. Where a first warning is issued, the employee will be informed in writing of the matters discussed in 4.1.6 above. They will also be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in a final written warning, which could then lead to dismissal, if wholly satisfactory performance is not achieved, together with the time limit for appealing against the first written warning.

18.1.9. If the concerns relate to a lack of capability that poses a risk to the health, safety or wellbeing of children, or is likely to result in serious damage to pupils' education, the shorter timescale may be appropriate. In such cases, the senior manager may exceptionally decide to issue a first and final written warning, if to do otherwise would expose students to serious risk in terms of their health, safety, wellbeing or educational prospects.

18.2. Sickness absence and the use of this procedure

18.2.1. It is important that sickness absence should not delay or avoid the use of formal capability procedures. It is in the interests of all parties to address concerns about performance without undue delay. Arrangements will normally be made to seek medical advice from an occupational health adviser to assess the employee's health and fitness.

18.2.2. Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employee's duties or providing additional equipment or training. The Trust may consider making adjustments to this procedure in appropriate cases, e.g. moving from this procedure to procedures used by the Trust to manage the sickness absence.

18.2.3. If an employee's medical condition is not serious enough to warrant management under the sickness absence procedure, the occupational health adviser will normally be asked to assess whether an employee absent through sickness is fit enough to attend a meeting under this procedure. In the event that the employee is deemed not fit to attend a formal capability meeting, they may present a written submission for consideration and/or be represented by a companion in their absence.

18.3. Monitoring and review period following a formal capability meeting

18.3.1. A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. Following this monitoring and review period, the employee will be invited to a formal review meeting (see paragraph 4.4 below), unless they have been issued with a final written warning, in which case they will be invited to a decision meeting (see paragraph 4.6 below).

18.4. Capability review meeting

18.4.1. A capability review meeting constitutes a formal meeting and should be arranged in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.

18.4.2. The capability review meeting will be conducted by the identified line manager.

18.4.3. The formal review meeting will follow a similar procedure to that identified for the formal capability meeting as set out in paragraph 4.1.6 above.

18.4.4. If the Chair is satisfied that the employee has made sufficient improvement, the formal capability procedure will cease and the appraisal process will re-start where the employee is subject to Part A above.

18.4.5. In cases:

- where some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- where no, or insufficient improvement has been made during the monitoring and review period, the employee will receive a final written warning.

18.4.6. Notes will be taken at the formal review meeting and a copy will be sent to the employee and any companion.

18.4.7. Where a final written warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and will be given information about the further monitoring and review period and the procedure and time limits for appealing against the final written warning. The date the decision meeting will be agreed with the employee and any companion.

18.4.8. At this stage, rather than refer the matter to a decision meeting, consideration could be given to the employee being given a different range of duties or an alternative post. By agreement, this may include

transfer to a post suited to the employee's capabilities. If this post is at a lower salary level, the substantive lower salary would apply.

18.5. Right of appeal against a final written warning

- 18.5.1. The employee has a right of appeal against a decision to issue a warning.
- 18.5.2. An appeal hearing constitutes a formal meeting and should be arranged in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.
- 18.5.3. Appeals against formal warnings should be submitted to the Local Governing Body or Trust Board as applicable. Appeals against a written warning shall be restricted to considering the reasonableness of the decision made, any relevant new evidence not previously available or any procedural irregularities.
- 18.5.4. An appeal against a formal warning will be heard by the Local Governing Body or Trust Board as applicable.
- 18.5.5. The outcome may be to confirm the warning, reduce a final warning to a warning, or cancel the warning.
- 18.5.6. Pending any appeal, the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and their progress towards the achievement of these targets may be monitored during this period.

18.6. Decision meeting

- 18.6.1. A capability decision meeting constitutes a formal meeting and should be arranged in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.
- 18.6.2. The meeting will be conducted by the Trust.
- 18.6.3. If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start where the employee is subject to Part A above.
- 18.6.4. If progress has been made and there is confidence that wholly satisfactory performance will be achieved by a short extension, it may be appropriate to extend the monitoring and review period rather than to dismiss. The final written warning will be extended for a short, specified assessment period.
- 18.6.5. If performance has remained unsatisfactory, a decision will be made that the employee will be dismissed. The employee will be informed in writing as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and whether the notice is to be served or there will be pay in lieu of notice and the right of appeal.

18.7. Right of appeal against a decision to dismiss

18.7.1. The employee has a right of appeal against a decision to dismiss.

18.7.2. An appeal hearing constitutes a formal meeting and should be arranged in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.

18.7.3. An appeal against a dismissal should be submitted to the Local Governing Body or Trust Board as applicable and should set out the grounds of appeal.

18.7.4. An appeal against a dismissal will be heard by the Local Governing Body or Trust Board as applicable. The number on the appeals panel will not be less than three.

18.7.5. The outcome may be to confirm or revoke the dismissal.

18.8. Grievances arising during the procedure

Where an employee has a grievance against the way the senior manager has conducted the procedure, this will normally be dealt with under the appeals process set out above. However, in very exceptional circumstances, where the behaviour of the senior manager is the cause of the grievance, it may be appropriate to suspend this procedure for a short period until the grievance has been considered.

Appendix A Lesson Observation and Drop In Protocol

INTRODUCTION

This governing body is committed to ensuring that classroom observations and Drop In's are developmental and supportive and that those involved in the process will: carry out the role with professionalism, integrity and courtesy; seek to reach agreement in advance on how classroom observations are to be carried out; evaluate objectively; report accurately and fairly; and respect the confidentiality of the information gained.

PLANNING AND PREPARING FOR OBSERVATION

In keeping with the school governing body's commitment to supportive and developmental classroom observation the head teacher will:

- consult teachers on the pattern of classroom observation which they can expect annually and seek agreement with teachers and union representatives on these arrangements;
- ensure that those being observed for all purposes will be notified at least five working days in advance;
- arrange, as far as possible, for all observations to take place at a time agreed between the teacher and the observer;
- ensure that there is a reasonable amount of time between classroom observations, irrespective of the purpose of those observations;
- ensure that classroom observation will be undertaken solely by persons with qualified teacher status (QTS) and the appropriate training and professional skills to undertake observation and to provide constructive oral and written feedback and support, in the context of professional dialogue between colleagues.

Planning for observation will take place at the start of the appraisal/performance management cycle and will include details of:

- the amount of observation;
- the focus of the observation;
- the duration of the observation;
- when during the performance management/appraisal cycle the observation will take place;
- and who will conduct the observation.

In order that classroom observations and Drop Ins are kept to a minimum, and to support efforts to deliver the school's commitment to streamlining data collection and minimising bureaucracy and workload burdens on teachers, the information gathered will be used for multiple purposes, including informing school self-evaluation and academy improvement strategies.

This will enable the head teacher to discharge her/his duty to evaluate the standards of teaching and learning and to ensure that proper standards of professional performance are established and maintained. Before any classroom observation is conducted, there will be an opportunity for the reviewer and teacher to meet within directed time in order that the context of the lesson to be observed can be discussed.

CONDUCTING OBSERVATIONS

There should be a limit of a total of three observations for all purposes. Under no circumstances shall the total time occupied by all observations exceed three hours per year and the focus and timing must be agreed in the teacher's performance management planning statement.

Neither pupils nor governors will undertake observations (although governors may, by specific agreement with the teacher concerned, visit a lesson to familiarise themselves with their link area).

FEEDBACK AND RECORDS

Oral feedback will be given as soon as possible after any observation or Drop In and no later than the end of the following working day.

It will be given during directed time in a suitable, private environment.

Written feedback will be provided within five working days of the observation taking place.

If issues emerged from an observation that were not part of the focus of the observation as recorded in the planning and review statement, these should also be covered in the written feedback and the appropriate action discussed with the teacher.

The written record of feedback will include the date on which the observation took place, the lesson observed and the length of the observation. The teacher has the right to append written comments on the feedback document.

No written notes in addition to the written feedback and teacher's comments will be kept.

The reviewer will put in written form the conclusions agreed with the reviewee on the outcomes of the classroom observation.

Teachers will have access to all written accounts of the observation after their lessons and, if they request, copies will be provided.

CLASSROOM OBSERVATION AND FORMAL CAPABILITY PROCEDURES

For teachers on a formal capability procedure an important part of the support offered to the teacher will be a clearly defined amount of classroom observation with structured oral and written feedback. The amount of classroom observation will be discussed with the teacher and their union representative who is supporting and advising them in the formal process.

Code of Conduct

ACT Multi Academy Trust

1. Introduction

- 1.1. This code of conduct must be read and applied in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.
- 1.2. This code sets out the professional standards expected and the duty upon adults to abide by it. All adults have a duty to keep pupils safe, promote their welfare and to protect them from radicalisation (the Prevent Duty), abuse (sexual, physical and emotional), neglect and 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 demonstrates integrity, maturity and good judgement. Following this code will help to safeguard adults from being maliciously, falsely or mistakenly suspected or accused of misconduct in relation to pupils. This code underpins a whole – Trust culture
- 1.3. For the purposes of this code, the term and references to 'adult' means the following: board of trustees, governing bodies, all teaching and other employees working in the Central Trust and in Schools (whether paid or unpaid, employed or self-employed and whether or not employed directly by the Trust), external contractors providing services to pupils on behalf of the Trust, teacher trainees and other trainees/apprentices, volunteers and any other individuals who work for or provide services on behalf of or for the Trust to include but not limited to all those detailed in the Single Central Record (as amended).
- 1.4. For the purposes of this code 'young person/people', 'pupils' and 'child/ren' includes all those for whom the Trust provides education or other services.
- 1.5. This code takes account of the most recent versions of the following guidance (statutory and non-statutory):
 - 'Keeping Children Safe in Education' Department of Education ('DfE') (statutory)
 - 'Working Together to Safeguard Children' HM Government (statutory)
 - 'Guidance for Safer Working Practice for Those Working with Children and Young People in Education Settings' (non-statutory)

This code cannot provide an exhaustive list of what is, or is not, appropriate behaviour for adults. 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 adults 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.

- 1.6. Any behaviour in breach of this code by employees may result in action under the Trust's disciplinary procedure. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. In certain cases, behaviour in breach of this Code may also lead to a referral to the Disclosure and Barring Service (DBS) and/or the Teaching Regulation Agency (TRA) and may result in criminal proceedings where appropriate. The Trust will take a strict approach to serious breaches of this code. Some breaches may be considered low-level concerns which may be dealt with informally or formally under the disciplinary procedure.

2. Safeguarding

- 2.1. Adults have a duty to act in accordance with the Safeguarding and Child Protection Policy which is available from individual academy websites and the Trust website and report any safeguarding, child protection, welfare or radicalisation concerns about a pupil to the Designated Safeguarding Lead (DSL).

3. Whistleblowing

- 3.1. Adults must raise concerns they have about the safeguarding or child protection practices by following the Trust's Whistleblowing Procedure, which is available from individual academy websites and the Trust. An adult who "whistle blows" or makes a public interest disclosure will have the protection of the relevant legislation.

4. Allegations of Abuse Against Teachers and Other Employees and Volunteers

- 4.1. Where it is alleged that an adult 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
- behaved towards a child or children in a way that indicates they would pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

then the Trust will follow the Trust's Procedures for Dealing with Allegations of Abuse against Teachers and Other Employees and Volunteers the Disciplinary Policy and the guidance set out in Part Four of 'Keeping Children Safe in Education' DfE, both of which are available from individual academy offices. The Trust will report any allegation that may meet the harm threshold to the Local Authority Designated Officer (LADO) without delay.

- 4.2. Low-Level Concerns

- 4.2.1. In accordance with Part Four of KCSIE, a low-level concern is defined as behaviour towards a child that does not meet the harm threshold, as outlined in 4.1 above, but is a concern that an adult, working in or on behalf of the [Trust], may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work.
- does not meet the threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of low-level concerns could include, but are not limited to:

- being over-friendly with children/being over strict with children
- having favourites/disfavouring pupils
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door

- A centralised record of low level concerns will be maintained by the school, as required by KCSIE.
- 4.2.2. The Trust is committed to creating and embedding a culture of openness, trust, and transparency in which the school's values and expected behaviours, as set out in this policy, are adhered to, monitored, and reinforced by all staff. All adults have a duty to report low-level concerns, in addition to concerns that meet the harm threshold, to those with designated safeguarding responsibilities to ensure matters are dealt with promptly and appropriately. The Trust will manage all such concerns in accordance with Part Four of Keeping Children Safe in Education.
- 4.2.3. If an adult has found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards, the adult should self-refer to those with designated safeguarding responsibilities. The Trust is committed to creating an environment where staff are encouraged and feel confident to self-refer.

5. Expected Professional Standards

- 5.1. All adults as appropriate to the role and/or job description of the individual, must:
- Place the wellbeing 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 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 wellbeing 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
 - Ensure that the same professional standards are always applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity
- 5.2. Teachers are required to comply with the Teachers' Standards 1 September 2012, in particular, Part 2 Personal and Professional Standards.
- 5.3. All adults must be familiar with and act in accordance with the most recent versions of the following documents:
- Part 1 of 'Keeping Children Safe in Education' DfE (statutory)
 - 'Working Together to Safeguard Children' HM Government (statutory)
 - 'Prevent Duty Guidance' HM Government (statutory)
 - 'The Prevent Duty Departmental Advice for Schools and Childcare Providers' DfE



- 'Guidance for Safer Working Practice for Those Working with Children and Young People in Education Settings' (non-statutory)

5.4. All adults must speak up about behaviours or practices that could put children at risk and ensure they are reported via appropriate channels. An employee who fails to bring a matter of concern to the attention of senior management and/or the relevant agencies is likely to be subject to disciplinary action.

6. Confidentiality

- 6.1. As data controllers, all academies are subject to the General Data Protection Regulation (GDPR) and Data Protection Act 2018 ("Data Protection Legislation"). 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.
- 6.2. Adults may have access to special category personal data about pupils and their families, which must be kept confidential at all times and only shared when legally permissible to do so and in the interests of the child. Records should only be shared with those who have a legitimate professional need to see them. In circumstances where special category personal data needs to be shared, the Data Protection Legislation contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information without consent if it is not possible to gain consent. In such cases, adults have a duty to pass the information on without delay to those with designated safeguarding responsibilities. See paragraph 21 below.
- 6.3. Confidential or personal information about a pupil or their family must never be disclosed to anyone other than on a need-to-know basis and advice should be sought prior to disclosure to ensure such disclosure is in accordance with the Data Protection Legislation, The Education (Pupil Information) Regulations 2005 (Maintained Schools), and the School's Privacy Notices. In circumstances where the pupil's identity does not need to be disclosed the information should be used anonymously. The information must never be used to intimidate, humiliate, or embarrass the pupil. The information must never be used by anyone for their own or others advantage (including that of partners, friend's relatives or other organisations).
- 6.4. 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 Trust equipment. The information must only be stored for the length of time necessary to discharge the task for which it is required.
- 6.5. If a pupil or parent/carer makes a disclosure regarding abuse or neglect, the adult must follow the Trust's procedures and the guidance as set out in 'Keeping Children Safe in Education' DfE. Confidentiality must not be promised to the pupil or parent/carer. However, reassurance should be given that the information will be treated sensitively.
- 6.6. If an adult is in any doubt about the storage or sharing of information they must seek guidance from their line manager or Headteacher and for data breaches the Data Protection Officer (DPO) or Headteacher. Any media or legal enquiries must be passed to the Trust Central Team.

7. Propriety, Behaviour and Appearance

- 7.1. 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 adult's behaviour or actions, either in or out

of the workplace, must not compromise their position within the work setting, or bring the Trust into disrepute. Non-exhaustive examples of unacceptable behaviour are contained in the Trust's disciplinary procedure.

7.2. Adults are required to notify the Trust immediately of any allegation/s of misconduct that are of a safeguarding nature made against them (or implicating them), by a child or adult in relation to any outside work or interest (whether paid or unpaid) and, of any arrest or criminal charge whether child-related or not. Where employees fail to do so, this will be treated as a serious breach of this code and dealt with under our disciplinary procedure.

7.3. Individuals should not

- behave in a manner which would lead any reasonable person to question their suitability to work with children or to act as an appropriate role model;
- make, or encourage others to make sexual remarks to, or about, a pupil;
- use inappropriate language to or in the presence of pupils;
- discuss their personal or sexual relationships with or in the presence of pupils;
- make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such. Behaving in an unsuitable way towards children may result in disqualification from childcare under the Childcare Act 2006, prohibition from teaching by the (TRA), a bar from engaging in regulated activity, or action by another relevant regulatory.

7.4. A person's dress and appearance are matters of personal choice, self-expression, religious and cultural customs. However, adults must maintain an appropriate standard of dress and personal appearance at work which promotes a positive and professional image. Clothing, accessories and footwear must be safe and clean and take account of health and safety considerations. Adults 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 religious and culturally sensitive and free of slogans, images, or symbols that could reasonably be considered offensive, inappropriate, or contrary to the inclusive values of the Trust. Adults who dress or appear in a manner which may be considered as inappropriate could render themselves vulnerable to criticism or, where the adult is an employee, allegations of misconduct that may lead to action under our disciplinary procedure.

7.5. Personal items or materials of a sexually explicit nature, or those that could reasonably be considered offensive, discriminatory, threatening, extremist, or otherwise inappropriate must not be brought onto or stored on school premises or school-owned equipment. This includes, but is not limited to:

- material that promotes hatred or violence,
- content that undermines the dignity of individuals or groups based on protected characteristics (e.g., race, religion, sex, sexual orientation, disability),
- media that glorifies criminal behaviour or illegal drug use,
- or content that could be perceived as undermining the professional standards or safeguarding obligations of the school.

8. Sexual Contact with Children and Young People and Abuse of Trust

- 8.1. A relationship between an adult and a child or young person is not a relationship between equals; the adult has a position of trust, power or influence. There is potential for exploitation and harm of children or vulnerable young people and all adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Adults must not use their position to gain access to information for their own advantage and/or a pupil's or family's detriment or use their power to intimidate, threaten, coerce, or undermine current or former pupils. Adults must not use their status or position to form or promote relationships with children (whether current or former pupils or not), that are of a sexual nature, or which may become so.
- 8.2. Adults should maintain appropriate professional boundaries and avoid behaviour that might be misinterpreted by others. They should report any incident with this potential to a senior manager. This is as relevant in the online world as it is in the classroom; staff engaging with pupils and/or parents online have a responsibility to always model safe practice.
- 8.3. Any sexual behaviour or activity by an adult with or towards a child/pupil 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.
- 8.4. 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', Appendix A defines sexual abuse as "...forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening..."
- 8.5. Adults must not have sexual relationships with pupils or have any form of communication with a child, 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 discuss their own sexual relationships with or in the presence of pupils. Adults 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.
- 8.6. 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. Adults 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.

9. Infatuations and Crushes

- 9.1. A child or young person may develop an infatuation with an adult who works with them. An adult, who becomes aware (may receive a report, overhear something, or otherwise notice any sign no matter how small or seemingly insignificant) that a pupil has become or maybe becoming infatuated with them or a colleague, must report this without delay to [Tier], or an appropriate senior manager in their absence, 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.

9.2. Examples of situations which must be reported are given below:

- Where an adult is concerned that they might be developing a relationship with a pupil which could have the potential to represent an abuse of trust.
- Where an adult is concerned that a pupil is becoming attracted to them or that there is a developing attachment or dependency.
- Where an adult 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 an adult is concerned about the apparent development of a relationship by another adult or receives information about such a relationship.

10. Gifts, Rewards, Favouritism and Exclusion

- 10.1. It is against the law for public servants to take bribes. Adults 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/carers wish to pass small tokens of appreciation to adults, e.g. at Christmas or as a thank you and this is acceptable. However, it is unacceptable to receive gifts regularly or of any significant value.
- 10.2. Personal gifts must not be given to pupils or their families/carers. This could be misinterpreted as attempts to bribe, groom or seek favour. However, small, low-value items given to a whole class may be appropriate if they are inclusive in nature and clearly intended as a gesture of appreciation. These should be proportionate, non-preferential, and aligned with the ethos of the school. Any reward given to an individual pupil should follow the school's behaviour or rewards policy, be recorded on the pupil file and not be based on favouritism.
- 10.3. Care should be taken when selecting children for specific activities, jobs, privileges and when pupils are excluded from an activity in order to avoid perceptions of favouritism or injustice. Methods of selection and exclusion should be subject to clear, fair and agreed criteria.

11. Social Contact and Social Networking

- 11.1. Communication between pupils and adults, by whatever method, should take place within clear and explicit professional boundaries at all times. This includes the wider use of technology such as mobile phones, tablets, text messages, emails, instant messages, websites, social media such as Facebook, Twitter, Instagram, chat-rooms, forums, blogs, apps such as WhatsApp, gaming sites, digital cameras, videos, webcams and other handheld devices.
- 11.2. Adults should not share any personal information with pupils and 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. They should ensure that all communications are transparent and professional, and avoid any communication that could be interpreted as favouritism, personal familiarity or 'grooming behaviour'.
- 11.3. Adults 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. If, for example, a pupil attempts to locate an adult's personal contact details and attempts to contact or correspond with them, the adult should not respond and must report the matter to their manager.

- 11.4. As social media content can be publicly accessible and long-lasting, adults are personally responsible for what they share. Online activity — including posts, comments, and profile images — should not undermine confidence in their suitability to work with children and young people. Even if an account includes a disclaimer that views are personal, material that is inconsistent with the values and expectations of the school may still result in reputational or disciplinary consequences.
- 11.5. Adults must not use school systems or devices for accessing social media platforms for personal use unless explicitly authorised.
- 11.6. Adults 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. Adults are advised not to have online friendships with parents or carers of pupils or members of the Governing Body/Trustees. Where such online friendships exist, adults must ensure that appropriate professional boundaries are maintained.
- 11.7. It is acknowledged that adults may have genuine friendships and social contact with parents or carers of pupils, independent of the professional relationship. Adults should, however, inform the Headteacher of:
 - Any relationship with a parent/carer where this extends beyond the usual parent/carer/professional relationship
 - Any regular social contact they have with a pupil or parent/carer, which could give rise to concern
 - Any requests or arrangements where parents/carers wish to use their services outside of the workplace e.g. babysitting, tutoring
 - Always approve any planned social contact with pupils or parents/carers with senior colleagues, e.g. when it is part of a reward scheme.
 - If a parent/carer seeks to establish social contact, or if this occurs coincidentally, the adult should exercise their professional judgment and should ensure that all communications are transparent and open to scrutiny.
- 11.8. Some employees may, as part of their professional role, be required to support a parent or carer. If that person comes to depend upon the employee or seeks support outside of their professional role this should be discussed with senior management and where necessary referrals made to the appropriate support agency.

12. Physical Contact, Personal Privacy and Personal Care

- 12.1. There are occasions when it is entirely appropriate and proper for employees to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role and in relation to the pupil's individual needs and any agreed care plan. 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. Employees must use their professional judgement at all times. 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.
- 12.2. Physical contact should never be secretive or casual, or for the gratification of the adult, or represent a misuse of authority. Adults should never touch a pupil in a way which may be

considered indecent. If an adult believes that an action could be misinterpreted, the incident and circumstances should be reported as soon as possible to [Tier] and be recorded in the Academy or Trust's incident book, and, if appropriate, a copy placed on the pupil's file.

- 12.3. There may be occasions when a distressed pupil needs comfort and reassurance. This may include age-appropriate physical contact. Adults should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation. Adults should always tell a colleague when and how they offered comfort to a distressed pupil.
- 12.4. 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 policy and subject to review. Where feasible, employees should seek the pupil's permission before initiating contact. Adults 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.
- 12.5. Where an adult has a particular concern about the need to provide this type of care and reassurance they should seek further advice from the Headteacher.
- 12.6. Some employees, 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 a safe and open environment. Adults should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil.
- 12.7. All parties should clearly understand from the outset what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers informed of the extent and nature of any physical contact may also prevent allegations of misconduct arising. Any incidents of physical contact that cause concern or fall outside of these protocols and guidelines should be reported to the senior manager and parent/carer.
- 12.8. 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. Adults who are required as part of their role to attend changing rooms should announce their intention of entering any pupil changing rooms and only remain in the room where the pupil/s needs require this.
- 12.9. Employees with a job description which includes intimate care duties will have appropriate training and written guidance including a written care plan for any pupil who could be expected to require intimate care. Employees should adhere to the Trust's/Academy's Intimate and Personal Care and Nappy Changing Policies where these exist. No other adult should be involved in intimate care duties except in an emergency.

Where appropriate, staff may offer verbal or visual prompts to support pupils in developing independence with personal care. This can be an important and proportionate step for pupils working towards managing these tasks themselves. However, staff must not undertake any personal or intimate care tasks that a pupil is capable of completing independently.

To minimise the risk of safeguarding allegations for both pupils and staff, it is advised that intimate care is carried out in the vicinity of another adult wherever possible — one of whom may act solely in a monitoring capacity. In such instances, the monitoring adult does not need



to be named in the pupil's care plan, but the arrangement should be understood and agreed as part of routine procedure.

Any changes to a care plan, even temporary, must be documented in writing without delay. A signed record should be kept of all intimate and personal care tasks, including times the adult(s) left and returned to the room if carried out elsewhere.

13. Behaviour Management and Physical Intervention

- 13.1. All pupils have a right to be treated with respect and dignity. Adults must not use any form of degrading treatment to punish a pupil. The use of sarcasm, demeaning or insensitive comments towards pupils are 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 Trust/Academy's Behaviour Management Policy.
- 13.2. Staff should understand the importance of challenging inappropriate behaviours between peers, including peer on peer sexual violence and sexual harassment. Downplaying certain behaviours (e.g., dismissing sexual harassment as "just banter") can lead to a culture of unacceptable behaviours, an unsafe environment for children and in worst case scenarios a culture that normalises abuse leading to children accepting it as normal and not coming forward to report it. Where pupils display difficult or challenging behaviour, adults should follow the school's or setting's behaviour and discipline policy using strategies appropriate to the circumstance and situation.
- 13.3. Physical intervention can only be justified in exceptional circumstances. Non-statutory guidance is available from the Department of Education website. See 'Use of reasonable force - advice for Headteachers, employees and Governing Bodies'. Adults 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. Adults should have regard to the health and safety of themselves and others. It is always unlawful to use force as a punishment. The use of unwarranted physical force is likely to constitute a criminal offence.
- 13.4. Adults must never use force as a form of punishment. This is both unlawful and a breach of safeguarding principles.
- 13.5. Where a pupil has specific needs in respect of particularly challenging behaviour, a positive handling plan, including a risk assessment, should be put in place and agreed by all parties. Where it is judged that a pupil's behaviour presents a serious risk to themselves or others, a robust risk assessment that is regularly reviewed and a physical intervention plan, where relevant, must be put in place. All incidents and subsequent actions should be recorded and reported to a manager and the pupil's parents/carers. Where it can be anticipated that physical intervention is likely to be required, a plan should be put in place that the pupil and parents/carers are aware of and have agreed to. Parental consent does not permit the use of unlawful physical intervention or deprive a pupil of their liberty. The Trust/Academy has separate policies on Behaviour Management and the Use of Physical Intervention.

14. First Aid and Medication

- 14.1. Each Academy has a separate policy on supporting pupils with a medical condition. Employees should have regard to the statutory guidance 'Supporting pupils at school with medical conditions' DfE December 2015, which includes advice on managing medicines. All settings must have an adequate number of qualified first aiders/appointed persons. Employees must have had the appropriate training and achieved the necessary level of

competency before administering first aid or medication or taking on the responsibility to support pupils with medical conditions. If an adult is concerned or uncertain about the amount or type of medication being given to a pupil this should be discussed with the Headteacher.

- 14.2. Adults taking medication that may affect their ability to care for children should seek medical advice regarding their suitability to do so and should not work with pupils whilst taking medication unless medical advice confirms that they are able to do so. Adult medication on the premises must be securely stored out of the reach of children.

15. One to One Situations and Meetings with Pupils

- 15.1. One to one situations have the potential to make children and young people 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. Adults 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 adults and pupils are met. The Headteacher should undertake a risk assessment in relation to the specific nature and implications of one to one work for each adult and pupil, which should be reviewed regularly. Where such a meeting is demonstrably unavoidable it is advisable to avoid remote or secluded areas and to ensure that the door of the room is left open and/or visual/auditory contact with others is maintained. Where staff are expected to work on one to one with a pupil on a virtual platform, clear expectations should be set out for all those involved that are reflective of the settings safeguarding policies and procedures. Any arrangements should be reviewed on a regular basis.
- 15.2. Pre-arranged meetings with pupils away from the premises or on the Trust premises when the Trust is not in session are not permitted unless written approval is obtained from their parent/carer and the Headteacher or another senior colleague with delegated authority.
- 15.3. No pupil should be in or invited into, the home of an adult who works with them unless they are family members or close family friends, in which case adults are advised to notify their line manager. Pupils must not be asked to assist adults with jobs or tasks at or in their private accommodation or for their personal benefit.
- 15.4. There are occasions during exam periods when timetables clash and arrangements need to be made to preserve the integrity of the examination process and in these circumstances, exam boards may allow candidates to take an exam the following morning, including Saturdays. To comply with exam board requirements, the centre must implement appropriate supervision arrangements that ensure both the security of the examination and the candidate's wellbeing during the intervening period, including during travel and overnight.
- 15.5. Supervision may be undertaken by a parent or carer. Where school employees are asked to supervise pupils — including in their own homes — this must only take place with prior approval from senior leadership. In all cases where employees are involved in supervision, two employees must be present at all times. This is to ensure safeguarding best practice and to maintain the validity of the examination arrangements, in line with the expectations of awarding bodies.
- 15.6. Other than in an emergency, an adult must not enter a pupil's home if the parent/carer is absent. Always make detailed records including times of arrival and departure and ensure any behaviour or situation that gives rise to concern is discussed with the Headteacher. A risk assessment should be undertaken and appropriate risk management measures put in place prior to any planned home visit taking place. In the unlikely event that little or no information



is available, home visits should not be made alone. Each Academy has a separate Home Visit and Lone-Working Policy.

16. Transporting Pupils

- 16.1. In certain situations e.g. out of school activities, adults may agree to transport pupils. Transport arrangements should be made in advance by a designated employee who will be responsible for planning and overseeing all transport arrangements and respond to any concerns that may arise. 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.
- 16.2. 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. It is a legal requirement that all passengers wear seatbelts and the driver should ensure that they do so. The driver should be aware of the current legislation concerning the use of car seats for younger children where applicable. It is illegal to drive using hand-held phones or similar devices and the driver must ensure that they adhere to all driving regulations.
- 16.3. It is inappropriate for adults to offer lifts to a pupil, unless the need has been agreed with a the Headteacher and, if this falls outside their normal working duties, has been agreed with parents/carers. Where such arrangements are approved, the following conditions must be met to ensure safety and compliance with legal and safeguarding requirements:
- The driver must hold a full, clean driving licence.
 - The vehicle must be roadworthy, appropriately taxed and insured for business use.
 - A current MOT certificate must be in place where applicable.
 - The vehicle must be fitted with legally compliant and age-appropriate car seats or restraints where required.
 - Wherever possible, two members of staff should be present in the vehicle to safeguard both the pupil and the adult.

These safeguards are designed to protect pupils, staff and the reputation of the school. Any deviation from this guidance must be authorised by senior leadership and risk-assessed accordingly.

- 16.4. 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 the Headteacher and parents/carers.

17. Educational Visits and School Clubs

- 17.1. Adults 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. Adults remain in a position of trust and the same standards of conduct apply. Please refer to the Academy's policy on educational visits and Health and Safety.

18. Curriculum

- 18.1. Some areas of the curriculum can include or raise a subject matter which is sexually explicit, of a political, cultural, religious or 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.

- 18.2. The curriculum can sometimes include or lead to an unplanned discussion about the subject matter of a sexually explicit, political, cultural, religious or otherwise sensitive nature. Responding to pupils' questions can require careful judgement and adults must take guidance in these circumstances from the Designated Safeguarding Lead. Adults must not enter into or encourage inappropriate discussion about sexual, political or religious activity or behaviour or, discussions which may offend or harm others. Adults should take care to protect children from the risk of radicalisation and should act in accordance with advice given under Part 1 of Keeping Children Safe in Education DfE and accordingly must not express any prejudicial views or, attempt to influence or impose their personal values, attitudes or beliefs on pupils.
- 18.3. Please refer to the Academy's policy on sex and relationships education (SRE) and, the policy on spiritual, moral, social and cultural development (SMSC), which promotes fundamental British values. Care should be taken to comply with these policies and ensure they are consistently applied.

19. Photography, Videos and Other Creative Arts

- 19.1. Please refer to the Academy's guidance on e-safety, the use of images and the consent forms therein. Adults should have regard to the ICO CCTV code of practice and the guidance 'Taking Photographs in Schools'.
- 19.2. Many educational activities involve the taking or recording of images. This may be undertaken as part of the curriculum, extra school activities, for displays, publicity, to celebrate achievement or, to provide evidence of the activity. An image of a child is personal data and it is, therefore, a requirement under Data Protection Legislation that explicit consent is obtained from the parent/carer of a child before any images are made such as those used for school or Trust web sites, notice boards, productions or other purposes, unless an alternative legal justification for processing this data is applicable.
- 19.3. Adults need to be aware of the potential for such images to be taken and/or 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.
- 19.4. Adults 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.
- 19.5. Adults should only use equipment provided or authorised by the Trust to make/take images and should not use personal equipment, mobile telephones or any other similar devices to make/take images.
- 19.6. The following guidance should 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

- Only retain images when there is a clear and agreed purpose for doing so
- Ensure that the Headteacher 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 images of pupils for personal use
- Only take images where the pupil consents to this and, where the pupil is under the age of 18, where parental or carer consent has also been obtained. Information relating to which pupils have given consent can be found on the Academy's Management Information System.
- Do not take photographs in one to one situations
- Do not display or distribute photographs/images of pupils unless there is consent to do so from the parent/carers
- Only publish images of pupils where they and their parent/carers have given explicit written consent to do so
- Do not take images of pupils in a state of undress or semi-undress
- Do not take images of pupils which could be considered as indecent or sexual
- Do not make recordings of a child's disclosure.

20. Use of technology for online/virtual teaching

- 20.1. Staff should use school devices and contact pupils only via the pupil school email address/log in. This ensures that the school's filtering and monitoring software is enabled.
- 20.2. In deciding whether to provide virtual or online learning for pupils, senior leaders will consider issues such as accessibility within the family home, the mental health and wellbeing of children, including screen time, the potential for inappropriate behaviour by staff or pupils, staff access to the technology required, etc. Virtual lessons will be timetabled and senior staff, DSL and/or heads of department will be able to drop into any virtual lesson at any time – the online version of entering a classroom.
- 20.3. Staff engaging in online learning should display the same standards of dress and conduct that they would in person; they should also role model this to pupils and parents. The following points should be considered: -
- think about the background; photos, artwork, identifying features, mirrors – ideally the backing should be nondescript.
 - staff and pupils should be in living / communal areas – no bedrooms.
 - staff and pupils should be appropriately dressed.
 - filters at a child's home may be set at a threshold which is different to the school.
 - resources/videos must be age appropriate – the child may not have support immediately to hand at home if they feel distressed or anxious about content. Consider avoiding direct links to platforms such as YouTube in case of autoplay or links to other videos that have not been vetted.
- 20.4. It is the responsibility of the staff member to act as a moderator; raise any issues of suitability (of dress, setting, behaviour) with the child and/or parent immediately and end the online interaction if necessary. Recording lessons does not prevent abuse. Staff will adhere to the school's policy on recording of online lessons. If a staff member believes that a child or



parent is recording the interaction, the lesson should be brought to an end or that child should be logged out immediately.

- 20.5. If staff need to contact a pupil or parent by phone and do not have access to a work phone, they should discuss this with a senior member of staff and, if there is no alternative, always use 'caller withheld' to ensure the pupil/parent is not able to identify the staff member's personal contact details.

21. Unacceptable Use of ICT Facilities and Monitoring

- 21.1. This section should be read in conjunction with the Academy Acceptable Use of ICT Facilities Policy/Social Media Policy. 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 (where the adult is employed) in summary dismissal (this list is not exhaustive):
- a) Pseudo-images of children (child abuse images), 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, criminal material or material which is liable to cause distress or embarrassment to the Trust, Academy or others.
- 21.2. If indecent images of children are discovered at the premises or on the Trust's equipment/devices, an immediate referral should be made to the Headteacher (unless they are implicated) and the external Designated Officer (DO) and, if relevant, the police contacted. The images/equipment should be secured, should not be used by others and should be isolated from the network. There should be no attempt to view, tamper with or delete the images as this could jeopardise any necessary criminal investigation. If the images are of children who are known to the Trust, a referral should also be made to children's social care in accordance with local arrangements.
- 21.3. The contents of our ICT resources and communications systems are the Trust's property. Therefore, adults 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.
- 21.4. The Trust reserves the right to monitor, intercept and review, without prior notification or authorisation from adults. 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 are monitored 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
 - b) To assist in the investigation of alleged wrongful acts
 - c) To comply with any legal obligation
- 21.5. Personal data will be stored in accordance with the Trust's Privacy Notices. 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.

- 21.6. If a CCTV system monitors any Academies in the Trust 24 hours a day, this data is recorded and may be used as evidence of any alleged wrongdoing.
- 21.7. Cyber-bullying can be experienced by adults as well as pupils. Adults should notify the Headteacher if they are subject to cyber-bullying which includes the misuse of staff photos using Artificial Intelligence (AI). The Trust will endeavour to protect adults and stop any inappropriate conduct.

22. Reporting Concerns and Recording Incidents

- 22.1. All adults must report concerns and incidents in accordance with the guidance set out in Keeping Children Safe in Education DfE and the Trust's Procedures for Dealing with Allegations of Abuse against Teachers and Other Employees and Volunteers. In the event of an allegation being made, or incident being witnessed, the relevant information should be immediately recorded and reported to the Headteacher. If any concerns are raised via a third party, the Headteacher should collect as much evidence as possible. Where low-level concerns are raised the Headteacher should speak to the individual involved and any witnesses and consider the matter under the Disciplinary Procedure which may result in informal or formal action. An employee who fails to bring a matter of concern to the attention of senior management and/or the relevant agencies will be subject to disciplinary action.
- 22.2. In addition to behaviours outlined elsewhere in this code and, the types of abuse and neglect set out in 'Keeping Children Safe in Education' DfE, the following is a non-exhaustive list of some further 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 their 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

Disciplinary Procedure

ACT Multi Academy Trust

1. Introduction

- 1.1. This disciplinary procedure must be read and applied in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.
- 1.2. The aim of this procedure is to help and encourage all employees to achieve and maintain standards of conduct and to ensure consistent and fair treatment for all employees in the Trust.
- 1.3. Examples of the type of conduct that is considered to be misconduct or gross misconduct, which could lead to action under this procedure, are set out in the disciplinary rules and should be read in conjunction with this procedure.
- 1.4. This procedure may be implemented at any stage, as set out below, taking into account the alleged misconduct of an employee. Employees will not normally be dismissed for a first act of misconduct unless it is decided that it amounts to gross misconduct.
- 1.5. This procedure does not apply during the probation period. If issues of conduct arise, the probation procedure will normally be used to address such matters. Where allegations have been made against a probationer, a management investigation will be conducted.
- 1.6. This procedure is written in line with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice.
- 1.7. Parties with responsibility for implementing any stages of this procedure will receive appropriate training and access to professional HR advice.

2. Part A - Informal Procedure

- 2.1. Managers should seek to resolve minor misconduct informally and as soon as it occurs. If it is deemed appropriate following initial fact-finding management advice may be given to the employee by a member of the Senior Leadership Team. Action will be taken under the formal procedure set out in Part B below if the matter is not resolved or, there is repeated minor misconduct or, where informal action is not appropriate (for example, because of the seriousness of the allegation).
- 2.2. There is no appeal against management advice given.
- 2.3. A written memorandum will set out the misconduct, the improvement that is required and, if appropriate, how this will be reviewed and during what timeframe. The employee may make a written comment on the memorandum if they have any objection to the informal action taken. A copy of the memorandum or a note of any informal discussions may be placed on the employee's personnel file.

3. Part B - Formal Procedure

4. Disciplinary Investigation

- 4.1. If it is deemed necessary to formally investigate allegations of misconduct or gross misconduct under Part B of this procedure, the Headteacher or CEO will appoint an Investigating Officer to undertake an independent investigation. At this stage the employee will be informed of the allegations against them.
- 4.2. The Investigating Officer should, wherever possible, have no prior knowledge of the allegations and should ensure that their investigation is free from any bias.
- 4.3. The Investigating Officer will meet with the employee subject of the allegations, giving them 5 days' notice of the investigation meeting. The employee may be accompanied by their companion at an investigation meeting.
- 4.4. The Investigating Officer may also meet with witnesses and gather other information pertinent to the investigation, such as, policies and procedures, CCTV evidence and training records.
- 4.5. A record will be taken of any investigation and witness meetings, parties will be asked to review and sign the minutes, and they will form part of a bundle of evidence should the matter be referred to a formal disciplinary hearing.
- 4.6. The Investigating Officer will produce a summary of their findings which will include a recommendation of whether the case should be referred to a disciplinary hearing.

5. Suspension pending investigation

- 5.1. In certain circumstances, it may be necessary to suspend an employee from duty while a disciplinary investigation is carried out. Suspension does not imply that any conclusion has been reached or that disciplinary action will necessarily follow.
- 5.2. Suspension will only be considered where it is deemed appropriate and proportionate, for example:
 - 5.2.1. To protect the integrity of the investigation (e.g. preventing interference with evidence or witnesses)
 - 5.2.2. To safeguard the welfare of staff, pupils, or the individual concerned
 - 5.2.3. Where the continued presence of the employee may pose a risk to the organisation or others
- 5.3. Where suspension is deemed necessary:
 - 5.3.1. The employee will be informed in writing of the reason for the suspension and the terms under which it applies
 - 5.3.2. The period of suspension will be kept as brief as possible and will be reviewed regularly
 - 5.3.3. The employee will remain on full pay (unless otherwise stated in their contract)
 - 5.3.4. The employee will be provided with a point of contact for support and updates during the suspension period
- 5.4. Alternatives to suspension (e.g. temporary redeployment or restricted duties) will always be considered before a decision to suspend is made.



6. Formal Procedure - Disciplinary Hearing

- 6.1. If following appropriate investigation by the Investigating Officer, the [Tier] considers based on the facts that formal disciplinary action for misconduct is necessary, they will write to the employee to inform them that a disciplinary hearing will take place.
- 6.2. A disciplinary hearing constitutes a formal meeting and should be arranged in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.
- 6.3. The employee will be advised of their right to call witnesses on their behalf and will be required to provide name/s and make arrangements for their attendance.
- 6.4. At the disciplinary hearing before the committee, the employee, and their companion will be given a reasonable opportunity to state their case, to question the Investigating Officer where possible and any witnesses and, to call any witnesses and raise points about any information provided by witnesses.
- 6.5. When confirming the outcome of the disciplinary hearing, the committee will include:
 - a) The sanction (if any) and the period this will remain current
 - b) The reasons for the decision
 - c) The change in behaviour required (if relevant) and the likely consequences of further misconduct
 - d) Right of appeal

7. Formal Procedure – Disciplinary Action

7.1. First Written Warning

- 7.1.1. The Headteacher may give the employee a first written warning which will include a statement that any further complaint of misconduct occurring within the next twelve months that is found justified after a disciplinary hearing, will lead to a final warning unless there are mitigating circumstances.

7.2. Final Written Warning

- 7.2.1. If a further complaint is made about the employee's conduct before the first written warning has expired, the same procedure (as in 3 above) will be followed.
- 7.2.2. The Headteacher may give the employee a final written warning, which will include a statement that any further complaint of misconduct occurring within the next twelve months that is found justified after a disciplinary hearing, will lead to dismissal unless there are mitigating circumstances.
- 7.2.3. If the complaint is considered serious enough, a final written warning may be issued without previous warning.

7.3.1. If a further complaint is received before the final written warning has expired, the complaint will be referred to a hearing before the Committee following the same procedure as in paragraph 3 above.

7.3.2. If the Local Governing Body or Trust Board as applicable decides the complaint is justified, they may decide to dismiss the employee.

7.4. Recommendations

7.4.1. Alongside determining whether a disciplinary sanction is appropriate, the Local Governing Body or Trust Board as applicable may, depending on the circumstances of the case, also consider making recommendations.

7.4.2. Recommendations may include;

7.4.3. • additional learning, development or training to address identified areas for improvement.

7.4.4. • access to relevant health and wellbeing support.

7.4.5. • implementation of broader preventative actions, aimed at improving systems, reducing risk and promoting a positive working environment.

8. Gross Misconduct

8.1. If the complaint is considered so serious that it may amount to gross misconduct, justifying dismissal without previous warning and without notice (see disciplinary rules), the employee may be informed by the Headteacher that they are suspended on full pay pending further investigation of the complaint. A decision to suspend will only be taken after full consideration of the facts and associated risks and consideration of alternative options.

8.2. If, following an investigation, the Investigating Officer considers that the facts of the case amount to a prima facie case of gross misconduct, the matter will be referred to the Headteacher/CEO.

8.3. Following the same procedure as in paragraph 3 above, if on conclusion of the disciplinary hearing the Local Governing Body or Trust Board as applicable considers the complaint constitutes gross misconduct, they may decide to dismiss the employee without notice or pay in lieu of notice.

8.4. Where a suspension has taken place that suspension may only be lifted by the Headteacher.

9. Right of Appeal

9.1. The employee has a right of appeal against a decision to issue a warning or to dismiss.

9.2. Grounds of appeal may include, but are not limited to:

9.2.1. new, relevant evidence coming to light that was not available during the original hearing

9.2.2. a belief that the disciplinary procedure was not followed correctly

9.2.3. the outcome was too severe for the circumstances



9.2.4. there is evidence of bias, discrimination or victimisation during the disciplinary process

9.3. Format of the appeal hearing.

9.4. The appeal will normally be conducted as a review of the original disciplinary decision, considering if the outcome was reasonable based on the evidence available at the time and whether the correct procedure was followed.

9.5. The appeal may be conducted as a full rehearing, including reviewing all evidence and potentially hearing new information. This approach will be taken where the original process is found to have had significant procedural flaws or new evidence has come to light.

9.6. The decision on the format of the appeal hearing will be made by the Committee.

9.7. Appeals against formal written warnings or dismissal should be submitted to the Local Governing Body or Trust Board as applicable.

9.8. An appeal against a written warning will be heard by the Local Governing Body or Trust Board as applicable. The outcome may be to confirm the written warning, reduce a final written warning to a first written warning, or cancel the written warning. There will be no further right of appeal.

9.9. An appeal against dismissal will be to an appeals Committee. The outcome may be to confirm the dismissal, revoke the dismissal and issue a lesser sanction, or revoke the dismissal and issue no sanction. There will be no further right of appeal.

10. Variation in Disciplinary Action

10.1. If appropriate, the Headteacher may decide to take informal action (as in Part A above) instead of giving a first written warning.

10.2. The Headteacher may decide the misconduct is so serious that it justifies a final written warning, without any previous written warning having been given.

10.3. Rather than dismiss, the Headteacher / CEO may decide to issue no sanction or a lesser sanction.

10.4. In determining an appropriate sanction, consideration may be given to a change to role/duties which may impact on remuneration.

Appendix A: Disciplinary Rules for All Employees

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.

For the process relating to investigation, hearings and appeal, please refer to our Disciplinary Procedure.

All safeguarding-related breaches will be considered in line with statutory guidance Keeping Children Safe in Education and may be subject to referral to the LADO or other external bodies.

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. Allegations of gross misconduct will be dealt with under our disciplinary procedure and, if upheld, may 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, behaviour towards a child or children that indicates you would pose a risk of harm to children, for example:

- Sexual behaviour towards or relations with a pupil
- Physically harming a pupil
- Criminal offences related to or against a child

*Child/children relates to anyone under the age of 18.

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.

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.

2.7 Deliberately accessing internet sites containing pornographic, offensive or obscene material on our 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:

- Failure to comply with the Prevent Duty
- Failure to report safeguarding concerns

- Failure to exercise proper control or supervision of pupils
 - Disclosure of restricted public examination material or content
 - Falsifying sickness absence
 - Taking leave when permission denied
 - Job abandonment
 - Ignoring handling instructions/responsibilities/safety regulations to include those in relation to chemicals, machinery, equipment or food
- 2.10 A serious breach of our Code of Conduct.
- 2.11 A serious act of insubordination.
- 2.12 Dishonesty associated with place of work or job being undertaken, for example:
- Theft or unauthorised removal or misuse of property.
 - 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.
 - Demanding or accepting monies or other considerations as a bribe for the use of our property or provision of our service.
 - Failure to disclose criminal convictions, cautions, bind over 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 bind over order, a reprimand or a warning given by a police force.
 - Undertaking unauthorised paid or unpaid employment during working hours, including during periods of sickness absence.
- 2.13 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.
- 2.14 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 governor, a member of the public, or our reputation.
- 2.15 Unlawful harassment or victimisation of, or unlawful discrimination against, a pupil, an employee or other worker, a governor, or a member of the public.
- 2.16 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.
- 2.17 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.
- 2.18 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:
- Unauthorised absence or leaving your job during working hours without permission or sufficient cause for absence
 - Frequent failure to attend work punctually
 - Failure to comply with our sickness absence reporting procedure
- 3.2 Neglect of duty, for example:



- Failure to adopt safe working practices/use protective equipment where required by law or management
- Damage to, or unauthorised use of our property or contractors property
- Insubordination

3.3 Obscene language or other offensive behaviour.

3.4 Undertaking additional employment outside normal working hours without authorisation.

3.5 Breaches of our policies.

3.6 Breaches of your contract.



Grievance Procedure

ACT Multi Academy Trust

1. Introduction

- 1.1 This grievance procedure must be read and applied in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.
- 1.2 The aim of this procedure is to enable an employee to have their grievance heard and to seek redress as appropriate. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.
- 1.3 There are a number of issues that can cause grievances at work and these may include working conditions, application or non-application of policies and procedures, environment, relationships with management or colleagues, duties and responsibilities, or work volume. Grievances may relate to discrimination, harassment, bullying or victimisation.
- 1.4 Where the grievance relates to a matter covered by another procedure, for example, pay, probation or whistleblowing, then the matter will be dealt with in accordance with the relevant procedure. This grievance procedure may not be used to complain about dismissal or disciplinary action. An employee who is dissatisfied with any formal warning should submit an appeal under the appropriate procedure.
- 1.5 Where an employee raises a grievance during any existing process or procedure, that process may be temporarily suspended in order to deal with the grievance. However, where the grievance and the existing process are related, it may be appropriate to deal with both issues concurrently. The Headteacher/CEO will have the discretion to decide which option is appropriate, in all circumstances.
- 1.6 Those responsible for dealing with employees' grievances will treat them seriously and attempt to resolve them as quickly as possible. There should be no attempt to block an employee's wish to raise the grievance at a higher level.
- 1.7 Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits.
- 1.8 At any stage of the procedure, the Headteacher/CEO may refer to an adviser external to the Trust for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal procedure. Such conciliation is without prejudice to the position of both parties in the procedure.

2. Informal Resolution and Mediation

Employees are encouraged to speak to their line manager in the first instance. Where appropriate, mediation may be offered to help resolve issues. Mediation is a voluntary and confidential process, typically facilitated by trained, impartial staff, with the aim of assisting both parties to reach a resolution. Mediation can only be used where all parties involved in the grievance agree to try this option.

3. Formal Grievance Procedure

3.2 Stage 1: Submitting a Grievance

Employees should complete the Grievance Form (Appendix A) and submit it to their line manager. If the grievance is about their line manager, it should be submitted to their Line Manger.

The grievance should:

- Be in writing and clearly state the complaint
- Identify the outcome being sought

3.3 Stage 2: Grievance Meeting

The person hearing the grievance will normally meet with the aggrieved party to ensure that they have a good understanding of the grievance and outcome(s) the individual is seeking to resolve the grievance. A meeting will be arranged within 10 working days or as soon as reasonably practicable. The meeting will be conducted by a member of the Senior Leadership Team and may be attended by an HR representative. The employee may be accompanied at this meeting.

An investigation may precede or follow this meeting depending on the nature of the grievance.

Following the meeting and any investigation, the decision will be shared in writing, normally within 5 working days.

3.4 Stage 3: Appeal

If unsatisfied, the employee may appeal to the Appeals Committee within 10 working days, stating their grounds for appeal. An appeal will normally be heard as soon as possible after receipt of the appeal letter, by an Appeal Panel of one or more Governors/Trustees (with HR support).

Following the appeal meeting, the decision will be shared in writing, normally within 5 working days. The outcome of the appeal is final.

4. Collective Grievances

Where multiple employees raise an identical grievance, they can submit a collective grievance. All participants must:

- Agree to the collective process voluntarily
- Use one grievance form (Appendix A)
- Accept one hearing and one appeal stage

If the participating colleague are all members of the same trade union, their trade union representative may (if all parties are in agreement) raise the grievance on behalf of the group. Alternatively, the participating colleague can agree to nominate one of the group to act on behalf of all participating colleagues. If agreement is not unanimous, individual grievances will be managed separately.

Following the grievance outcome, employees will have the right to appeal. If some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal. If only one employee wishes to pursue the appeal, the normal grievance procedure will apply to the appeal.



Appendix A: Employee's Notification of Grievance

This form should be used to submit a grievance in accordance with the formal grievance procedure.

Send the completed 'Employee's Notification of Grievance Form' (Appendix A) to your line manager.

If your grievance relates to your line manager, you should send it to the next most senior employee, to whom your grievance does not relate, shown in the list below:

Deputy / Assistant Headteacher

Head of School / Headteacher / Executive Head

Trust CEO

You are advised to keep a copy.

You are also encouraged to contact your trade union at the earliest opportunity to enable you to access their support.

Please be aware that the information will, in normal circumstances, be shared with any person/s complained about. Please think carefully about what you write.

Name/s	
Post/s held	
The nature of your grievance. Please include all relevant facts, dates and names of people involved and any witnesses. (Continue on a separate page, if necessary.)	
When did you first raise your grievance, and with whom? Is this a one-off issue or part of a chain of events?	
What action has been taken on your grievance at the informal stage (stage 1)?	
What steps or action do you want to be taken as a remedy for your grievance?	



If you are a member, have you informed your trade union or professional association representative?

Yes or No

If yes: do you wish the representative to receive correspondence?

Yes or No

If yes: please identify the representative and provide email and postal addresses and telephone number:

Representative Name	
Representative Email	
Representative Address	
Representative Phone Number	

Printed Name	
Signed	
Date	



Sickness Absence Procedure

ACT Multi Academy Trust

1. Introduction

- 1.1. This Sickness Absence Procedure should be read and applied in conjunction with ACT Multi Academy Trust's Staffing Policy Statement.
- 1.2. ACT Multi Academy Trust recognises its responsibility for the health, safety and welfare of its employees. This Sickness Absence Procedure sets out the process for reporting sickness absence and for the management of sickness absence in a fair and consistent way. This procedure places emphasis on proactive support for staff in the event of ill health difficulties and/or where their symptoms are impacting upon work.
- 1.3. Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment). Long-term absence is normally defined as any continuous period of sickness exceeding 28 calendar days.
- 1.4. ACT Multi Academy Trust is committed to creating an environment where employees are able to raise concerns about their health and any impact upon work, and to ask for support and appropriate adjustments. Should managers notice a change in an employee's behaviour/ability whilst in the workplace then they should discuss this with the employee to see if there is a health condition they are not aware of and whether any support needs to be provided.
- 1.5. No action will be taken under the formal part of this Sickness Absence Policy against a trade union representative without prior discussion with an appropriate trade union officer.
- 1.6. ACT Multi Academy Trust has standards for attendance for employees, as it does for pupils, and measures will be taken to monitor and respond to actual and potential problems.

2. Management Responsibilities

- 2.1. It is the responsibility of the Chief Executive Officer (CEO) and all levels of management to ensure acceptable levels of attendance are achieved and to raise awareness of the effect of sickness absence levels on the quality and continuity of teaching and learning and other aspects of the effectiveness of the work of ACT Multi Academy Trust.
- 2.2. Senior managers and line managers have a clear obligation placed on them to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.
- 2.3. In normal circumstances, managers with authority to conduct sickness absence related meetings are as follows:

Return to work interviews – Line Manager

Informal sickness absence meetings – Line Manager

Stage 1 meeting (and review other manager's stage 1 decisions at appeal – Headteacher / CEO

Stage 2 meeting – Headteacher / CEO

3. Entitlement to Sick Pay

3.1 Support Staff

3.1.1 Subject to the provisions of the scheme a member of staff who is absent from duty owing to illness shall be entitled to receive, in any twelve month period, contractual sick pay, as follows provided that the employee complies with the School's absence notification requirements and produces self-certificates and/or doctors statements as required:

During first year of service	One month's full pay and, after completing four calendar months' service, two months' half pay.
During second year of service	two month's full pay, two months' half pay.
During third year of service	four months' full pay, four months' half pay.
During fourth and fifth years' of service	five months' full pay, five months' half pay.
After five years' service	six months' full pay and six months' half pay.

3.1.2 Full details of the contractual sick pay scheme, and Statutory Sick Pay where entitled, are set out in the national agreements referred to under the General Conditions above.

3.2 Teaching Staff

3.2.1. Subject to the provisions of the Conditions of Service for School Teachers for England and Wales (The Burgundy Book), as amended from time to time, a teacher absent from duty owing to their illness (which term is deemed to include injury or other disability) shall be entitled to receive in any period of one year sick pay in accordance with the following scale.

During the first year of service	25 working days full pay and, after completing four calendar months' service, 50 working days half pay.
During the second year of service	50 working days full pay, and 50 working days half pay.
During the third year of service	75 working days full pay, and 75 working days half pay.
During the fourth and successive years	100 working days full pay, and 100 working days half pay.

3.2.2. Sick Pay shall include, where appropriate, Statutory Sick Pay, and shall not exceed full (ordinary) pay. 'Working days' refers to the 195 days on which a teacher is required to work in accordance with the School Teachers' Pay and Conditions Document.

4. Employee Responsibilities

- 4.1. Employees must attend work when fit to do so.
- 4.2. All employees must follow the Notification of Sickness Absence procedures for their individual workplace. This includes employees who are in a probationary period.
- 4.3. An employee who is prevented by illness or injury from reporting for duty shall personally notify the appropriate person as soon as possible by email or telephone as early as possible on the first day of absence. The following details should be provided:
 - a) The nature of the employee's illness/injury
 - b) The expected length of absence from work
 - c) Current contact details
 - d) Any outstanding or urgent work that requires attention
- 4.4. If an employee does not report for work, and has not explained the reason for absence, then the employee should expect to be contacted [by telephone, email, letter or text] during the period of absence by the employee's line manager, who will want to enquire after the employee's health and be advised, if possible, as to the employee's expected return date. This must not be treated as a substitute for reporting sickness absence. Absence that has not been notified in accordance with the sickness absence reporting procedure will be treated as unauthorised absence.
- 4.5. All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven calendar days. The self-certification form can be obtained from the relevant academy office and must be completed immediately on return to duty and returned to their line manager / School Business Manager as appropriate.
- 4.6. A medical certificate (a 'Statement of Fitness for Work' hereinafter called a 'Fit Note') must be provided from the eighth day of absence (including Saturdays, Sundays Bank Holidays and other school closure periods). This should be provided to the line manager as soon as possible and, if absence continues further, Fit Notes should be provided to cover the whole period of absence. Failure to do so may result in non-payment of sick pay (where applicable) and/or disciplinary action if appropriate.
- 4.7. Employees must continue to submit Fit Notes during school closure periods. The Trust may take a copy of the Fit Note for their records and return the original copy to the employee.
- 4.8. An employee shall, if required at any time, attend an Occupational Health (OH) or other medical appointment/examination by a registered medical practitioner nominated by the Trust.
- 4.9. Employees should inform their line manager if they are experiencing any difficulties in the workplace due to a health condition so that this can be discussed and support identified and as well as any other action points e.g. a referral to Occupational Health. Early notification will help line managers to determine the most appropriate course of action to support an employee's individual needs.
- 4.10. There may be some instances where the employee may be reluctant to discuss this with their line manager because of the nature of their condition. Where employees do not wish to discuss the issue with their direct line manager, they may find it helpful to have an initial discussion with a trusted colleague, another manager, mental health first aider or a trade



union representative if there is one in the workplace. This discussion should support in identifying an appropriate senior manager with whom sufficient information can be shared to enable the employee to be supported, risks and any absences to be managed and reasonable adjustments to be put in place if required.

- 4.11. It is recognised that employees may need support and adjustments at work before the menopause (known as the perimenopause) as well as during and after the menopause and they are encouraged to raise this as outlined in 4.9. It is understood that the menopause and perimenopause is an individual experience. Therefore, the age an employee experiences symptoms can vary significantly as well the type of symptoms, severity of symptoms as well as the adjustments required.

5. Sickness Absence Monitoring

- 5.1. 5.1 Levels of sickness absence will be monitored. The average number of working days lost due to sickness per full time equivalent employee will be recorded and areas where the work of the Trust, in particular the continuity of teaching and learning, is being affected by absence levels will be identified. This will include a breakdown of total absence into long-term and short-term absence (normally more than 28 days) and reasons for absence. The information will be reported to the Trustees on an anonymised basis.

6. Reimbursement of Cost of Doctors' Statements.

- 6.1. Where the Trust requires a medical certificate ('Fit Note') from an employee, the Trust shall, on provision of a receipt, reimburse the employee if a charge is made for the Fit Note.

7. Illness or Injury Arising from Work

- 7.1. Any accident arising out of, or in the course of, employment with ACT Multi Academy Trust must be reported and recorded in accordance with the required procedures. The accident may be subject to investigation and reported by an employee authorised for this purpose by the Trust.
- 7.2. Where an employee seeks medical advice about an illness which is suspected or alleged to result from the nature of his or her employment, the employee must report relevant information to their line manager at the first opportunity.
- 7.3. In the case of the first, and any subsequent, absence due to industrial disease or accident an employee shall agree, at any time during such absence, if so required by the employer, to a medical examination by a registered medical practitioner nominated by the Trust.

8. General Return to Work Arrangements

- 8.1. If the employee returns to work with a Fit Note which states 'may be fit for work', the employee should notify their line manager immediately. The advice on the note will be discussed together with any additional measures that may be needed to facilitate the employee's return to work, taking into account the doctor's advice.
- 8.2. Consideration will be given as to how the advice impacts the employee, the job, the workplace, service delivery, pupils and colleagues. The doctor's comments, any of the return to work tick boxes and any other action that could facilitate a return to work will be considered with due regard to the Equality Act 2010. Options may include:
- Phased return to work
 - Altered hours



- Amended duties
- Consideration of redeployment
- Workplace adaptations
- Other reasonable adjustments

8.3. If a return to work is possible, the agreed action plan will be documented and implemented. If it is not possible to provide the support suggested by the doctor, the employee will remain on sick leave and will not normally need to return to their doctor to obtain a revised Fit Note unless this is required in the circumstances. A review date will be set.

8.4. Consideration will be given as to whether a risk assessment is required to ensure the health and safety of the employee in light of the reason for their ill health, for example a stress, ergonomic or more general risk assessment may be required.

8.5. The employee may return to work before the expiry of a Fit Note if they are agreeable/willing without going back to see their doctor, even if their G.P has indicated that they need to assess them again. This will not breach ACT Multi Academy Trust's Employer's Liability Compulsory Insurance, providing a suitable risk assessment has taken place if required.

8.6. Phased returns

8.6.1. Where an employee returns to work on a part time basis, following long-term sickness absence, with the expectation that they will be able to work their full contractual hours (or other such amended contractual hours as agreed) within a reasonable period of time, then, in accordance with medical advice provided by the Occupational Health doctor or the Fit for Work service, the following arrangements will normally be made in relation to pay:

- Where the employee has exhausted their sick pay entitlement, the salary payment made will be based on the number of hours worked during the phased return.
 - Where the employee has not exhausted their sick pay entitlement, the employee will be paid in accordance with the number of hours worked, or the occupational sick pay entitlement that would be payable if the employee remained off work due to sickness absence, whichever is the greater amount.
- Regular check-ins will be conducted throughout the phased return period to review arrangements and support.

9. Probationary Periods for Support Staff

9.1 All new Support Staff employees are subject to a probationary period. Sickness absence issues that arise during an Support Staff employee's probationary period may be taken into account in determining whether or not the probationary period is completed satisfactorily, and this procedure (save for the sickness absence reporting procedure) will not normally apply.

10. Unauthorised Absence/False Information

10.1. Unauthorised absence will be dealt with under the disciplinary procedure and could result in disciplinary action which may include dismissal.

10.2. The provision of any false information will be dealt with under our disciplinary procedure and could result in disciplinary action, which may include dismissal.



11. Informal Procedure

11.1. Return to Work Discussion

- 11.1.1. The line manager will normally meet with the employee as soon as practicable—ideally within 48 hours—after any period of sickness absence, even where the absence is brief and below the formal trigger thresholds. The purpose of the discussion is to:
- 11.1.2. Welcome the employee back and check on their wellbeing.
- 11.1.3. Understand, in confidence, the reason for the absence (without pressuring for medical detail) and confirm that the correct reporting steps were followed.
- 11.1.4. Identify any work-related or personal factors that might affect future attendance or performance.
- 11.1.5. Explore early support or reasonable adjustments (for example, flexible duties, equipment, phased hours or an Occupational-Health referral), even if formal thresholds have not yet been reached. This proactive approach helps prevent issues from escalating.
- 11.1.6. Clarify the employee's current fitness to undertake normal duties, any temporary restrictions, and agree a review date if needed.
- 11.1.7. Provide the employee with a safe space to raise questions or concerns.

11.1.8. The RTW meeting should take place in private and need not be lengthy; a supportive conversation of a few minutes is often sufficient. The manager will make a brief note of key points and agreed actions, share a copy with the employee, and store it securely in accordance with data-protection requirements.

11.2. Informal Sickness Absence Meetings

- 11.2.1. Informal sickness absence meetings may be arranged with employees whenever it is considered necessary including, for example, if an employee has had:
 - a total of 5 working days absence within half a term
 - anything greater than 5 working days within 1 term
 - 10 working days within 3 terms
 - 3 occasions of absence within 1 term; or
 - unacceptable patterns of absence

Adjustments may need to be considered where the employee is considered to have a disability that is impacting upon their attendance and Occupational Health can advise further although it is for the manager to decide what adjustments are reasonable. Certain conditions are recognised as a disability such as cancer, HIV, MS and Occupational Health can advise if other conditions are likely to be covered e.g. migraines, menopause.

- 11.2.2. In preparation for the meeting the line manager may, when appropriate:

- Consider the Trust's statistical data on levels and types of sickness absence for all staff to ensure consistency
- Confirm that an unsatisfactory level of attendance has been reached, depending on the circumstances, or that the record shows a pattern of absence or some other factual data which identifies the cause for concern
- Consider the job description and the impact of the absences on other employees and the work of the Academy and the Trust

11.2.3. The purpose of the meeting is to agree a way forward, any action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure if this is required.

11.2.4. The line manager will, in normal circumstances, use the sickness absence meeting proforma at Appendix A as the agenda for the meeting and will record salient points. The employee will be given a completed signed copy after the meeting.

11.2.5. after the meeting.

11.3. There is no entitlement for the employee to be accompanied by a companion at an informal sickness absence meeting [unless agreed as a reasonable adjustment]. A note taker may be present but that will not normally be necessary.

11.4. Monitoring period following Informal sickness absence meeting

11.4.1. After conducting a sickness absence meeting, the line manager will review or monitor the employee's attendance for a further period, normally this will be for a period of not less than four working weeks and no longer than 14 working weeks. Further informal meetings may take place during the monitoring period if there are further instances of sickness absence. A formal meeting may be convened at any point during the monitoring period should the level of sickness absence reach the agreed trigger threshold, regardless of whether the period has concluded.

11.4.2. The Line Manager / Headteacher will:

- Assess the employee's absence record and its impact
- attempt to establish reasons for any on-going absence/s
- Offer any assistance to the employee (e.g. Occupational Health, Employee Assistance/Counselling)
- Consider what, if any, measures might improve the employee's health and/or attendance with a view to supporting the employee and improving the employee's attendance record.

11.4.3. During the monitoring period the Line Manager / Headteacher may require that any period of absence is covered by a medical certificate (Fit Note). If the employee has a fit note which states 'may be fit for work', the process in paragraph 8 will also be followed. If the suggested support cannot be reasonably accommodated in order to facilitate the employee's return to work, a decision may be made to move to the formal part of the procedure.

11.4.4. Where the Line Manager / Headteacher is of the view that the employee's attendance has not improved to an acceptable level after the review period, the Line Manager / Headteacher should inform the employee that the issue will:

- Be referred to stage 1 of the formal procedure. A letter requiring attendance at a stage 1 meeting will be sent to the employee; or
- If there are exceptional circumstances and it is appropriate to do so, extend the review period.



Appendix A: Sickness Absence Meeting Record

This is the management record of a meeting held under paragraph 10 of the sickness absence policy and procedure. It is strictly confidential. It will be held on the employee's personnel file until such time as the employee's attendance is wholly satisfactory and for 12 months thereafter. The record may be accessed and referred to by those with authority to manage the informal and formal stages of the sickness absence procedure. A sickness absence meeting is not part of the formal procedure and there is no entitlement for the employee to be accompanied or represented. The meeting will be held in private.

Employee name:	
Length of service:	
Date of meeting:	
Interviewing manager:	

Details of Sickness Absence

Period of absence		
Number of working days absent		
Reason/s for absence		
Is absence related to a known or possible disability under the Equality Act? Has there been consideration of whether the 'trigger point' relating to days absence should be extended, or if the sickness absence policy should otherwise be modified? (If yes – details of medical evidence must be attached)	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

Details of Meeting

Key points discussed:
Welcome and update, if necessary, on work events and changes
Reasons for absence – underlying medical condition?
The value of your contribution? The impact of absence on teaching and learning, service delivery and colleagues. How your work has been covered in your absence.

Are you fully recovered and able to resume full duties?	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>
<p>If your view is no then action plan should consider:</p> <ul style="list-style-type: none"> • Confirmation of what strategies the employee is actioning to reduce absence? • If seeking information from Occupational Health (OH) would be beneficial at this stage. • Temporary adjustments to support sustained return to work and can reasonably be accommodated? 		

Action Plan

<p>The objective is that attendance will be satisfactory to the employer. Is there anything we can do to improve your attendance, e.g. OH referral, counselling, a review of risk assessment, temporary or permanent reasonable adjustments to the workplace, working practices or working hours or training?</p>
<p>Is your absence in any way related to work?</p>
<p>Are you doing all you can to improve your attendance?</p>
<p>e.g. Act on medical advice, lifestyle choices, attention to work life balance, non-medical support e.g. counselling.</p>

Fit note required for any period of absence during the monitoring period?

Yes: No:

Employee made aware of support available?

e.g. wellbeing contact, nature and frequency of keeping in touch communication established (for ongoing long term absence), employee assistance programme.

Yes: No:



Review

Attendance will be reviewed in:		4 working weeks	8 working weeks	12 working weeks
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of review				
<p>Please note that further absence during this period may, depending on the circumstances, mean that the review is held under Stage 1 of the formal procedure if appropriate. A timeline and expectations should be set and clearly communicated.</p>				
Copy of sickness absence procedure has been provided and process explained <small>(must be provided and explained prior to a formal meeting)</small>	Yes	No	Date	
	<input type="checkbox"/>	<input type="checkbox"/>		
Signature of manager			Date	
Signature of employee			Date	

Statement of Procedures for Dealing with Allegations of Abuse against Teachers, Other Staff and Volunteers

ACT Multi Academy Trust

1. Introduction

- 1.1. This statement of procedures should be read and applied in conjunction with ACT Multi Academy's Staffing Policy Statement.
- 1.2. This statement of procedures follows the DfE statutory guidance 'Keeping Children Safe in Education Part four: Safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors' which is available from each academy office.
- 1.3. It is about managing cases of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. It will be used in respect of all cases where it is alleged that an employee or volunteer, or a person with permission to be on the premises or carrying out any activity on behalf of the Trust 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
 - Behaved towards a child or children in a way that indicates they would pose a risk of harm to children
 - Behaved or may have behaved in a way that indicates they may not be suitable to work with children

This will include allegations involving any type of abuse or neglect, including inappropriate relationships with pupils, grooming behaviour of any kind, possession of indecent photographs or images of children and other offences under the Sexual Offences Act 2003.

1.4. Any allegation of abuse will be dealt with as quickly as possible, in a fair, consistent and thorough way that provides effective protection for the child or children, and at the same time, deals fairly with the person who is the subject of the allegation.

1.5. It will also be used where low level concerns are raised. 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 working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct,
- including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

1.6. Examples of such behaviour could include, but are not limited to:

- being over friendly with children.
- having favourites.
- taking photographs of children on their mobile phone.
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating, or offensive language.

2. 2. Communicating the Procedures

- 2.1. Headteachers and Designated Safeguarding Leads have a responsibility to ensure that all employees know about and understand paragraph 3 below.
- 2.2. In accordance with the DfE statutory guidance, all employees should also read at least part one of 'Keeping Children Safe in Education', which contains safeguarding information for all employees.
- 2.3. All members of the senior management team and the designated safeguarding lead have a responsibility to be familiar with the statutory guidance in its entirety.

3. Immediately Reporting an Allegation

- 3.1. Everyone who comes into contact with children and their families has a role to play in safeguarding children. If you have a concern that a person (as described in paragraph 1.2 above) may have behaved inappropriately, or you have received information that may constitute an allegation or a low level concern you must:
 - Report the facts to the case manager ([Tier]) as soon as possible. All concerns will be listened to and managed appropriately. Do not withhold information, however trivial it may seem.
 - In the absence of the case manager, you must report the matter to the most senior person available who will carry out the case manager's duties in their absence. If the allegation concerns the case manager then the matter must be reported to the Headteacher.
 - Make a signed and dated written record of your concerns, observations or the information you have received, and give it to the case manager straight away.
 - Maintain strict confidentiality.
- 3.2. You must not:
 - Attempt to deal with the situation yourself.
 - Make assumptions, offer alternative explanations or diminish or embellish the seriousness of the behaviour or alleged incidents.
 - Keep the information to yourself or promise confidentiality.
 - Take any action that might undermine any investigation or disciplinary procedure, such as disclosing confidential information, interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents/carers.
- 3.3. If an adult has found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards the adult should self-refer this to those with designated safeguarding responsibilities. The governing body is committed to creating an environment where staff are encouraged and feel confident to self-refer.

4. Duties and Responsibilities of the Case Manager

- 4.1. The duties and responsibilities of the case manager are as described in 'Keeping Children Safe in Education Part Four: Safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors'.

4.2. The contact details for the Designated Officer for safeguarding are available in each School. The Director of Inclusion and Safeguarding can also be contacted at the Trust Central Office.

5. Low Level Concerns

5.1. 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 working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct,
- including inappropriate conduct outside of work; and

does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children.
- having favourites.
- taking photographs of children on their mobile phone.
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating, or offensive language.

5.2. Low level concerns will be dealt with in accordance with Part Four of Keeping Children Safe in Education.

5.3. All low-level concerns should initially be shared with the Designated Safeguarding Lead.

5.4. Where concerns are raised the Headteacher or DSL will collect as much evidence as possible, this will usually involve speaking:

- directly to the person who raised the concern unless it has been raised anonymously.
- to the individual involved and any relevant witnesses.

5.5. The information collected will help to categorise the type of alleged behaviour and determine whether any further action needs to be taken.

5.6. All low-level concerns will be recorded in writing. The record will include details of the concern, the context in which the concern arose, and any action taken. The name of the individual sharing their concern/s will also usually be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

5.7. Records of low-level concerns raised will be retained in accordance with the school's document retention schedule (at least until the individual leaves their employment).