Trust Handbook of Statutory Policies

At Our Lady Help of Christians Catholic Academy Trust we are driven to develop our schools by our shared mission and the core principles that are embedded within it.

'To provide an inspirational, outstanding Catholic education for all the children and young people in our schools. Our ethos will be driven by shared values, which are lived each day, as we strive for excellence in all areas of our work and cherish every person in our care.'

Honourable Purpose: doing the right thing

Respect: treating others as you would like to be treated

Co-operation: working together

Compassion: wanting to help someone in need

Stewardship: looking after God's world for the future

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Children with Health Needs who Cannot Attend School

1. Statement of Intent

1.1. Our Lady Help of Christians Catholic Academy Trust aims to support the LA and ensure that all children who are unable to attend school due to medical needs, and who would not receive suitable education without such provision, continue to have access to as much education as their medical condition allows, to enable them to reach their full potential.

1.2. Due to the nature of their health needs, some children may be admitted to hospital or placed in alternative forms of education provision. We recognise that, whenever possible, pupils should receive their education within their school and the aim of the provision will be to reintegrate pupils back into school as soon as they are well enough.

1.3. We understand that we have a continuing role in a pupil's education whilst they are not attending the school and will work with the LA, healthcare partners and families to ensure that all children with medical needs receive the right level of support to enable them to maintain links with their education.

2. Legal Framework

2.1. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

2.2. Education Act 1996

2.3. Equality Act 2010

2.4. Data Protection Act 2018

2.5. DfE (2013) 'Ensuring a good education for children who cannot attend school because of health needs'

2.6. DfE (2015) 'Supporting pupils at school with medical conditions'

3. LA Duties

3.1. The LA must arrange suitable full-time education for children of compulsory school age who, because of illness, would not receive suitable education without such provision. The Trust/Academy has a duty to support the LA in doing so.

3.2. The LA should:

3.2.1. Provide such education as soon as it is clear that a pupil will be away from school for 15 days or more, whether consecutive or cumulative. They should liaise with the appropriate medical professionals to ensure minimal delay in arranging appropriate provision for the pupil.

3.2.2. Ensure the education pupils receive is of good quality, allows them to take appropriate qualifications, prevents them from falling behind their peers in school, and allows them to reintegrate successfully back into school as soon as possible.

3.2.3. Address the needs of individual pupils in arranging provision.

3.2.4. Have a named officer responsible for the education of children with additional health

needs and ensure parents know who this is.

3.2.5. Have a written, publicly accessible policy statement on their arrangements to comply with their legal duty towards children with additional health needs.

3.2.6. Review the provision offered regularly to ensure that it continues to be appropriate for the child and that it is providing suitable education.

3.2.7. Give clear policies on the provision of education for children and young people under and over compulsory school age.

3.3. The LA should not:

3.3.1. Have processes or policies in place which prevent a child from getting the right type of provision and a good education.

3.3.2. Withhold or reduce the provision, or type of provision, for a child because of how much it will cost.

3.3.3. Have policies based upon the percentage of time a child is able to attend school rather than whether the child is receiving a suitable education during that attendance.

3.3.4. Have lists of health conditions which dictate whether or not they will arrange education for children or inflexible policies which result in children going without suitable full-time education (or as much education as their health condition allows them to participate in).

4. Definitions

4.1. Children who are unable to attend school as a result of their medical needs may include those with:

4.1.1. Physical health issues

4.1.2. Physical injuries

4.1.3. Mental health problems, including anxiety issues

4.1.4. Emotional difficulties or school refusal

4.1.5. Progressive conditions

4.1.6. Terminal illnesses

4.1.7. Chronic illnesses

4.2. Children who are unable to attend mainstream education for health reasons may attend any of the following:

4.2.1. **Hospital school**: a special school within a hospital setting where education is provided to give continuity whilst the child is receiving treatment.

4.2.2. **Home tuition**: many LAs have home tuition services that act as a communication channel between schools and pupils on occasions where pupils are too ill to attend school and are receiving specialist medical treatment.

4.2.3. **Medical PRUs**: these are LA establishments that provide education for children unable to attend their registered school due to their medical needs.

5. Roles and Responsibilities

5.1. The Local Governing Body is responsible for:

5.1.1. Ensuring arrangements for pupils who cannot attend school as a result of their medical needs are in place and are effectively implemented.

5.1.2. Ensuring the termly review of the arrangements made for pupils who cannot attend school due to their medical needs.

5.1.3. Ensuring the roles and responsibilities of those involved in the arrangements to support the needs of pupils are clear and understood by all.

5.1.4. Ensuring robust systems are in place for dealing with health emergencies and critical incidents, for both on- and off-site activities.

5.1.5. Ensuring staff with responsibility for supporting pupils with health needs are appropriately trained.

5.2. The Headteacher or Principal is responsible for:

5.2.1. Working with the Local Governing Body to ensure compliance with the relevant statutory duties when supporting pupils with health needs.

5.2.2. Working collaboratively with parents and other professionals to develop arrangements to meet the best interests of children.

5.2.3. Ensuring the arrangements put in place to meet pupils' health needs are fully understood by all those involved and acted upon.

5.2.4. Appointing a named member of staff who is responsible for pupils with healthcare needs and liaises with parents, pupils, the LA, key workers and others involved in the pupil's care.

5.2.5. Ensuring the support put in place focusses on and meets the needs of individual pupils.

5.2.6. Arranging appropriate training for staff with responsibility for supporting pupils with health needs.

5.2.7. Providing teachers who support pupils with health needs with suitable information relating to a pupil's health condition and the possible effect the condition and/or medication taken has on the pupil.

5.2.8. Providing reports to the Local Governance Committee on the effectiveness of the arrangements in place to meet the health needs of pupils.

5.2.9. Notifying the LA when a pupil is likely to be away from the school for a significant period of time due to their health needs.

5.3. Each school will have a named member of staff. They are responsible for:

5.3.1. Dealing with pupils who are unable to attend school because of medical needs.

5.3.2. Actively monitoring pupil progress and reintegration into school.

5.3.3. Supplying pupils' education providers with information about the child's capabilities, progress and outcomes.

5.3.4. Liaising with the Principal, education providers and parents to determine pupils' programmes of study whilst they are absent from school.

5.3.5. Keeping pupils informed about school events and encouraging communication with their peers.

5.3.6. Providing a link between pupils and their parents, and the LA.

5.4. Teachers and support staff are responsible for:

5.4.1. Understanding confidentiality in respect of pupils' health needs.

5.4.2. Designing lessons and activities in a way that allows those with health needs to participate fully and ensuring pupils are not excluded from activities that they wish to take part in without a clear evidence-based reason.

5.4.3. Understanding their role in supporting pupils with health needs and ensuring they attend the required training.

5.4.4. Ensuring they are aware of the needs of their pupils through the appropriate and lawful sharing of the individual pupil's health needs.

5.4.5. Ensuring they are aware of the signs, symptoms and triggers of common life-threatening medical conditions and know what to do in an emergency.

5.4.6. Keeping parents informed of how their child's health needs are affecting them whilst in the school.

5.5. Parents are expected to:

5.5.1. Ensure the regular and punctual attendance of their child at the school where possible.

5.5.2. Work in partnership with the school to ensure the best possible outcomes for their child.

5.5.3. Notify the school of the reason for any of their child's absences without delay.

5.5.4. Provide the school with sufficient and up-to-date information about their child's medical needs.

5.5.5. Attend meetings to discuss how support for their child should be planned.

6. Managing Absences

6.1. Parents are advised to contact the school on the first day their child is unable to attend due to illness. Absences due to illness will be authorised unless the school has genuine cause for concern about the authenticity of the illness. The school will provide support to pupils who are absent from school because of illness for a period of less than 15 school days by liaising with the pupil's parents to arrange schoolwork as soon as the pupil is able to cope with it or part-time education at school. The school will give due consideration to which aspects of the curriculum are prioritised in consultation with the pupil, their family and relevant members of staff. For periods of absence

that are expected to last for 15 or more school days, either in one absence or over the course of a school year, the named person with responsibility for pupils with health needs will notify the LA, who will take responsibility for the pupil and their education. Where absences are anticipated or known in advance, the school will liaise with the LA to enable education provision to be provided from the start of the pupil's absence. For hospital admissions, the appointed named member of staff will liaise with the LA regarding the programme that should be followed while the pupil is in hospital. The LA will set up a personal education plan (PEP) for the pupil which will allow the school, the LA and the provider of the pupil's education to work together.

6.2. The school will monitor pupil attendance and mark registers to ensure it is clear whether a pupil is, or should be, receiving education otherwise than at school. The school will only remove a pupil who is unable to attend school because of additional health needs from the school roll where:

6.2.1. The pupil has been certified by a Medical Officer as unlikely to be in a fit state of health to attend school, before ceasing to be of compulsory school age; and

6.2.2. Neither the pupil nor their parent has indicated to the school the intention to continue to attend the school, after ceasing to be of compulsory school age.

6.3. A pupil unable to attend school because of their health needs will not be removed from the school register without parental consent and certification from the Medical Officer, even if the LA has become responsible for the pupil's education.

7. **Support for Pupils**

7.1. Where a pupil has a complex or long-term health issue, the school will discuss the pupil's needs and how these may be best met with the LA, relevant medical professionals, parents and, where appropriate, the pupil. The LA expects the school to support pupils with health needs to attend full-time education wherever possible, or for the school to make reasonable adjustments to pupils' programmes of study where medical evidence supports the need for those adjustments. The school will make reasonable adjustments under pupils' individual healthcare plans (IHCPs), in accordance with the Supporting Pupils with Medical Conditions Policy. Pupils admitted to hospital will receive education as determined appropriate by the medical professionals and hospital tuition team at the hospital concerned.

7.2. During a period of absence, the school will work with the provider of the pupil's education to establish and maintain regular communication and effective outcomes.

7.3. Whilst a pupil is away from school, the school will work with the LA to ensure the pupil can successfully remain in touch with their school using the following methods:

7.3.1. School newsletters

7.3.2. Emails

7.3.3. Invitations to school events

7.3.4. Cards or letters from peers and staff

7.4. Where appropriate, the school will provide the pupil's education provider with relevant information, curriculum materials and resources.

7.5. To help ensure a pupil with additional health needs is able to attend school following an extended period of absence, the following adaptations will be considered:

7.5.1. A personalised or part-time timetable, drafted in consultation with the named staff member

7.5.2. Access to additional support in school

7.5.3. Online access to the curriculum from home

7.5.4. Movement of lessons to more accessible rooms

7.5.5. Places to rest at school

7.5.6. Special exam arrangements to manage anxiety or fatigue

8. **Reintegration**

8.1. When a pupil is considered well enough to return to school, the school will develop a tailored reintegration plan in collaboration with the LA. The school will work with the LA when reintegration into school is anticipated to plan for consistent provision during and after the period of education outside school. As far as possible, the child will be able to access the curriculum and materials that they would have used in school.

8.2. If appropriate, the school nurse will be involved in the development of the pupil's reintegration plan and informed of the timeline of the plan by the appointed named member of staff, to ensure they can prepare to offer any appropriate support to the pupil. The school will consider whether any reasonable adjustments need to be made to provide suitable access to the school and the curriculum for the pupil.

8.3. For longer absences, the reintegration plan will be developed near to the pupil's likely date of return, to avoid putting unnecessary pressure on an ill pupil or their parents in the early stages of their absence.

8.4. The school is aware that some pupils will need gradual reintegration over a long period of time and will always consult with the pupil, their parents and key staff about concerns, medical issues, timing and the preferred pace of return.

8.5. The reintegration plan will include:

8.5.1. The date for planned reintegration, once known.

8.5.2. Details of regular meetings to discuss reintegration.

8.5.3. Details of the named member of staff who has responsibility for the pupil.

8.5.4. Clearly stated responsibilities and the rights of all those involved.

8.5.5. Details of social contacts, including the involvement of peers and mentors during the transition period.

8.5.6. A programme of small goals leading up to reintegration.

8.6. Follow up procedures.

8.6.1. The school will ensure a welcoming environment is developed and encourage pupils and staff to be positive and proactive during the reintegration period.

8.6.2. Following reintegration, the school will support the LA in seeking feedback from the pupil regarding the effectiveness of the process.

9. Information Sharing

9.1. It is essential that all information about pupils with health needs is kept up to date. To protect confidentiality, all information-sharing techniques, e.g. staff noticeboards, will be agreed with the pupil and their parent in advance of being used.

9.2. All teachers, TAs, supply and support staff will be provided with access to relevant information, including high-risk health needs, first aiders and emergency procedures, via the agreed Academy procedures. Parents will be made aware of their own rights and responsibilities regarding confidentiality and information sharing. To help achieve this, the school will:

9.2.1. Ensure this policy and other relevant policies are easily available and accessible.

9.2.2. Provide the pupil and their parents with a copy of the policy on information sharing.

9.2.3. Ask parents to sign a consent form which clearly details the organisations and individuals that their child's health information will be shared with and which methods of sharing will be used.

9.2.4. Consider how friendship groups and peers may be able to assist pupils with health needs.

9.3. When a pupil is discharged from hospital or is returning from other education provision, the school will ensure the appropriate information is received to allow for a smooth return to the school. The named member of staff will liaise with the hospital or other tuition service as appropriate.

10. **Record Keeping**

10.1. In accordance with the Supporting Pupils with Medical Conditions Policy, written records will be kept of all medicines administered to pupils

10.2. Proper record keeping protects both staff and pupils and provides evidence that agreed procedures have been followed.

11. Training

11.1. Staff will be trained in a timely manner to assist with a student's return to school. Once a student's return date has been confirmed, staff will be provided with relevant training before the student's anticipated return.

11.2. Healthcare professionals should be involved in identifying and agreeing with the school the type and level of training required. Training will be sufficient to ensure staff are confident in their ability to support students with additional health needs.

11.3. Parents of students with additional health needs may provide specific advice but will not be the sole trainer of staff.

12. Examinations and Assessments

12.1. The named member of staff will liaise with the alternative provision provider over planning and examination course requirements where appropriate.

12.2. Relevant assessment information will be provided to the alternative provision provider if required.

12.3. Awarding bodies may make special arrangements for students with permanent or long-term disabilities and learning difficulties, or temporary disabilities and illnesses. Applications for such arrangements will be submitted by the school, or LA if more appropriate, as early as possible.

Complaints Policy

1. Scope of this Procedure

1.1. This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint about any facilities or services that the school provides. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure. Any complaints which subsequently lead to staff conduct actions will be considered under staff disciplinary procedures, if appropriate, but outcomes of this will be confidential and will not be shared with the complainant. The scope of this complaint procedure is covered in more detail in Appendix A.

2. Timescales

2.1. Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will consider complaints made outside of this timeframe only if the chair of governors and Principal/Head, having taken advice, are of the view that exceptional circumstances apply.

2.2. All timescales in this procedure refer to school working days, for this school, excluding school holidays, in- service training (Inset) days and bank holidays.

2.3. Any complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

3. Anonymous complaints

3.1. Anonymous complaints will not normally be investigated. However, the CEO/Principal/Head or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

3.2. Serial or Unreasonable Complaints

3.3. Where the school judges a complaint to be unreasonable or where a complainant is making serial complaints or raising issues again that have previously been addressed under the final formal stage of the school's complaints procedure, the procedure outlined at Appendix D may be invoked.

4. How to Raise a Complaint - Stages of the Complaints Procedure

4.1. The complaints procedure consists of four stages:

4.1.1. **Informal Stage** - usually a meeting with the complainant

4.1.2. **Formal Stage 1** - complaints formally investigated by the Principal/Head (or designate)

4.1.3. **Formal Stage 2** - a Panel Hearing.

4.2. A concern / informal complaint can be made initially in person, in writing or by telephone. It may also be made by a third party acting on someone else's behalf, as long as they have appropriate consent to do so.

4.3. In the first instance parental concerns should normally be raised with the class teacher or, if the concern is about the class teacher, with a member of the senior leadership team or the Principal/Head. If the issue remains unresolved, the next step is to make a formal complaint under Formal Stage 1 of this procedure.

4.4. Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and this may also prevent them from considering a complaint if it reaches Formal Stage 3 of this procedure.

4.5. A formal complaint against a member of school staff (except the Principal/Head) should be made in the first instance to the Principal/Head via the school office and should be marked as private and confidential.

4.6. A formal complaint that involves or is about the Principal/Head should be addressed to the chair of governors, via the school office, and should be marked as private and confidential.

4.7. A formal complaint about the chair of governors, any individual governor or the whole governing board should be addressed to the clerk to the governing board via the school office and should be marked as private and confidential.

4.8. For ease of use, a template complaint form is included at the end of this procedure (Appendix B). Help in completing the form can be accessed via the school office.

5. Artificial Intelligence (AI) Generated Complaints

5.1. The Trust expects all complaints to be submitted in the complainant's own words and to clearly and accurately describe the concerns they wish to raise.

5.2. Whilst individuals may use technology to assist with drafting correspondence, the Trust may not consider complaints that appear to be wholly or substantially generated by artificial intelligence (AI), automated systems or third-party drafting services where the complaint is excessively lengthy, generic, repetitive, lacks personal knowledge, contains inaccuracies, or does not clearly identify the specific matters being complained about.

5.3. Where the Trust reasonably believes that a complaint has been generated primarily through the use of AI and does not represent the complainant's own account of events, the complaint may not be progressed under this procedure.

5.4. Where the Trust considers that a complaint does not clearly identify the matters being complained about, the complainant will be invited to resubmit their complaint in plain English, setting out:

5.5. the specific concern or incident;

5.6. who was involved;

5.7. when the matter occurred;

5.8. the impact of the issue; and

5.9. the outcome sought.

5.10. The Trust may also require the complainant to attend a meeting with an appropriate Trust representative to discuss and clarify their concerns before any complaint is accepted for consideration.

5.11. The Trust reserves the right to decline to investigate complaints where the complainant refuses to provide a clear, concise and personally authored statement of complaint sufficient to enable a fair and proportionate investigation.

5.12. The complaints process exists to resolve genuine concerns through open dialogue and constructive engagement. The Trust will not commit disproportionate time or public resources to responding to complaints that are mass-produced, largely AI-generated, generic in nature, or which fail to clearly articulate the complainant's own concerns. Complainants will instead be invited to set out their concerns in plain English and engage directly with the Trust in order that the matter can be considered fairly and effectively.

5.13. In accordance with equalities law, the school will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. This may include providing information in alternative formats, assisting individuals in raising a formal complaint or holding meetings in accessible locations.

6. Resolving complaints

6.1. At each stage in the procedure, the school will hope to be able to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

6.1.1. an explanation

6.1.2. an admission that the situation could have been handled differently or better

6.1.3. an assurance that the school will try to ensure the event complained of will not recur

6.1.4. an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made

6.1.5. an undertaking to review school policies in light of the complaint

6.1.6. an apology

7. Withdrawal of a Complaint

7.1. If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing. Once a complaint has been withdrawn the same issue cannot be raised again.

8. Informal Complaints

8.1. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved without the need to use the formal stages of the complaint procedure. The school aims to take all concerns seriously and will make every effort to resolve issues raised as quickly as possible.

8.2. If an individual has difficulty discussing a concern with a particular member of staff, the school will respect this. In this case the complainant will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the complainant will be referred to another staff member. The member of staff will usually be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

8.3. The school would hope and expect to be able to deal with most concerns raised on an informal basis, and a complainant should not raise a formal complaint before discussing their concerns

informally with an appropriate member of staff. It is understood, however, that there are occasions when people remain dissatisfied and would like to raise their concerns formally. In this case every attempt will be made to resolve the issue through the formal stages outlined within this complaint procedure.

9. Formal Stage 1 Complaint to the Principal/Head

9.1. Formal complaints must be in writing, preferably on the complaints form provided at Appendix B, to the Principal/Head, other than in the circumstances referred to in paragraphs 11 and 12.

9.2. The Principal/Head will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

9.3. Within this response, the Principal/Head will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal/Head can consider whether a face to face meeting is the most appropriate way of doing this.

9.4. The Principal/Head may delegate any investigation to another member of the school's senior leadership team but will not delegate the decision about the merits of the complaint.

9.5. During an investigation, the Principal/Head (or designated member of staff) will, if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish, and will keep a written record of any meetings/interviews in relation to the investigation. Staff members may be accompanied at these meetings by a colleague or trade union representative if they wish.

9.6. At the conclusion of the investigation, the Principal/Head will provide a formal written response, within twenty school days of the date of receipt of the complaint.

9.7. If the Principal/Head is unable to meet this deadline, they will provide the complainant with an update and revised response date.

9.8. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

9.9. The Principal/Head will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Formal Stage 1.

9.10. If the complaint is about the Principal/Head, or a member or members of the governing board (including the chair and/or vice-chair), a suitably skilled governor/trustee will be appointed to complete all the actions at Formal Stage 1.

9.11. Complaints about the Principal/Head or member(s) of the governing board must be made to the Chair of the governing board, via the school office.

9.12. If the complaint is about significant members, proportions or indeed the entire governing board Formal Stage 1 will be considered by an independent investigator appointed by the governing board/Diocese/MAT. At the conclusion of their investigation, the independent investigator will provide a formal written response.

10. Formal Stage 2 Review by Chair of Governors

10.1. If the complainant is unsatisfied with the outcome of the complaint under Formal Stage 1 of this Complaints Policy, the complainant may write to the Clerk to the Governors asking for the complaint to be reviewed by the Chair of Governors, within 10 working days of receiving the letter confirming the outcome following Formal Stage 1. The complainant should not repeat the

matters raised in their original letter or attach documentation already provided but should clearly set out how and why the Complainant does not accept the findings made under Formal Stage 1.

10.2. The complainant's letter will be acknowledged within 5 working days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

10.3. The Chair of Governors will be provided with all documentation relating to the complaint within 5 working days of receipt of the letter requesting a review under Formal Stage 2, including the record of the informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the complainant with their complaint, all investigation records under Formal Stage 1, and the letter of outcome under Formal Stage 1. The Chair of Governors will review all of the documentation received and consider the matters raised in complaint and the investigation carried out under Formal Stage 1. The Chair of Governors will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Formal Stage 1 investigation, if believed necessary.

10.4. The Chair of Governors will write to the complainant confirming the outcome of the review within twenty working days from the date that the request for a review was received. The letter will set out whether the Chair of Governors agrees with the findings and conclusion under Formal Stage 1, and give reasons, as well as responding to any criticisms of the Formal Stage 1 investigation.

10.5. The letter will inform the complainant that, if they are unsatisfied with the outcome of the Formal Stage 2 review, they should write to the Clerk to the Governors within 10 working days of receipt of the letter requesting a Complaint Panel Hearing under Formal Stage 3 of this Complaints Policy.

11. Formal Stage 3 Panel Hearing

11.1. If the complainant is dissatisfied with the outcome at Formal Stage 2 and wishes to take the matter further, they can escalate the complaint to Formal Stage 3 – a meeting with a panel of three members of the governing board convened for this purpose. This is the final stage of the complaint procedure.

11.2. A request to escalate to Formal Stage 3 must be made to the clerk to the governing board, via the school office, within twenty school days of receipt of the Formal Stage 2 response. Requests received outside of this timeframe will only be considered if the clerk to the governing board, having taken appropriate advice, considers that exceptional circumstances apply.

11.3. The clerk to the governing board will record the date the request to escalate the complaint is received and acknowledge receipt in writing (either by letter or email) within five school days.

11.4. The clerk to the governing board will aim to convene a meeting of the governors' complaints panel which is within twenty school days of receipt of the Formal Stage 3 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

11.5. The complaints panel will comprise at least three impartial governors with no prior involvement with the complaint. **In academies there is a statutory requirement for there to be at least one panel member that is entirely independent of the complaint and the management and running of the academy.** The complainant will be informed in advance of the meeting of the membership of the panel and asked whether they wish to raise any objections to individual members. If objections are raised the panel will give them reasonable consideration. If the ability of a panel member to give the case a fair hearing is called into question the reasons given will be considered and that panel member may be replaced.

11.6. If there are fewer than three governors from this school available, the clerk to the governing board, or the minute clerk for the hearing, will seek to source another governor within the Trust or through another local school or academy, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Formal Stage 3.

11.7. If the complainant rejects the offer of three proposed dates, without good reason, the clerk to the governing board, or the minute clerk for the hearing, will decide when to hold the meeting, in consultation with the governors' panel. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

11.8. A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties.

11.9. At least ten school days before the meeting, the clerk to the governing board, or the minute clerk for the hearing, will:

11.9.1. confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;

11.9.2. request copies from both parties of any further written material to be submitted to the panel at least five school days before the meeting;

11.9.3. request that both parties provide names of any witnesses to be called and the nature of the evidence which they will be providing, at least five days in advance of the meeting. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint.

11.10. The complainant may bring someone with them to the panel meeting to provide support. This can be a relative or friend. Other than in exceptional circumstances (as agreed in advance with the governors' panel) this should not be a legal representative. This companion will not have the right to speak on the complainant's behalf.

11.11. If a school employee is called as a witness in a complaints meeting, they may wish to be supported by a representative of their trade union or another colleague. Any such representative will be present in a supportive capacity only and will not be allowed to speak on the member of staff's behalf.

11.12. Minutes of the meeting will be taken by the clerk to the governing board, or a minute clerk appointed specifically for the hearing by the governors' panel.

11.13. There will be no audio or visual recording of the proceedings by any party unless a complainant's own disability or individual needs require it. Prior knowledge and consent of all parties attending must be sought before recordings of meetings or conversations take place. Consent will be recorded in any minutes taken. A copy of the minutes of the meeting, once approved by the governors' panel, will be shared with all parties.

11.14. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

11.15. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Formal Stage 1 of the procedure.

11.16. The meeting will be held in private and proceedings will be treated as confidential.

11.17. The meeting will follow the process outlined in Appendix C.

11.18. The governors' panel will consider the complaint and all the evidence presented. The panel can:

11.18.1. uphold the complaint in whole or in part

11.18.2. dismiss the complaint in whole or in part.

11.18.3. If the complaint is upheld in whole or in part, the panel will:

11.18.4. decide on the appropriate action to be taken to resolve the complaint

11.18.5. where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

11.19. The chair of the panel will provide the complainant and the Principal/Head/chair of governors (depending on who conducted Formal Stage 1) with a full explanation of the panel's decision and the reason(s) for it, in writing, within five school days. The response will also detail any actions taken to investigate the complaint and, where appropriate, will include details of actions the school will take to resolve the complaint.

11.20. The letter to the complainant will include details of how to contact the ESFA if they are dissatisfied with the way their complaint has been handled by the school.

12. Next Steps

12.1. If the complainant believes the school did not handle their complaint in accordance with this complaints procedure or it acted unlawfully or unreasonably in the exercise of its duties under education law, they can contact the Education & Skills Funding Agency (ESFA) after they have completed Formal Stage 3.

12.2. The ESFA will not reinvestigate the substance of complaints generally, or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

12.3. The complainant can refer their complaint to the ESFA online at:

https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure,

or by writing to:

ESFA – Academies Complaint and Customer Insight Unit
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

Appendix A: Scope of this Complaints Procedure

This procedure covers all complaints other than those that are dealt with under other statutory procedures, including those listed below. As noted below, school employees may not use this procedure to raise concerns relating to their employment.

Exceptions	**Who to contact**
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Cheshire East Borough Council, **School Admissions and Organisation** 0300 123 5012 http://www.cheshireeast.gov.uk/schools/admissions/admissions. aspx
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. **Safeguarding Children in Education (SCiES)** 01606 275039 http://www.cheshireeast.gov.uk/schools/safeguarding_in_education/safeguarding_in_education.aspx
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline- exclusions/exclusions. **complaints about the application of the behaviour policy can be made through this procedure.*
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the ESFA (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, LA safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the school, the complaints procedure may be suspended until those legal proceedings have concluded.

Appendix B: Complaints Form

Please complete and return to the school office marked private and confidential for the attention of the Principal/Head or chair of governors who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: Date:
Official use
Date acknowledgement sent:
By whom:
Complaint referred to:
Date:

Appendix C: Arrangements and Procedure for Governors' Panel Hearing

The governors' panel will agree a chair from amongst their number.

Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible, and the chair of the panel should make every effort to make all parties feel comfortable.

The chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.

The complainant will outline their complaint and explain why they are dissatisfied with the school's response at Formal Stage 2. The complainant may call any witnesses in support of their complaint who will attend the meeting only for the time that they are providing information and may be questioned by all parties.

The Principal/Head and/or chair of governors and the governors on the panel will have the opportunity to ask questions of the complainant.

The Principal/Head and/or chair of governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Principal/Head and/or chair of governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information and may be questioned by all parties.

The complainant and the governors on the panel will have the opportunity to ask questions of the Principal/Head and/or chair of governors.

Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.

The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.

Both parties will leave the meeting and the governors will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the governors' deliberations will not be minuted.

The governors' panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point, but they may feel the need to take further advice. Where this is the case, they should aim to reach a decision as soon as possible.

The governors will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision.

Appendix D: Policy for Managing Serial or Unreasonable Complaints

This school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

This school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school. For example, if the complainant:

refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance

refuses to co-operate with the complaint investigation process

refuses to accept that certain issues are not within the scope of the complaint procedure

insists on the complaint being dealt with in ways which are incompatible with the complaint procedure or with good practice

introduces trivial or irrelevant information which they expect to be taken into account and commented on

raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales

makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced

changes the basis of the complaint as the investigation proceeds

repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)

refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the ESFA

seeks an unrealistic outcome

makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

uses threats to intimidate

uses abusive, offensive or discriminatory language or violence

knowingly provides falsified information

publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Principal/Head or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Principal/Head will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any incident of aggression or violence, we will immediately inform the police, where appropriate, and communicate our actions in writing. This may include barring an individual from the school premises.

Appendix E

Additional Information outside of the model policy.

Appendix E 1

School Complaints Procedure

Guidance for Governors – on Formal Stage 3

Our school has a complaints procedure to ensure we respond to complaints as quickly and as effectively as possible. (A copy of the full policy can be obtained from the school).

If the Principal/Head/chair of governors is unable to resolve the matter informally, the complaint can be referred to a Complaints Committee appointed by the governing board. The aim of the hearing is to establish any areas of agreement and identify actions that can be taken to resolve the complaint. The governing board may nominate a number of members with delegated powers to hear complaints at that stage and set out its terms of reference. These can include:

drawing up its procedures; hearing individual appeals

making recommendations on policy as a result of complaints.

The procedure adopted by the committee for hearing appeals is part of the school's complaints procedure. The committee can be drawn from the nominated members and or other governing boards. The usual complement is three governors. The committee may choose its own chair. Academies MUST have at least one member that is independent of the leadership or running of the academy.
The Remit of the Complaints Committee

The committee has delegated powers to:

Uphold the complaint in whole or in part

Dismiss the complaint in whole or in part

Decide on the appropriate action to be taken to resolve the complaint

Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints committee needs to remember:

It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not

be satisfied with the outcome if the hearing does not find in their favour. It may not be possible for the panel to establish the facts e.g. if there is insufficient corroborative evidence to enable it to form a view; its only alternative in this case is to make recommendations which will satisfy the complainant that their complaint has been taken seriously.

An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The committee chair will ensure that the proceedings are as welcoming as possible.

The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

Role of the Chair of the Complaints Committee

The Chair of the Committee has a key role, ensuring that:

The remit of the committee is explained to the parties and each party has the opportunity of putting their case forward without undue interruption

the issues are addressed

key findings of fact are made

parents and others who may not be used to speaking at such a hearing are put at ease

the hearing is conducted in an informal manner with each party treating the other with respect and courtesy

the committee is open minded and acting independently

no member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

each side is given the opportunity to state their case and ask questions

written material is seen by all parties.

If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Checklist for a Complaints Committee Hearing

The committee needs to take the following points into account:

The hearing is as informal as possible

Witnesses are only required to attend for the part of the hearing in which they give their evidence

After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses

The Principal/Head may question both the complainant and the witnesses after each has spoken

The Principal/Head is then invited to explain the school's actions and be followed by the school's witnesses

The complainant may question both the Principal/Head and the witnesses after each has spoken

The committee may ask questions at any point

The complainant is then invited to sum up their complaint

The Principal/Head is then invited to sum up the school's actions and response to the complaint

Both parties leave together while the committee decides on the issues

The chair explains that both parties will hear from the committee within a set timescale.

Notification of the Committee's Decision

The chair of the committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response; this usually will be within 5 days of the date of the hearing. The letter needs to explain how to contact the ESFA if they remain unsatisfied.

Appendix E2

Investigating Complaints –

Interviewing Best Practice Guidance for Schools

Children and Young People

Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers.
However, it might not always be possible to conduct an interview in case it prejudices a (LADO) Local Authority Designated Officer or police investigation.

Care should be taken in these circumstances not to create an intimidating atmosphere.

Children/young people should be told what the interview is about and that they can have someone with them.

Staff / Witnesses

Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

Use open, not leading questions.

Do not express opinions in words or attitude.

Ask single not multiple questions, i.e. one question at a time.

Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.

Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.

Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ Principal/Head/ chair of governors the option of a meeting between the conflicting witnesses.

Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if they have anything to add, and to sign the record as accurate.

Taken from the Department for Education's 'Best Practice Advice for School Complaints Procedures 2016' – Departmental advice for maintained schools, maintained nursery schools and local authorities.

Appendix E3

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask them to leave school premises. In serious cases, the Principal/Head can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal/Head or chair of governors. However, complaints about barring cannot be escalated to the ESFA. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Appendix E4

Policy on managing aggressive behaviour of parents and visitors to our school.

Statement of principles

The governing board of each school encourages close links with parents and the community. It believes that pupils benefit when the relationship between home and school is a positive one.

The vast majority of parents, carers and others visiting our school are keen to work with us and are supportive of the school. However, on the rare occasions when a negative attitude towards the school is expressed, this can result in aggression, verbal and or physical abuse towards members of school staff or the wider school community.

The governing board expects and requires its members of staff to behave professionally in these difficult situations and attempt to defuse the situation where possible, seeking the involvement as appropriate of other colleagues. However, all members of staff have the right to work without fear of violence and abuse, and the right, in an extreme case, of appropriate self-defense.

We expect parents and other visitors to behave in a reasonable way towards members of school staff. This policy outlines the steps that will be taken where behaviour is unacceptable.

Types of behaviour that are considered serious and unacceptable and will not be tolerated:

shouting at members of the school staff, either in person or over the telephone

physically intimidating a member of staff, e.g. standing very close to them

the use of aggressive hand gestures

threatening behaviour

shaking or holding a fist towards another person

swearing

pushing

hitting, e.g. slapping, punching and kicking

spitting

breaching the school's security procedures.

This is not an exhaustive list but seeks to provide illustrations of such behaviour.

Unacceptable behaviour may result in the police being informed of the incident.

Procedure to be followed:

If a parent/carer behaves in an unacceptable way towards a member of the school community, the Principal/Head or appropriate senior staff will seek to resolve the situation through discussion and mediation. If necessary, the school's complaints procedure should be followed. Where all

procedures have been exhausted, and aggression or intimidation continue, or where there is an extreme act of violence, a parent or carer may be barred by the Principal/Head from the school premises for a period of time, subject to review.

In imposing a bar, the following steps will be taken:

The parent/carer will be informed, in writing, that they are barred from the premises, subject to review, and what will happen if the bar is breached,

e.g. that police involvement or an injunction application may follow.

Where an assault has led to a bar, a statement indicating that the matter has been reported to the police will be included.

The chair of governors will be informed of the bar.

Where appropriate, arrangements for pupils being delivered to, and collected from, the school gate will be clarified.

Conclusion

The school may take action where behaviour is unacceptable or there are serious breaches of our home-school code of conduct or health and safety legislation. In implementing this policy, the school will, as appropriate, seek advice from their health and safety and legal advisors, to ensure fairness and consistency.

This Policy will be reviewed annually.

DATA PROTECTION POLICY

1. Introduction

1.1. The UK General Data Protection Regulation (UK GDPR) ensures a balance between an individual's rights to privacy and the lawful processing of personal data undertaken by organisations in the course of their business. It aims to protect the rights of individuals about whom data is obtained, stored, processed or supplied and requires that organisations take appropriate security measures against unauthorised access, alteration, disclosure or destruction of personal data.

1.2. The Trust will protect and maintain a balance between Data Protection rights in accordance with the GDPR. This policy sets out how we handle the personal data of the Trust's students, parents, suppliers, employees, workers and other third parties.

1.3. This policy does not form part of individual's terms and conditions of employment with the Trust and is not intended to have contractual effect. Changes to data protection legislation will be monitored and further amendments may be required to this policy in order to remain compliant with legal obligations.

1.4. However, all members of staff are required to familiarise themselves with its content and comply with the provisions contained in it.

1.5. Breach of this policy will be treated as a disciplinary offence which may result in disciplinary action under the Trust's Disciplinary Policy and Procedure up to and including summary dismissal depending on the seriousness of the breach.

2. SECTION 1 - Definitions

2.1. Personal data

2.1.1. Personal data is any information relating to an individual where the individual can be identified (directly or indirectly) from that data alone or in combination with other identifiers we possess or can reasonably access. This includes special category data and pseudonymised personal data but excludes anonymous data or data that has had the identity of an individual permanently removed.

2.1.2. Personal data can be factual (for examples a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

2.1.3. Which is stored either electronically or as part of a structured manual filing system in such a way that it can be retrieved automatically by reference to the individual or criteria relating to that individual.

2.1.4. An individual about whom such information is stored is known as the Data Subject. It includes but is not limited to employees.

2.1.5. The organisation storing and controlling such information ("the Trust") is referred to as the Data Controller.

2.2. Special Category Data

2.2.1. Previously termed “Sensitive Personal Data”, Special Category Data is similar by definition and refers to data concerning an individual Data Subject’s racial or ethnic origin, political or religious beliefs, trade union membership, physical and mental health, sexuality, biometric or genetic data and personal data relating to criminal offences and convictions.

2.3. Data Subject

2.3.1. An individual about whom such information is stored is known as the Data Subject. It includes but is not limited to employees.

2.4. Data Controller

2.4.1. The organisation storing and controlling such information (i.e. the Trust) is referred to as the Data Controller.

2.5. Processing

2.5.1. Processing data involves any activity that involves the use of personal data. This includes but is not limited to obtaining, recording or holding data or carrying out set of operations on that data such as organisation, disclosing, destruction, dissemination, erasure, alteration, or retrieval. Processing also includes transmitting or transferring personal data to third parties.

2.6. Automated Processing

2.6.1. Any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that individual’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

2.6.2. An example of automated processing includes profiling and automated decision making. Automatic decision making is when a decision is made which is based solely on automated processing which produces legal effects or significantly affects an individual. Automated decision making is prohibited except in exceptional circumstances.

2.7. Data Protection Impact Assessment (DPIA)

2.7.1. DPIAs are a tool used to identify risks in data processing activities with a view to reducing them.

2.8. Criminal Records Information

2.8.1. This refers to personal information relating to criminal convictions and offences, allegations, proceedings, and related security measures and could include DBS checks.

3. SECTION 2 - When Can the Trust Process Personal Data

3.1. Data Protection Principles

3.2. The Trust is responsible for and adheres to the principles relating to the processing of personal data as set out in the GDPR.

3.3. The principles the Trust must adhere to are set out below.

4. Principle 1: Personal data must be processed lawfully, fairly and in a transparent manner.

4.1. The Trust only collects, processes and shares personal data fairly and lawfully and for specified purposes. There must have a specified purpose for processing personal data and special category of data as set out in the GDPR.

4.2. Before the processing starts for the first time, we will review the purposes of the particular processing activity and select the most appropriate lawful basis for that processing. We will then regularly review those purposes whilst processing continues in order to satisfy ourselves that the processing is necessary for the purpose of the relevant lawful basis (i.e. that there is no other reasonable way to achieve that purpose).

4.3. Personal Data

4.4. The Trust may only process a data subject's personal data if one of the following fair processing conditions are met: -

4.4.1. The data subject has given their consent;

4.4.2. The processing is necessary for the performance of a contract with the data subject or for taking steps at their request to enter into a contract;

4.4.3. To protect the data subject's vital interests;

4.4.4. To meet its legal compliance obligations (other than a contractual obligation);

4.4.5. To perform a task in the public interest or in order to carry out official functions as authorised by law; or

4.4.6. For the purposes of the Trust's legitimate interests where authorised in accordance with data protection legislation. This is provided that it would not prejudice the rights and freedoms or legitimate interests of the data subject.

4.5. Special Category Data

4.5.1. The Trust may only process special category data if they are entitled to process personal data (using one of the fair processing conditions above) AND one of the following conditions are met: -

4.5.1.1. The data subject has given their explicit consent;

4.5.1.2. The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed on the Trust in the field of employment law, social security law or social protection law. This may include, but is not limited to, dealing with sickness absence, dealing with a disability and making adjustments for the same, arranging private health care insurance and providing contractual sick pay;

4.5.1.3. To protect the data subject's vital interests;

4.5.1.4. To meet its legal compliance obligations (other than a contractual obligation);

4.5.1.5. Where the data has been made public by the data subject;

4.5.1.6. To perform a task in the substantial public interest or in order to carry out official functions as authorised by law;

4.5.1.7. Where it is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services;

4.5.1.8. Where it is necessary for reasons of public interest in the area of public health; or

4.5.1.9. The processing in necessary for archiving, statistical or research purposes.

4.5.2. The Trust identifies and documents the legal grounds being relied upon for each processing activity.

4.6. **Consent**

4.6.1. Where the Trust relies on consent as a fair condition for processing (as set out above), it will adhere to the requirements set out in the GDPR.

4.6.2. Consent must be freely given, specific, informed and be an unambiguous indication of the data subject's wishes by which they signify agreement to the processing of personal data relating to them.

4.6.3. Explicit consent requires a very clear and specific statement to be relied upon (i.e. more than just mere action is required).

4.6.4. A data subject will have consented to processing of their personal data if they indicate agreement clearly either by a statement or positive action to the processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity will not amount to valid consent.

4.6.5. Data subjects must be easily able to withdraw consent to processing at any time and withdrawal must be promptly honoured.

4.6.6. If explicit consent is required, the Trust will normally seek another legal basis to process that data. However, if explicit consent is required the data subject will be provided with full information in order to provide explicit consent.

4.6.7. The Trust will keep records of consents obtained in order to demonstrate compliance with consent requirements under the GDPR.

5. Principle 2: Personal Data Must be Collected Only for Specified, Explicit and Legitimate Purposes

5.1. Personal data will not be processed in any matter that is incompatible with the legitimate purposes.

5.2. The Trust will not use personal data for new, different or incompatible purposes from that disclosed when the data was first obtained unless we have informed the data subject of the new purpose (and they have consented where necessary).

6. Principle 3: Personal Data Must be Adequate, Relevant and Limited to What is Necessary in Relation to the Purposes for which it is Processed

6.1. The Trust will only process personal data when its obligations and duties requires it to. We will not collect excessive data and ensure any personal data collected is adequate and relevant for the intended purposes.

6.2. When personal data is no longer needed for specified purposes, the Trust shall delete or anonymise the data in line with the IRMS retentions advice.

7. Principle 4: Personal Data Must be Accurate and Where Necessary Kept up to Date

7.1. The Trust will endeavour to correct or delete any inaccurate data being processed by checking the accuracy of the personal data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out of date personal data.

7.2. Data subjects also have an obligation to ensure that their data is accurate, complete, up to date and relevant. Data subjects have the right to request rectification to incomplete or inaccurate data held by the Trust.

8. Principle 5: Personal Data Must Not be Kept in a Form Which Permits Identification of Data Subjects for Longer than is Necessary for the Purposes for Which the Data is Processed

8.1. Legitimate purposes for which the data is being processed may include satisfying legal, accounting or reporting requirements.

8.2. The Trust will ensure that they adhere to legal timeframes for retaining data.

8.3. The Trust will take reasonable steps to destroy or erase from its systems all personal data that it no longer requires. The Trust will also ensure that data subjects are informed of the period for which data is stored and how that period is determined in our privacy notices.

8.4. Please refer to the Trust's Retention Policy for further details about how the Trust retains and removes data.

9. Principle 6: Personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage

9.1. In order to assure the protection of all data being processed, the Trust will develop, implement and maintain reasonable safeguard and security measures. This includes using measures such as: -

9.1.1. Encryption;

9.1.2. Pseudonymisation (this is where the Trust replaces information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person to whom the data relates cannot be identified without the use of additional information which is meant to be kept separately and secure);

9.1.3. Ensuring authorised access (i.e. that only people who have a need to know the personal data are authorised to access it);

9.1.4. Adhering to confidentiality principles; and

9.1.5. Ensuring personal data is accurate and suitable for the process for which it is processed.

9.2. The Trust follows procedures and technologies to ensure security and will regularly evaluate and test the effectiveness of those safeguards to ensure security in processing personal data.

9.3. The Trust will only transfer personal data to third party service providers who agree to comply with the required policies and procedures and agree to put adequate measures in place.

9.4. Full details on the Trust's security measures are set out in the Trust's Security Policy.

10. Sharing Personal Data

10.1. The Trust will generally not share personal data with third parties unless certain safeguards and contractual arrangements have been put in place. These include if the third party: -

10.1.1. Has a need to know the information for the purposes of providing the contracted services;

10.1.2. Sharing the personal data complies with the privacy notice that has been provided to the data subject and, if required, the data subject's consent has been obtained;

10.1.3. The third party has agreed to comply with the required data security standards, policies and procedures and put adequate security measures in place;

10.1.4. The transfer complies with any applicable cross border transfer restrictions; and

10.1.5. A fully executed written contract that contains GDPR approved third party clauses has been obtained.

10.2. There may be circumstances where the Trust is required either by law or in the best interests of its students, parents or staff to pass information onto external authorities, for example, the Local Authority, Ofsted or the Department of Health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

10.3. The intention to share data relating to individuals to an organisation outside of the Trust shall be clearly defined within written notifications and details and basis for sharing that data given.

11. Transfer of Data Outside the European Economic Area (EEA)

11.1. The GDPR restricts data transfers to countries outside the EEA in order to ensure that the level of data protection afforded to individuals by the GDPR is not undermined.

11.2. The Trust will not transfer data to another country outside of the EEA without appropriate safeguards being in place and in compliance with the GDPR. All staff must comply with the Trust's guidelines on transferring data outside of the EEA. For the avoidance of doubt, a transfer of data to another country can occur when you transmit, send, view or access that data in that particular country.

12. Transfer of Data Outside the UK

12.1. The Trust may transfer personal information outside the UK and/or to international organisations on the basis that the country, territory or organisation is designated as having an adequate level of protection or that the organisation receiving the information has provided adequate safeguards by way of binding corporate rules, standard data protection clauses or compliance with an approved code of conduct.

13. SECTION 3 - Data Subject's Rights and Requests

13.1. Personal data must be made available to data subjects as set out within this policy and data subjects must be allowed to exercise certain rights in relation to their personal data. The rights data subjects have in relation to how the Trust handles their personal data are set out below: -

13.1.1. (Where consent is relied upon as a condition of processing) to withdraw consent to processing at any time;

13.1.2. Receive certain information about the Trust's processing activities;

13.1.3. Request access to their personal data that we hold;

13.1.4. Prevent its use of their personal data for marketing purposes;

13.1.5. Ask us to erase personal data if it is no longer necessary in relation to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;

13.1.6. Restrict processing in specific circumstances;

13.1.7. Challenge processing which has been justified on the basis of its legitimate interests or in the public interest;

13.1.8. Request a copy of an agreement under which personal data is transferred outside of the EEA;

13.1.9. Object to decisions based solely on automated processing;

13.1.10. Prevent processing that is likely to cause damage or distress to the data subject or anyone else;

13.1.11. Be notified of a personal data breach which is likely to result in high risk to their rights and freedoms;

13.1.12. Make a complaint to the supervisory authority; and

13.1.13. In limited circumstances, receive or ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format.

13.2. If any request is made to exercise the rights above, it is a requirement for the relevant staff member within the Trust to verify the identity of the individual making the request.

14. Other Supplementary Information

14.1. Any Data Subject who wishes to obtain the above information must notify the Trust in writing of their request. This is known as a Data Subject Access Request.

14.2. The request should in the first instance be sent to the CEO / Principal / Head Teacher

15. Direct Marketing

15.1. The Trust is subject to certain rules and privacy laws when marketing. For example, a data subject's prior consent will be required for electronic direct marketing (for example, by email, text or automated calls).

15.2. The Trust will explicitly offer individuals the opportunity to object to direct marketing and will do so in an intelligible format which is clear for the individual to understand.

15.3. The Trust will promptly respond to any individual objection to direct marketing.

16. Employee Obligations

16.1. Employees may have access to the personal data of other members of staff, suppliers, parents or students of the Trust in the course of their employment or engagement. If so, the Trust expects those employees to help meet the Trust's data protection obligations to those individuals. Specifically, you must: -

16.1.1. Only access the personal data that you have authority to access, and only for authorised purposes;

16.1.2. Only allow others to access personal data if they have appropriate authorisation;

16.1.3. Keep personal data secure (for example by complying with rules on access to Trust premises, computer access, password protection and secure file storage and destruction;

16.1.4. Not to remove personal data or devices containing personal data from the Trust premises unless appropriate security measures are in place (such as pseudonymisation, encryption, password protection) to secure the information; and

16.1.5. Not to store personal information on local drives or cloud storage, including information of an inappropriate nature (radicalisation, inappropriate images).

16.1.6. Not to store any student/staff personal data from other schools or prior employment.

17. SECTION 4 - Accountability

17.1. The Trust will ensure compliance with data protection principles by implementing appropriate technical and organisational measures. We are responsible for and demonstrate accountability with the GDPR principles.

17.2. The Trust has taken the following steps to ensure and document GDPR compliance: -

17.2.1. Data Protection Officer (DPO)

17.2.1.1. Please find below details of the Trust's Data Protection Officer: - Data

Protection Officer: DPO for Education
Address: Kingsley House, 22-24 Elm Road. Essex
Email: info@dpoforeducation.co.uk Web:
http://dpofor education.co.uk Telephone:
01702660234
Lead Contact: Andy Crow

17.2.2. The DPO is responsible for overseeing this data protection policy and developing data- related policies and guidelines.

17.2.3. Please contact the DPO with any questions about the operation of this Data Protection Policy or the GDPR or if you have any concerns that this policy is not being or has not been followed. In particular, you must always contact the DPO in the following circumstances: -

17.2.3.1. If you are unsure of the lawful basis being relied on by the Trust to process personal data;

17.2.3.2. If you need to rely on consent as a fair reason for processing (please see below the section on consent for further detail);

17.2.3.3. If you need to draft privacy notices or fair processing notices;

17.2.3.4. If you are unsure about the retention periods for the personal data being processed;

17.2.3.5. If you are unsure about what security measures need to be put in place to protect personal data;

17.2.3.6. If there has been a personal data breach and you would be referred to the letter regarding a personal data breach.

17.2.3.7. If you are unsure on what basis to transfer personal data outside the EEA;

17.2.3.8. If you need any assistance dealing with any rights invoked by a data subject;

17.2.3.9. Whenever you are engaging in a significant new (or a change in) processing activity which is likely to require a data protection impact assessment or if you plan to use personal data for purposes other than what it was collected for;

17.2.3.10. If you plan to undertake any activities involving automated processing or automated decision making;

17.2.3.11. If you need help complying with applicable law when carrying out direct marketing activities; or

17.2.3.12. If you need help with any contracts or other areas in relation to sharing personal data with third parties.

18. Personal Data Breaches

18.1. The GDPR requires the Trust to notify any applicable personal data breach to the Information Commissioner's Office (ICO) within 72 hours of becoming aware of the breach.

18.2. We have put in place procedures to deal with any suspected personal data breach and will notify data subjects or any applicable regulator where we are legally required to do so.

18.3. If you know or suspect that a personal data breach has occurred, do not attempt to investigate the matter yourself. Immediately contact the person or team designated as the key point of contact for personal data breaches who is DPO Andy Crow info@dpoforeducation.co.uk

19. Transparency and Privacy Notices

19.1. The Trust will provide detailed, specific information to data subjects. This information will be provided through the Trust's privacy notice which are concise, transparent, intelligible, easily accessible and in clear and plain language so that a data subject can easily understand them. Privacy notices sets out information for data subjects about how the Trust uses its data and the Trust's privacy notices are tailored to suit the data subject.

19.2. Whenever the Trust collects personal data directly from data subjects, including for human resources or employment purposes, it will provide the data subject with all the information required by the GDPR including the identity of the data protection officer, the Trust's contact details, how and why it will use, process, disclose, protect and retain personal data. This will be provided in the Trust's privacy notice.

19.3. When personal data is collected indirectly (for example from a third party or publicly available source), the Trust will provide the data subject with the above information as soon as possible after receiving the data. The Trust will also confirm whether that third party has collected and processed data in accordance with the GDPR.

19.4. Notifications shall be in accordance with ICO guidance and, where relevant, be written in a form understandable by those defined as "children" under the GDPR.

20. Privacy by Design

20.1. The Trust adopts a privacy by design approach to data protection to ensure that we adhere to data compliance and to implement technical and organisational measures in an effective manner.

20.2. Privacy by design is an approach that promotes privacy and data protection compliance from the start. To help us achieve this, the Trust takes into account the nature and purposes of the processing, any cost of implementation and any risks to rights and freedoms of data subjects when implementing data processes.

21. Data Protection Impact Assessments (DPIAs)

21.1. In order to achieve a privacy by design approach, the Trust conducts DPIAs for any new technologies or programmes being used by the Trust which could affect the processing of personal data. In any event the Trust carries out DPIAs when required by the GDPR in the following circumstances: -

21.1.1. For the use of new technologies (programs, systems or processes) or changing technologies;

21.1.2. For the use of automated processing;

21.1.3. For large scale processing of special category data; or

21.1.4. For large scale, systematic monitoring of a publicly accessible area (through the use of CCTV).

21.2. Our DPIAs contain: -

21.2.1. A description of the processing, its purposes and any legitimate interests used;

21.2.2. An assessment of the necessity and proportionality of the processing in relation to its purpose;

21.2.3. An assessment of the risk to individuals; and

21.2.4. The risk mitigation measures in place and demonstration of compliance.

22. Record Keeping

22.1. The Trust is required to keep full and accurate records of its data processing activities. These records include: -

22.1.1. The name and contact details of the Trust and its academies;

22.1.2. The name and contact details of the Data Protection Officer;

22.1.3. Descriptions of the types of personal data used;

22.1.4. Description of the data subjects;

22.1.5. Details of the Trust's processing activities and purposes;

22.1.6. Details of any third-party recipients of the personal data;

22.1.7. Where personal data is stored;

22.1.8. Retention periods; and

22.1.9. Security measures in place.

23. Training

23.1. The Trust will ensure all relevant personnel have undergone adequate training to enable them to comply with data privacy laws.

24. Audit

24.1. The Trust through its DPO regularly tests it data systems and processes in order to assess compliance. These are done through data audits which take place regularly in order to review use of personal data.

25. Related Documents

25.1. Staff should refer to the following documents that are related to this data protection policy:

25.1.1. GDPR Data Breach Letter

25.1.2. GDPR Pupils' Privacy Notice

25.1.3. GDPR Staff Privacy Notice

25.1.4. GDPR Families Privacy Notice

25.1.5. GDPR Candidate Privacy Notice

25.1.6. GDPR Governor Privacy Notice

25.1.7. GDPR Volunteer Privacy Notice

Appendix 1 – Subject Access Requests

Under Data Protection Law, Data Subjects have a general right to find out whether the Trust holds or processes personal data about them, to access that data, and to be given supplementary information. This is known as the right of access, or the right to make a data subject access request (SAR). The purpose of the right is to enable the individual to be aware of, and verify, the lawfulness of the processing of personal data that the Trust is undertaking.

A Data Subject has the right to be informed by the Trust of the following: -

Confirmation that their data is being processed;
Access to their personal data;
A description of the information that is being processed;
The purpose for which the information is being processed;
The recipients/class of recipients to whom that information is or may be disclosed;
Details of the Trust's sources of information obtained;
In relation to any Personal Data processed for the purposes of evaluating matters in relation to the Data Subject that has constituted or is likely to constitute the sole basis for any decision significantly affecting them, to be informed of the logic of the Data Controller's decision making. Such data may include, but is not limited to, performance at work, creditworthiness, reliability and conduct; and
Other supplementary information.

How to recognise a subject access request

A data subject access request is a request from an individual (or from someone acting with the authority of an individual, e.g. a solicitor or a parent making a request in relation to information relating to their child):

for confirmation as to whether the Trust processes personal data about them and, if so
for access to that personal data
and/or certain other supplementary information
A valid SAR can be both in writing (by letter, email, WhatsApp text) or verbally (e.g. during a telephone conversation). The request may refer to the UK GDPR and/or to 'data protection' and/or to 'personal data' but does not need to do so in order to be a valid request. For example, a letter which states 'please provide me with a copy of information that the Trust holds about me' will be a data subject access request and should be treated as such.

A data subject is generally only entitled to access their own personal data, and not information relating to other people.

How to make a data subject access request

Whilst there is no requirement to do so, we encourage any individuals who wish to make such a request to make the request in writing, detailing exactly the personal data being requested. This allows the Trust to easily recognise that you wish to make a data subject access request and the nature of your request. If the request is unclear/ vague we may be required to clarify the scope of the request which may in turn delay the start of the time period for dealing with the request.

What to do when you receive a data subject access request

All data subject access requests should be immediately directed to the DPO who should contact DPO for Education in order to assist with the request and what is required.

Acknowledging the request

When receiving a SAR the Trust shall acknowledge the request as soon as possible and inform the requester about the statutory deadline (of one calendar month) to respond to the request.

In addition to acknowledging the request, the Trust may ask for:

proof of ID (if needed);

further clarification about the requested information;

if it is not clear where the information shall be sent, the Trust must clarify what address/email address to use when sending the requested information; and/or

consent (if requesting third party data).

The Trust should work with their DPO in order to create the acknowledgment.

Verifying the identity of a requester or requesting clarification of the request

Before responding to a SAR, the Trust will take reasonable steps to verify the identity of the person making the request. In the case of current employees, this will usually be straightforward. The Trust is entitled to request additional information from a requester in order to verify whether the requester is in fact who they say they are. Where the Trust has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of a passport, driving license, a recent utility bill with current address, birth/marriage certificate, credit card or a mortgage statement.

If an individual is requesting a large amount of data the Trust may ask the requester for more information for the purpose of clarifying the request, but the requester shall never be asked why the request has been made. The Trust shall let the requestor know as soon as possible where more information is needed before responding to the request.

In both cases, the period of responding begins when the additional information has been received. If the Trust does not receive this information, they will be unable to comply with the request.

Requests made by third parties or on behalf of children

The Trust needs to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request, or it might be a more general power of attorney. The Trust may also require proof of identity in certain circumstances.

When requests are made on behalf of children, it is important to note that even if a child is too young to understand the implications of subject access rights, it is still the right of the child, rather than of anyone else such as a parent or guardian, to have access to the child's personal data. Before responding to a SAR for information held about a child, the Trust should consider whether the child is mature enough to understand their rights. If the Trust is confident that the child can understand their rights, then the Trust should usually respond directly to the child or seek their consent before releasing their information.

It shall be assessed if the child is able to understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, it should be taken into account, among other things:

the child's level of maturity and their ability to make decisions like this;

the nature of the personal data;

any court orders relating to parental access or responsibility that may apply;

any duty of confidence owed to the child or young person;

any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment;

any detriment to the child or young person if individuals with parental responsibility cannot access this information; and

any views the child or young person has on whether their parents should have access to information about them.

Generally, a person aged 12 years or over is presumed to be of sufficient age and maturity to be able to exercise their right of access, unless the contrary is shown. In relation to a child 12 years of age or older, then provided that the Trust is confident that they understand their rights, and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, the Trust will require the written authorisation of the child before responding to the requester or provide the personal data directly to the child.

The Trust may also refuse to provide information to parents if there are consequences of allowing access to the child's information – for example if it is likely to cause detriment to the child.

Fee for responding to a SAR

The Trust will usually deal with a SAR free of charge. Where a request is considered to be manifestly unfounded or excessive a fee to cover administrative costs may be requested.

Time Period for Responding to a SAR

The Trust has one calendar month to respond to a SAR. This will run from the day that the request was received or from the day when any additional identification or other information requested is received, or payment of any required fee has been received.

The period for response may be extended by a further two calendar months in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The DPO must always be consulted in determining whether a request is sufficiently complex as to extend the response period.

Where a request is considered to be sufficiently complex as to require an extension of the period for response, the Trust will need to notify the requester within one calendar month of receiving the request, together with reasons as to why this extension is considered necessary.

Trust closure periods

Requests received during or just before Trust closure periods may not be able to be responded to within the one calendar month response period. This is because no one will be on site to comply with the request. As a result, it is unlikely that your request will be able to be dealt with during this time. We may not be able to acknowledge your request during this time (i.e. until a time when we receive the request), however, if we can acknowledge the request, we may still not be able to deal with it until the Trust re-opens. The Trust will endeavour to comply with requests as soon as possible and will keep in communication with you as far as possible. If your request is urgent, please provide your request during term times and not during/close to closure periods.

Information to be provided in response to a request

The individual is entitled to receive access to the personal data we process about them.

The information should be provided in a way that is concise, transparent, easy to understand and easy to access using clear and plain language, with any technical terms, abbreviations or codes explained. The response shall be given in writing if the SAR was made in writing in a commonly used electronic format.

The information that the Trust is required to supply in response to a SAR must be supplied by reference to the data in question at the time the request was received. However, as the Trust has one month in which to respond the Trust is allowed to take into account any amendment or deletion made to the personal data between the time the request is received and the time the personal data is supplied if such amendment or deletion would have been made regardless of the receipt of the SAR.

The Trust is therefore, allowed to carry out regular housekeeping activities even if this means deleting or amending personal data after the receipt of a SAR. The Trust is not allowed to amend or delete data to avoid supplying the data.

How to locate information

The personal data the Trust needs to provide in response to a data subject access request may be located in several of the electronic and manual filing systems. This is why it is important to identify at the outset the type of information requested so that the search can be focused.

Protection of third parties -exemptions to the right of subject access

There are circumstances where information can be withheld pursuant to a SAR. These specific exemptions and requests should be considered on a case-by-case basis.

The Trust will consider whether it is possible to redact information so that this does not identify those third parties. If their data cannot be redacted (for example, after redaction it is still obvious who the data relates to) then the Trust does not have to disclose personal data to the extent that doing so would involve disclosing information relating to another individual (including information identifying the other individual as the source of information) who can be identified from the information unless:

the other individual has consented to the disclosure; or

it is reasonable to comply with the request without that individual's consent.

In determining whether it is reasonable to disclose the information without the individual's consent, all of the relevant circumstances will be taken into account, including:

the type of information that they would disclose;

any duty of confidentiality they owe to the other individual;

any steps taken to seek consent from the other individual;

whether the other individual is capable of giving consent; and

any express refusal of consent by the other individual.

It needs to be decided whether it is appropriate to disclose the information in each case. This decision will involve balancing the data subject's right of access against the other individual's rights. If the other person consents to the Trust disclosing the information about them, then it would be unreasonable not to do so. However, if there is no such consent, the Trust must decide whether to disclose the information anyway. If there are any concerns in this regard, then the DPO should be consulted.

Other exemptions to the right of subject access

In certain circumstances the Trust may be exempt from providing some or all of the personal data requested. These exemptions are described below and should only be applied on a case-by-case basis after a careful consideration of all the facts.

Crime detection and prevention: The Trust does not have to disclose any personal data being processed for the purposes of preventing or detecting crime; apprehending or prosecuting offenders; or assessing or collecting any tax or duty.

Confidential references: The Trust does not have to disclose any confidential references given to third parties for the purpose of actual or prospective:

education, training or employment of the individual;
appointment of the individual to any office; or
provision by the individual of any service
This exemption does not apply to confidential references that the Trust receives from third parties. However, in this situation, granting access to the reference may disclose the personal data of another individual (i.e. the person giving the reference), which means that the Trust must consider the rules regarding disclosure of third-party data set out above before disclosing the reference.

Legal professional privilege: The Trust does not have to disclose any personal data which are subject to legal professional privilege.

Management forecasting: The Trust does not have to disclose any personal data processed for the purposes of management forecasting or management planning to assist us in the conduct of any business or any other activity.

Negotiations: The Trust does not have to disclose any personal data consisting of records of intentions in relation to any negotiations with the individual where doing so would be likely to prejudice those negotiations.

Early Career Teacher (ECT) Policy

1. Rationale

1.1. "Catholic schools are communities in which pupils are nurtured and supported through an educational process which will help them to become fully themselves as God lovingly intended. The influence of teachers in this process is never neutral; its effects can be inestimable. Teachers are an example for their pupils, and pupils will recognise and respond to the beliefs and values teachers demonstrate in their lives and work" (Catholic Education Service).

1.2. In celebrating the uniqueness of the individual and fostering independence alongside responsibility to others, our Catholic schools strive to offer mutual support to all members of our community for the common good.

1.3. The role of Early Career Teacher carries great responsibility whilst also presenting an exciting opportunity to bring new ideas and a fresh outlook. The first years of teaching are not only very demanding but also of considerable significance in the professional development of the new teacher. Our induction process values each person and ensures that the appropriate guidance, support and training to include the development of skills, knowledge, expectations and observations are provided, through a structured but flexible individual programme. This will enable an ECT to form a secure foundation upon which a successful teaching career, fulfilling their professional duties, can be built.

2. The Purpose of Induction

2.1. Statutory induction is the bridge between initial teacher training and a career in teaching. It combines a structured programme of development, support and professional dialogue, underpinned by the Early Career Framework, with monitoring and an assessment of performance against the Teachers' Standards. The programme should support the ECT and provide them with the necessary training to ensure that they can demonstrate that their performance against the Teachers' Standards is satisfactory by the end of the period. Induction should provide a foundation for ECTs and equip them with the tools to be an effective and successful teacher.

2.2. Our Lady Help of Christians Catholic Academy Trust operates within guidance and procedures set out by the Department for Education (DfE).

3. Roles and Responsibilities

3.1. The Trust Board

3.1.1. should ensure compliance with the requirement to have regard to this guidance;

3.1.2. should be satisfied that the institution has the capacity to support the ECT;

3.1.3. should ensure the headteacher/principal is fulfilling their responsibility to meet the requirements of a suitable post for induction;

3.1.4. must investigate concerns raised by an individual ECT as part of the institution's agreed grievance procedures;

3.1.5. can seek guidance from the appropriate body on the quality of the institution's induction arrangements and the roles and responsibilities of staff involved in the process;

3.1.6. can request general reports on the progress of an ECT.

3.2. **The Principal/Head**

3.2.1. The Principal/Head is, along with the appropriate body, jointly responsible for the monitoring, support and assessment of the ECT during induction, and is expected to:

3.2.1.1. check that the ECT has been awarded QTS;

3.2.1.2. clarify whether the teacher needs to serve an induction period or is exempt;

3.2.1.3. agree, in advance of the ECT starting the induction programme, which body will act as the appropriate body;

3.2.1.4. notify the appropriate body when an ECT is taking up a post in which they will be undertaking induction;

3.2.1.5. ensure that the requirements for a suitable post for induction are met;

3.2.1.6. ensure the induction tutor has the ability and sufficient time to carry out their role effectively;

3.2.1.7. ensure that the mentor has the ability and sufficient time to carry out their role effectively;

3.2.1.8. ensure an appropriate ECF-based induction programme is in place;

3.2.1.9. ensure the ECT's progress is reviewed regularly, including through observations of and feedback on their teaching;

3.2.1.10. ensure that assessments are carried out and reports completed and sent to the appropriate body;

3.2.1.11. maintain and retain accurate records of employment that will count towards the induction period;

3.2.1.12. ensure that all monitoring and record keeping is done in the most streamlined and least burdensome way;

3.2.1.13. make the Trustee Board aware of the arrangements that have been put in place to support ECTs serving induction;

3.2.1.14. make a recommendation to the appropriate body on whether the ECT's performance against the Teachers' Standards is satisfactory or requires an extension;

3.2.1.15. participate appropriately in the appropriate body's quality assurance procedures; and

3.2.1.16. retain all relevant documentation/evidence/forms on file for six years.

3.2.2. There may also be circumstances where the headteacher/principal is expected to:

3.2.2.1. obtain interim assessments from the ECT's previous post;

3.2.2.2. act early, alerting the appropriate body when necessary, in cases where an ECT may be at risk of not completing induction satisfactorily;

3.2.2.3. ensure third-party observation of an ECT who may be at risk of not performing satisfactorily against the Teachers' Standards;

3.2.2.4. notify the appropriate body as soon as absences total 30 days or more;

3.2.2.5. periodically inform the Trustee Board about the institution's induction arrangements;

3.2.2.6. advise and agree with the appropriate body where, in exceptional cases, it may be appropriate to reduce the length of the induction period or deem that it has been satisfactorily completed;

3.2.2.7. consult with the appropriate body in cases where a part-time ECT has completed a period covering, but not equivalent to, two school years and has met the necessary requirements to reduce induction;

3.2.2.8. provide interim assessment reports for staff moving school in between formal assessment periods; and

3.2.2.9. notify the appropriate body when an ECT serving induction leaves the institution.

3.2.3. In addition to the above, headteachers/principals of academies should also ensure the ECT's post and responsibilities comply with the specific requirements for statutory induction in these settings.

3.3. **The Induction Lead:**

3.3.1. The induction lead (or the headteacher/principal if carrying out this role) is expected to*:*

3.3.1.1. provide, or coordinate, guidance for the ECT's professional development (with the appropriate body where necessary);

3.3.1.2. carry out regular progress reviews throughout the induction period;

3.3.1.3. undertake two formal assessment meetings during the total induction period coordinating input from other colleagues as appropriate (normally one at the end of term three and one at the end of term six, or pro rata for part-time staff);

3.3.1.4. carry out progress reviews in terms where a formal assessment does not occur;

3.3.1.5. inform the ECT following progress review meetings of the determination of their progress against the Teachers' Standards and share progress review records with the ECT, headteacher and appropriate body;

3.3.1.6. inform the ECT during the assessment meeting of the judgements to be recorded in the formal assessment record and invite the ECT to add their comments;

3.3.1.7. ensure that the ECT's teaching is observed and feedback provided;

3.3.1.8. ensure ECTs are aware of how, both within and outside the institution, they can raise any concerns about their induction programme or their personal progress;

3.3.1.9. take prompt, appropriate action if an ECT appears to be having difficulties; and

3.3.1.10. ensure that all monitoring and record keeping is done in the most streamlined and least burdensome way, and that requests for evidence from ECTs do not require new documentation but draw on existing working documents.

3.4. **The Mentor**

3.4.1. The mentor (or the induction lead if carrying out this role) is expected to:

3.4.1.1. regularly meet with the ECT for structured mentor sessions to provide effective targeted feedback;

3.4.1.2. work collaboratively with the ECT and other colleagues involved in the ECT's induction within the same school to help ensure the ECT receives a high-quality ECF-based induction programme;

3.4.1.3. provide, or broker, effective support, including phase or subject specific mentoring and coaching; and

3.4.1.4. take prompt, appropriate action if an ECT appears to be having difficulties.

3.5. **The ECT**

3.5.1. The ECT is expected to:

3.5.1.1. provide evidence that they have QTS and are eligible to start induction;

3.5.1.2. meet with their induction tutor to discuss and agree priorities for their induction programme and keep these under review;

3.5.1.3. agree with their induction tutor how best to use their reduced timetable allowance and guarantee engagement with their ECF-based induction programme;

3.5.1.4. provide evidence of their progress against the Teachers' Standards (see para 1.8);

3.5.1.5. participate fully in the agreed monitoring and development programme;

3.5.1.6. raise any concerns with their induction tutor as soon as practicable;

3.5.1.7. consult their appropriate body named contact at an early stage if there are, or may be, difficulties in resolving issues with their tutor/within the institution;

3.5.1.8. keep track of and participate effectively in the scheduled classroom observations, progress reviews and formal assessment meetings;

3.5.1.9. agree with their induction tutor the start and end dates of the induction period/part periods and the dates of any absences from work during any period/part period; and

3.5.1.10. retain copies of all assessment reports.

4. Entitlement and Continuing Professional Development

4.1. The induction programme ensures that early career teachers are provided with the support and monitoring to help them fulfil their professional duties and meet the requirements of the Teachers' Standards for satisfactory completion of induction. It builds on their knowledge, skills and achievements in relation to standards for the award for qualified teacher status (QTS).

4.2. The key aspects of the induction programme for ECTs at the Trust are as follows:

4.2.1. Access to an induction programme that will commence upon appointment;

4.2.2. Structured visits to the school prior to taking up appointment;

4.2.3. Help and guidance from an induction tutor who is adequately prepared for the role;

4.2.4. Regular meetings with mentor, senior managers, subject coordinators and other key staff where appropriate;

4.2.5. Time and regular opportunities to meet with other ECTs and teachers who have recently completed their induction programme;

4.2.6. Observe experienced colleagues teaching;

4.2.7. Experienced colleagues will model aspects of good practice so that the ECT can focus attention on particular areas of teaching through observation;

4.2.8. Early warning of the risk of failure will be given and the school's concerns communicated to the LA without delay.

4.3. Where an ECT has continuing difficulties further support, advice and direction will be given. Areas of concern will be re-defined and clarified and the necessary improvements required clearly set out according to the Advice and Guidance for ECTs Who Require Additional Support.

4.4. Where necessary, the Headteacher/ECT Co-Ordinator will support the induction tutor and ECT in observations and planning an appropriate programme to ensure satisfactory completion of the ECT programme and that all steps have been taken to help a failing ECT improve.

5. Raising Concerns

5.1. An ECT is normally expected to raise any concerns about their induction programme with their induction tutor in the first instance. If the matter is not resolved, the ECT may notify the named contact at the appropriate body who should, as soon as possible, investigate the issues raised.

6. Advice and Guidance for ECTs requiring additional support

6.1. Unsatisfactory progress and appeals:

6.2. Putting in place additional monitoring and support

6.3. Where the induction tutor determines during the progress review that the ECT is not making satisfactory progress against the Teachers' Standards, they should state this clearly within the progress review record and clearly outline the support plan they have put in place to assist the ECT in getting back on track. The induction tutor is expected to notify the appropriate body of this determination and share both the progress review record and support plan for the appropriate body to review.

6.4. If it becomes apparent that an ECT is not making satisfactory progress in the first formal assessment, the appropriate body should be informed, and the headteacher/principal should ensure that additional monitoring and support measures are put in place immediately. It is important that the ECT is made aware of where they need to improve their practice and given every opportunity to raise their performance.

6.5. The headteacher/principal and the appropriate body should be satisfied that:

6.5.1. areas in which improvement is needed have been correctly identified;

6.5.2. appropriate objectives have been set to guide the ECT towards satisfactory performance against the Teachers' Standards; and

6.5.3. an effective support programme is in place to help the ECT improve their performance.

6.6. If the ECT's progress is still unsatisfactory in subsequent progress reviews following the first assessment point, induction tutors should continue to deliver progress reviews as set out above, including reviewing and revising the ECT's objectives and support plan, linking these with the Teachers' Standards and sharing with the ECT, headteacher and appropriate body.

6.7. Action if performance is still unsatisfactory

6.8. Where there are still concerns about the ECT's progress between formal assessment one and two the induction tutor should explain to the ECT the consequences of failure to complete the induction period satisfactorily and discuss fully with the ECT:

6.8.1. the identified weaknesses;

6.8.2. the agreed objectives previously set in relation to the requirements for the satisfactory completion of induction, updating these as necessary;

6.8.3. details of additional monitoring and support put in place;

6.8.4. the evidence used to inform the judgement; and

6.8.5. details of the improvement plan for the next assessment period.

6.9. As with all progress reviews, the progress review record should capture the ECT's unsatisfactory performance against the Teachers' Standards and be shared with the appropriate body alongside the corresponding support plan.

6.10. The completion of the assessment report will reflect the current rate of progress and brief details of the issues discussed.

7. Action in the event of serious capability problems

7.1. In a few particularly serious cases it may be necessary to instigate capability procedures at a stage before the end of the induction period, which may lead to dismissal before the end of the induction period. If this is the case, for as long as the ECT remains at the institution the induction process must continue in parallel with the capability procedure. The appropriate body should be informed.

7.2. Dismissal on the grounds of capability before the end of the induction period does not prevent the ECT from completing induction at another institution, as all ECTs must complete a full induction period before they can be judged to have failed induction.

8. Making an appeal against a decision by the appropriate body

8.1. If an ECT fails induction, or has their induction extended, the appropriate body must advise the ECT of their right to appeal, who to appeal to, and the time limit for doing so. In England, the Appeals Body is the Teaching Regulation Agency, which acts on behalf of the Secretary of State. For induction completed in Wales, the Appeals Body is the Education Workforce Council.

8.2. Further guidance about the appeals process is available at:

https://www.gov.uk/government/publications/induction-appealsprocedures

9. ECTs completing induction in more than one institution simultaneously

9.1. In all cases where induction is served in more than one institution simultaneously, one headteacher/principal

acts as the lead headteacher/principal.

9.2. The lead headteacher/principal:

9.2.1. is expected to ensure that they are satisfied that all posts are suitable for induction, and provide a fair opportunity for the ECT to demonstrate that they have performed satisfactorily against all of the Teachers' Standards by the end of the induction period;

9.2.2. is responsible for consulting with and gathering evidence from the other headteachers/principals;

9.2.3. should also, in the case of unattached teachers, where appropriate, consult the Head of Service from the local authority; and

9.2.4. having coordinated the evidence, make the recommendation to the appropriate body on whether the ECT has performed satisfactorily against all of the Teachers' Standards. Methods of sharing information and gathering evidence for progress reviews, classroom observation and formal assessments should be clear to all those involved in the process, including the ECT.

9.3. In all cases where induction is served in more than one institution simultaneously, it is essential that one appropriate body takes the lead in making the decision, following the recommendation from the lead headteacher/principal.

9.4. For ECTs serving induction in more than one institution simultaneously, the separate contracts are added together to calculate the number of days in which induction must be served and recorded by the lead headteacher/principal. Each separate contract of employment must meet the minimum period criteria.

10. Completing the induction period

10.1. An ECT completes their induction period when they have served:

10.1.1. the full-time equivalent of two standard school years (usually six terms, based on a school year of three terms); or

10.1.2. a reduced period of a minimum of one term (as agreed with the appropriate body) based on previous teaching experience; or

10.1.3. a reduced period of induction for part time teachers covering but not equivalent to two years (as agreed with the appropriate body); or

10.1.4. an extension to that period, as a consequence of absences occurring during the period; or

10.1.5. an extension following a decision by the appropriate body or the Appeals Body.

10.2. The appropriate body makes the final decision as to whether an ECT's performance against the Teachers' Standards is satisfactory, drawing on the recommendation of the headteacher/principal.

10.3. Within 20 working days of receiving the headteacher's/principal's recommendation, the appropriate body must decide whether the ECT:

10.3.1. has performed satisfactorily against the Teachers' Standards and thereby satisfactorily completed their induction period;

10.3.2. requires an extension of the induction period; or

10.3.3. has failed to satisfactorily complete the induction period.

10.4. In making this decision the appropriate body must take into account the headteacher's/principal's recommendation and all available evidence including any written representations from the ECT.

10.5. The appropriate body must, within three working days of making the decision, make written notification of the decision to: the ECT; the headteacher/principal (in whose institution the ECT was working at the end of their induction); and the employer (if other than the appropriate body itself). They must also notify the Teaching Regulation Agency and should do so within three working days in the case of decisions to fail or extend the ECT's induction, and via the termly return for other notifications.

10.6. If the appropriate body decides to extend the period of induction or that the ECT has failed to complete their induction period satisfactorily, they must inform the ECT of their right to appeal against this decision, with the name and address of the Appeals Body (the Teaching Regulation Agency), and the deadline for submitting an appeal. The ECT must notify the Teaching Regulation Agency that they wish to appeal the decision within 20 working days, after which the right of appeal expires except in exceptional circumstances.

10.7. Failure to complete the induction period satisfactorily means that the ECT is no longer eligible to be employed as a teacher in a maintained school, a maintained nursery school, a non-maintained special school or a pupil referral unit. However, this does not prevent them from teaching in other settings where statutory induction is not mandatory.

10.8. An ECT working in a relevant school who has failed induction must be dismissed within ten working days of them giving notice that they do not intend to exercise their right to appeal, or from when the time limit for making an appeal expires without an appeal being brought. If the ECT's appeal is heard, and they have been judged as having failed induction, the employer should dismiss the ECT within ten working days of being told of the outcome of the hearing.

10.9. The Teaching Regulation Agency must ensure that the name of the person who has failed induction is included on the list of persons who have failed to satisfactorily complete an induction period and notify them of their inclusion. This must only be done once the time limit for making an appeal against the decision has expired or following dismissal of such an appeal.

Appendix 1 Teachers' Standards

High Expectations (Standard 1 – Set high expectations)	
Learn that…	**Learn how to…**
Teachers have the ability to affect and improve the wellbeing, motivation and behaviour of their pupils. Teachers are key role models, who can influence the attitudes, values and behaviours of their pupils. Teacher expectations can affect pupil outcomes; setting goals that challenge and stretch pupils is essential. Setting clear expectations can help communicate shared values that improve classroom and school culture. A culture of mutual trust and respect supports effective relationships. High-quality teaching has a long-term positive effect on pupils' life chances, particularly for children from disadvantaged backgrounds.	**Communicate a belief in the academic potential of all pupils, by:** Using intentional and consistent language that promotes challenge and aspiration. Setting tasks that stretch pupils, but which are achievable, within a challenging curriculum. Creating a positive environment where making mistakes and learning from them and the need for effort and perseverance are part of the daily routine. Seeking opportunities to engage parents and carers in the education of their children (e.g. proactively highlighting successes). **Demonstrate consistently high behavioural expectations, by:** Creating a culture of respect and trust in the classroom that supports all pupils to succeed (e.g. by modelling the types of courteous behaviour expected of pupils). Teaching and rigorously maintaining clear behavioural expectations (e.g. for contributions, volume level and concentration). Applying rules, sanctions and rewards in line with school policy, escalating behaviour incidents as appropriate. Acknowledging and praising pupil effort and emphasising progress being made.
Notes *Learn that…* statements are informed by the best available educational research; references and further reading are provided below. *Learn how to…* statements are drawn from the wider evidence base including both academic research and additional guidance from expert practitioners	

Pupils Learn (Standard 2 – Promote good progress)	
Learn that…	**Learn how to…**
Learning involves a lasting change in pupils' capabilities or understanding. Prior knowledge plays an important role in how pupils learn; committing some key facts to their long-term memory is likely to help pupils learn more complex ideas. An important factor in learning is memory, which can be thought of as comprising two elements: working memory and long-term memory. Working memory is where information that is being actively processed is held, but its capacity is limited and can be overloaded. Long-term memory can be considered as a store of knowledge that changes as pupils learn by integrating new ideas with existing knowledge. Where prior knowledge is weak, pupils are more likely to develop misconceptions, particularly if new ideas are introduced too quickly. Regular purposeful practice of what has previously been taught can help consolidate material and help pupils remember what they have learned. Requiring pupils to retrieve information from memory, and spacing practice so that pupils revisit ideas after a gap are also likely to strengthen recall. Worked examples that take pupils through each step of a new process are also likely to support pupils to learn.	**Avoid overloading working memory, by:** Taking into account pupils' prior knowledge when planning how much new information to introduce. Breaking complex material into smaller steps (e.g. using partially completed examples to focus pupils on the specific steps). Reducing distractions that take attention away from what is being taught (e.g. keeping the complexity of a task to a minimum, so that attention is focused on the content). **Build on pupils' prior knowledge, by:** Identifying possible misconceptions and planning how to prevent these forming. Linking what pupils already know to what is being taught (e.g. explaining how new content builds on what is already known). Sequencing lessons so that pupils secure foundational knowledge before encountering more complex content. Encouraging pupils to share emerging understanding and points of confusion so that misconceptions can be addressed. **Increase likelihood of material being retained, by:** Balancing exposition, repetition, practice and retrieval of critical knowledge and skills. Planning regular review and practice of key ideas and concepts over time. Designing practice, generation and retrieval tasks that provide just enough support so that pupils experience a high success rate when attempting challenging work. Increasing challenge with practice and retrieval as knowledge becomes more secure (e.g. by removing
Notes Learn that… statements are informed by the best available educational research; references and further reading are provided below. Learn how to… statements are drawn from the wider evidence base including both academic research and additional guidance from expert practitioners	

Subject and Curriculum (Standard 3 – Demonstrate good subject and curriculum knowledge)	
Learn that…	**Learn how to…**
A school's curriculum enables it to set out its vision for the knowledge, skills and values that its pupils will learn, encompassing the national curriculum within a coherent wider vision for successful learning. Secure subject knowledge helps teachers to motivate pupils and teach effectively. Ensuring pupils master foundational concepts and knowledge before moving on is likely to build pupils' confidence and help them succeed. 4. Anticipating common misconceptions within particular subjects is also an important aspect of curricular knowledge; working closely with colleagues to develop an understanding of likely misconceptions is valuable. Explicitly teaching pupils the knowledge and skills they need to succeed within particular subject areas is beneficial. In order for pupils to think critically, they must have a secure understanding of knowledge within the subject area they are being asked to think critically about. In all subject areas, pupils learn new ideas by linking those ideas to existing knowledge, organising this knowledge into increasingly complex mental models (or "schemata"); carefully sequencing teaching to facilitate this process is important. Pupils are likely to struggle to transfer what has been learnt in one discipline to a new or unfamiliar context. To access the curriculum, early literacy provides fundamental knowledge; reading comprises two elements: word reading and language comprehension; systematic synthetic phonics is the most effective approach for teaching pupils to decode. Every teacher can improve pupils' literacy, including by explicitly teaching reading, writing and oral language skills specific to individual disciplines	**Deliver a carefully sequenced and coherent curriculum, by:** Identifying essential concepts, knowledge, skills and principles of the subject and providing opportunity for all pupils to learn and master these critical components. Ensuring pupils' thinking is focused on key ideas within the subject. Working with experienced colleagues to accumulate and refine a collection of powerful analogies, illustrations, examples, explanations and demonstrations. Using resources and materials aligned with the school curriculum (e.g. textbooks or shared resources designed by experienced colleagues that carefully sequence content). Being aware of common misconceptions and discussing with experienced colleagues how to help pupils master important concepts. **Support pupils to build increasingly complex mental models, by:** Discussing curriculum design with experienced colleagues and balancing exposition, repetition, practice of critical skills and knowledge. Revisiting the big ideas of the subject over time and teaching key concepts through a range of examples. Drawing explicit links between new content and the core concepts and principles in the subject. **Develop fluency, by:** Providing tasks that support pupils to learn key ideas securely (e.g. quizzing pupils so they develop fluency with times tables). Using retrieval and spaced practice to build automatic recall of key knowledge. **Help pupils apply knowledge and skills to other contexts, by:** Ensuring pupils have relevant domain-specific knowledge, especially when being asked to think critically within a subject. Interleaving concrete and abstract examples, slowly withdrawing concrete examples and drawing attention to the underlying structure of problems. **Develop pupils' literacy, by:** Demonstrating a clear understanding of systematic synthetic phonics, particularly if teaching early reading and spelling. Supporting younger pupils to become fluent readers and to write fluently and legibly. Teaching unfamiliar vocabulary explicitly and planning for pupils to be repeatedly exposed to high-utility and high-frequency vocabulary in what is taught.

	Modelling reading comprehension by asking questions, making predictions, and summarising when reading. Promoting reading for pleasure (e.g. by using a range of whole class reading approaches and regularly reading high-quality texts to children). Modelling and requiring high-quality oral language, recognising that spoken language underpins the development of reading and writing (e.g. requiring pupils to respond to questions in full sentences, making use of relevant technical vocabulary). Teaching different forms of writing by modelling planning, drafting and editing.
Notes *Learn that…* statements are informed by the best available educational research; references and further reading are provided below. *Learn how to…* statements are drawn from a wider evidence base including both academic research and additional guidance from expert practitioners.	

Classroom Practice (Standard 4 – Plan and teach well-structured lessons)	
Learn that…	**Learn how to…**
Effective teaching can transform pupils' knowledge, capabilities and beliefs about learning. Effective teachers introduce new material in steps, explicitly linking new ideas to what has been previously studied and learned. Modelling helps pupils understand new processes and ideas; good models make abstract ideas concrete and accessible. Guides, scaffolds and worked examples can help pupils apply new ideas, but should be gradually removed as pupil expertise increases. Explicitly teaching pupils metacognitive strategies linked to subject knowledge, including how to plan, monitor and evaluate, supports independence and academic success. Questioning is an essential tool for teachers; questions can be used for many purposes, including to check pupils' prior knowledge, assess understanding and break down problems. High-quality classroom talk can support pupils to articulate key ideas, consolidate understanding and extend their vocabulary. Practice is an integral part of effective teaching; ensuring pupils have repeated opportunities to practise, with appropriate guidance and support, increases success. Paired and group activities can increase pupil success, but to work together effectively pupils need guidance, support and practice. How pupils are grouped is also important; care should be taken to monitor the impact of groupings on pupil attainment, behaviour and motivation. Homework can improve pupil outcomes, particularly for older pupils, but it is likely that the quality of homework and its relevance to main class teaching is more important than the amount set.	**Plan effective lessons, by:** Using modelling, explanations and scaffolds, acknowledging that novices need more structure early in a domain. Enabling critical thinking and problem solving by first teaching the necessary foundational content knowledge. Removing scaffolding only when pupils are achieving a high degree of success in applying previously taught material. Providing sufficient opportunity for pupils to consolidate and practise applying new knowledge and skills. Breaking tasks down into constituent components when first setting up independent practice (e.g. using tasks that scaffold pupils through metacognitive and procedural processes). **Make good use of expositions, by:** Starting expositions at the point of current pupil understanding. Combining a verbal explanation with a relevant graphical representation of the same concept or process, where appropriate. Using concrete representation of abstract ideas (e.g. making use of analogies, metaphors, examples and non-examples). **Model effectively, by:** Narrating thought processes when modelling to make explicit how experts think (e.g. asking questions aloud that pupils should consider when working independently and drawing pupils' attention to links with prior knowledge). Making the steps in a process memorable and ensuring pupils can recall them (e.g. naming them, developing mnemonics, or linking to memorable stories). Exposing potential pitfalls and explaining how to avoid them. **Stimulate pupil thinking and check for understanding, by:** Planning activities around what you want pupils to think hard about. Including a range of types of questions in class discussions to extend and challenge pupils (e.g. by modelling new vocabulary or asking pupils to justify answers). Providing appropriate wait time between question and response where more developed responses are required. Considering the factors that will support effective collaborative or paired work (e.g. familiarity with routines, whether pupils have the necessary prior knowledge and how pupils are grouped). Providing scaffolds for pupil talk to increase the focus and rigour of dialogue.

Notes
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Learn how to… statements are drawn from a wider evidence base including both academic research and additional guidance from expert practitioners.

Adaptive Teaching (Standard 5 – Adapt teaching)	
Learn that…	**Learn how to…**
Pupils are likely to learn at different rates and to require different levels and types of support from teachers to succeed. Seeking to understand pupils' differences, including their different levels of prior knowledge and potential barriers to learning, is an essential part of teaching. Adapting teaching in a responsive way, including by providing targeted support to pupils who are struggling, is likely to increase pupil success. Adaptive teaching is less likely to be valuable if it causes the teacher to artificially create distinct tasks for different groups of pupils or to set lower expectations for particular pupils. Flexibly grouping pupils within a class to provide more tailored support can be effective, but care should be taken to monitor its impact on engagement and motivation, particularly for low attaining pupils. There is a common misconception that pupils have distinct and identifiable learning styles. This is not supported by evidence and attempting to tailor lessons to learning styles is unlikely to be beneficial. Pupils with special educational needs or disabilities are likely to require additional or adapted support; working closely with colleagues, families and pupils to understand barriers and identify	**Develop an understanding of different pupil needs, by:** Identifying pupils who need new content further broken down. Making use of formative assessment. Working closely with the Special Educational Needs Co-ordinator (SENCO) and special education professionals and the Designated Safeguarding Lead. Using the SEND Code of Practice, which provides additional guidance on supporting pupils with SEND effectively. **Provide opportunity for all pupils to experience success, by:** Adapting lessons, whilst maintaining high expectations for all, so that all pupils have the opportunity to meet expectations. Balancing input of new content so that pupils master important concepts. Making effective use of teaching assistants. **Meet individual needs without creating unnecessary workload, by:** Making use of well-designed resources (e.g. textbooks). Planning to connect new content with pupils' existing knowledge or providing additional pre-teaching if pupils lack critical knowledge. Building in additional practice or removing unnecessary expositions. Reframing questions to provide greater scaffolding or greater stretch. Considering carefully whether intervening within lessons with individuals and small groups would be more efficient and effective than planning different lessons for different groups of pupils. **Group pupils effectively, by:** Applying high expectations to all groups, and ensuring all pupils have access to a rich curriculum. Changing groups regularly, avoiding the perception that groups are fixed. Ensuring that any groups based on attainment are subject specific.

Notes
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Learn how to… statements are drawn from a wider evidence base including both academic research and additional guidance from expert practitioners.

Assessment (Standard 6 – Make accurate and productive use of assessment)	
Learn that…	**Learn how to…**
Effective assessment is critical to teaching because it provides teachers with information about pupils' understanding and needs. Good assessment helps teachers avoid being over-influenced by potentially misleading factors, such as how busy pupils appear. Before using any assessment, teachers should be clear about the decision it will be used to support and be able to justify its use. To be of value, teachers use information from assessments to inform the decisions they make; in turn, pupils must be able to act on feedback for it to have an effect. High-quality feedback can be written or verbal; it is likely to be accurate and clear, encourage further effort, and provide specific guidance on how to improve. Over time, feedback should support pupils to monitor and regulate their own learning. Working with colleagues to identify efficient approaches to assessment is important; assessment can become onerous and have a disproportionate impact on workload.	**Avoid common assessment pitfalls, by:** Planning formative assessment tasks linked to lesson objectives and thinking ahead about what would indicate understanding (e.g. by using hinge questions to pinpoint knowledge gaps). Drawing conclusions about what pupils have learned by looking at patterns of performance over a number of assessments (e.g. appreciating that assessments draw inferences about learning from performance). Choosing, where possible, externally validated materials, used in controlled conditions when required to make summative assessments. **Check prior knowledge and understanding during lessons, by:** Using assessments to check for prior knowledge and pre-existing misconceptions. Structuring tasks and questions to enable the identification of knowledge gaps and misconceptions (e.g. by using common misconceptions within multiple-choice questions). Prompting pupils to elaborate when responding to questioning to check that a correct answer stems from secure understanding. Monitoring pupil work during lessons, including checking for misconceptions. **Provide high-quality feedback, by:** Focusing on specific actions for pupils and providing time for pupils to respond to feedback. Appreciating that pupils' responses to feedback can vary depending on a range of social factors (e.g. the message the feedback contains or the age of the child). Scaffolding self-assessment by sharing model work with pupils, highlighting key details. Thinking carefully about how to ensure feedback is specific and helpful when using peer- or self-assessment. **Make marking manageable and effective, by:** Recording data only when it is useful for improving pupil outcomes. Working with colleagues to identify efficient approaches to marking and alternative approaches to providing feedback (e.g. using whole class feedback or well supported peer- and self-assessment). Using verbal feedback during lessons in place of written feedback after lessons where possible. Understanding that written marking is only one form of feedback. Reducing the opportunity cost of marking (e.g. by using abbreviations and codes in written feedback).

	Prioritising the highlighting of errors related to misunderstandings, rather than careless mistakes when marking.
Notes *Learn that…* statements are informed by the best available educational research; references and further reading are provided below. *Learn how to…* statements are drawn from a wider evidence base including both academic research and additional guidance from expert practitioners.	

Managing Behaviour (Standard 7 – Manage behaviour effectively)	
Learn that…	**Learn how to…**
1.Establishing and reinforcing routines, including through positive reinforcement, can help create an effective learning environment. 2.A predictable and secure environment benefits all pupils but is particularly valuable for pupils with special educational needs. 3.The ability to self-regulate one's emotions affects pupils' ability to learn, success in school and future lives. 4.Teachers can influence pupils' resilience and beliefs about their ability to succeed, by ensuring all pupils have the opportunity to experience meaningful success. 5.Building effective relationships is easier when pupils believe that their feelings will be considered and understood. 6.Pupils are motivated by intrinsic factors (related to their identity and values) and extrinsic factors (related to reward). 7. Pupils' investment in learning is also driven by their prior experiences and perceptions of success and failure.	**Develop a positive, predictable and safe environment for pupils, by:** Establishing a supportive and inclusive environment with a predictable system of reward and sanction in the classroom. Working alongside colleagues as part of a wider system of behaviour management (e.g. recognising responsibilities and understanding the right to assistance and training from senior colleagues). Giving manageable, specific and sequential instructions. Checking pupils' understanding of instructions before a task begins. Using consistent language and non-verbal signals for common classroom directions. Using early and least-intrusive interventions as an initial response to low level disruption. Responding quickly to any behaviour or bullying that threatens emotional safety. **Establish effective routines and expectations, by:** Creating and explicitly teaching routines in line with the school ethos that maximise time for learning (e.g. setting and reinforcing expectations about key transition points). Practising routines at the beginning of the school year. Reinforcing routines (e.g. by articulating the link between time on task and success). **Build trusting relationships, by:** Liaising with parents, carers and colleagues to better understand pupils' individual circumstances and how they can be supported to meet high academic and behavioural expectations. Responding consistently to pupil behaviour. **Motivate pupils, by:** Supporting pupils to master challenging content, which builds towards long-term goals. Providing opportunities for pupils to articulate their long-term goals and helping them to see how these are related to their success in school. Helping pupils to journey from needing
Notes *Learn that…* statements are informed by the best available educational research; references and further reading are provided below. *Learn how to…* statements are drawn from the wider evidence base including both academic research and additional guidance from expert practitioners.	

Professional Behaviours (Standard 8 – Fulfil wider professional responsibilities)	
Learn that…	**Learn how to…**
Effective professional development is likely to be sustained over time, involve expert support or coaching and opportunities for collaboration. Reflective practice, supported by feedback from and observation of experienced colleagues, professional debate, and learning from educational research, is also likely to support improvement. Teachers can make valuable contributions to the wider life of the school in a broad range of ways, including by supporting and developing effective professional relationships with colleagues. Building effective relationships with parents, carers and families can improve pupils' motivation, behaviour and academic success. Teaching assistants (TAs) can support pupils more effectively when they are prepared for lessons by teachers, and when TAs supplement rather than replace support from teachers. SENCOs, pastoral leaders, careers advisors and other specialist colleagues also have valuable expertise and can ensure that appropriate support is in place for pupils. Engaging in high-quality professional development can help teachers improve.	**Develop as a professional, by:** Engaging in professional development focused on developing an area of practice with clear intentions for impact on pupil outcomes, sustained over time with built-in opportunities for practice. Strengthening pedagogical and subject knowledge by participating in wider networks. Seeking challenge, feedback and critique from mentors and other colleagues in an open and trusting working environment. Engaging critically with research and discussing evidence with colleagues. Reflecting on progress made, recognising strengths and weaknesses and identifying next steps for further improvement. **Build effective working relationships, by:** *Contributing positively to the wider school culture and developing a feeling of shared responsibility for improving the lives of all pupils within the school. Seeking ways to support individual colleagues and working as part of a team.* *Communicating with parents and carers proactively and making effective use of parents' evenings to engage parents and carers in their children's schooling.* *Working closely with the SENCO and other professionals supporting pupils with additional needs, making explicit links between interventions delivered outside of lessons with classroom teaching.* *Sharing the intended lesson outcomes with teaching assistants ahead of lessons.* *Ensuring that support provided by teaching assistants in lessons is additional to, rather than a replacement for, support from the teacher.* *Knowing who to contact with any safeguarding concerns.* **Manage workload and wellbeing, by:** Using and personalising systems and routines to support efficient time and task management. Understanding the right to support (e.g. to deal with misbehaviour). Collaborating with colleagues to share the load of planning and preparation and making use of shared resources (e.g. textbooks). Protecting time for rest and recovery.
Notes *Learn that…* statements are informed by the best available educational research; references and further reading are provided below. *Learn how to…* statements are drawn from the wider evidence base including both academic research and additional guidance from expert practitioners.	

Provision of Biometric Information of Children in Schools Policy

1. Statement of Intent

1.1. Our Lady Help of Christians Catholic Academy Trust is committed to protecting the personal data of all its learners and staff, this includes any biometric data we collect and process.

1.2. We collect and process biometric data in accordance with relevant legislation and guidance to ensure the data and the rights of individuals are protected. This policy outlines the procedure the academies follow when collecting and processing biometric data.

2. Biometric Information and how it will be used

2.1. Biometric information is information about a person's physical or behavioural characteristics that can be used to identify them, e.g. their fingerprint.

2.2. The information will be used as part of an automated biometric recognition system. This system will take measurements of the biometric information specified above and convert these measurements into a template to be stored on the system. An image of a student's biometric information is not stored. The template (i.e. the biometric measurements taken from a child) will be used to permit students to use appropriate biometric systems within the school sites (e.g. cashless catering systems).

3. Providing consent/objecting to the use of biometric data

3.1. Under the Protection of Freedoms Act 2012, the Trust is required to notify each parent/guardian of a child and obtain the written consent of at least one parent/guardian before being able to use any learner's biometric information for an automated system. This is usually done when the child starts at the school.

3.2. Students who are over the age of sixteen can provide their own consent. Data protection laws state a young person can consent to the processing of their personal data from when they are able to understand why it is being used. If a young person objects the school should not process or continue to process their biometric data, irrespective of whether consent has been provided by the parent. A pupil's objection or refusal overrides any parental consent to the processing.

4. Legal framework

4.1. This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

4.1.1. Protection of Freedoms Act 2012

4.1.2. Data Protection Act 2018

4.1.3. General Data Protection Regulation (GDPR)

4.1.4. DfE (2018) 'Protection of biometric information of children in schools and colleges'

4.2. This policy operates in conjunction with the following policy:

4.2.1. Data Protection Policy

5. Definitions

5.1. **Biometric data:** Personal information about an individual's physical or behavioural characteristics that can be used to identify that person, including their fingerprints, facial shape, retina and iris patterns, and hand measurements.

5.2. **Automated biometric recognition system**: A system which measures an individual's physical or behavioural characteristics by using equipment that operates 'automatically' (i.e. electronically). Information from the individual is automatically compared with biometric information stored in the system to see if there is a match in order to recognise or identify the individual.

5.3. **Processing biometric data:** Processing biometric data includes obtaining, recording or holding the data or carrying out any operation on the data including disclosing it, deleting it, organising it or altering it. An automated biometric recognition system processes data when:

5.3.1. Recording students' biometric data, e.g. taking measurements from a fingerprint via a fingerprint scanner

5.3.2. Storing students' biometric information on a database

5.3.3. Using students' biometric data as part of an electronic process, e.g. by comparing it with biometric information stored on a database to identify or recognise learners.

5.4. **Special category data**: Personal data which the GDPR says is more sensitive, and so needs more protection – where biometric data is used for identification purposes, it is considered special category data.

6. Roles and Responsibilities

6.1. Our Lady Help of Christians Catholic Academy Trust Board is responsible for reviewing this policy on an annual basis.

6.2. The Principal / Headteachers, in conjunction with the school GDPR Lead person, are responsible for ensuring the provisions in this policy are implemented consistently.

6.3. The Data Protection Officer (DPO) is responsible for:

6.3.1. Monitoring the Trust's compliance with data protection legislation in relation to the use of biometric data.

6.3.2. Advising on when it is necessary to undertake a data protection impact assessment (DPIA) in relation to the Trust's biometric systems.

6.3.3. Being the first point of contact for the ICO and for individuals whose data is processed by the Trust and connected third parties.

7. Data Protection Principles

7.1. The HFNCAT processes all personal data, including biometric data, in accordance with the key principles set out in the GDPR. The Trust ensures biometric data is:

7.1.1. Processed lawfully, fairly and in a transparent manner

7.1.2. Only collected for specified, explicit and legitimate purposes, and not further processed in a manner that is incompatible with those purposes

7.1.3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed

7.1.4. Accurate and, where necessary, kept up-to-date, and that reasonable steps are taken to ensure inaccurate information is rectified or erased

7.1.5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed

7.1.6. Processed in a manner that ensures appropriate security of the information, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

7.2. The Trust is responsible for being able to demonstrate its compliance with the provisions outlined above.

8. Data Protection Impact Assessments (DPIAs)

8.1. Prior to processing biometric data or implementing a system that involves processing biometric data, a DPIA will be carried out

8.2. The GDPR Lead in each school in conjunction with the DPO will oversee and monitor the process of carrying out the DPIA

8.3. The DPIA will:

8.3.1. Describe the nature, scope, context and purposes of the processing

8.3.2. Assess necessity, proportionality and compliance measures

8.3.3. Identify and assess risks to individuals

8.3.4. Identify any additional measures to mitigate those risks

8.3.5. When assessing levels of risk, the likelihood and the severity of any impact on individuals will be considered

8.3.6. If a high risk is identified that cannot be mitigated, the DPO will consult the ICO before the processing of the biometric data begins

8.4. The ICO will provide the DPO with a written response (within eight weeks or 14 weeks in complex cases) advising whether the risks are acceptable, or whether the academy needs to take further action. In some cases, the ICO may advise the academy to not

carry out the processing

8.5. Our Lady Help of Christians Catholic Academy Trust will adhere to any advice received from the ICO.

9. Notification and Consent

9.1. Please note that the obligation to obtain consent for the processing of biometric information of young people under the age of 18 is not imposed by the Data Protection Act 2018 or the GDPR. Instead, the consent requirements for biometric information is imposed by section 26 of the Protection of Freedoms Act 2012.

9.2. Where Our Lady Help of Christians Catholic Academy Trust use learners' biometric data as part of an automated biometric recognition system (e.g. using students' fingerprints to receive school dinners instead of paying with cash or a PIN), Our Lady Help of Christians Catholic Academy Trust will comply with the requirements of the Protection of Freedoms Act 2012.

9.3. Prior to processing a student's biometric data, the school will send the parents/guardian a Student Consent Form.

9.4. Written consent will be sought from at least one parent/guardian of the student before the school collects or uses their biometric data.

9.5. Notification sent to parents/guardians will include information regarding the following:

9.5.1. How the data will be used

9.5.2. The parent's/guardian's and the student's right to refuse or withdraw their consent

9.5.3. The school's duty to provide reasonable alternative arrangements for those students whose information cannot be processed

9.6. The academy will not process the biometric data of a student under the age of 18 in the following circumstances:

9.6.1. The student (verbally or non-verbally) objects or refuses to participate in the processing of their biometric data

9.6.2. No parent/guardian has consented in writing to the processing

9.6.3. A parent/guardian has objected in writing to such processing, even if another parent has given written consent

9.6.4. Parents/guardians and students can object to participation in the academy's biometric system(s) or withdraw their consent at any time. Where this happens, any biometric data relating to the learner that has already been captured will be deleted.

9.7. If a student objects or refuses to participate, or to continue to participate, in activities that involve the processing of their biometric data, their home school will ensure that their biometric data is not taken or used as part of a biometric recognition system, irrespective of any consent given by the parent/guardian(s).

9.8. Students will be informed that they can object or refuse to allow their biometric data to be collected and used via the Consent Form.

9.9. Where staff members or other adults use the biometric system(s), consent will be obtained from them before they use the system.

9.10. Staff and other adults can object to taking part in the biometric system(s) and can withdraw their consent at any time. Where this happens, any biometric data relating to the individual that has already been captured will be deleted.

9.11. Alternative arrangements will be provided to any individual that does not consent to take part in the Our Lady Help of Christians Catholic Academy Trust biometric system(s), in line with the next section of this policy.

9.12. Students will be informed that they can object or refuse to allow their biometric data to be collected and used via the Consent Form.

9.13. Where staff members or other adults use the biometric system(s), consent will be obtained from them before they use the system.

9.14. Staff and other adults can object to taking part in the biometric system(s) and can withdraw their consent at any time. Where this happens, any biometric data relating to the individual that has already been captured will be deleted.

9.15. Alternative arrangements will be provided to any individual that does not consent to take part in Our Lady Help of Christians Catholic Academy Trust biometric system(s), in line with the next section of this policy.

10. Alternative Arrangements

10.1. Students and staff have the right to not take part in the Our Lady Help of Christians Catholic Academy Trust biometric system.

10.2. Where an individual person objects to taking part in the biometric system(s), reasonable alternative arrangements will be provided that allow the individual to access the relevant service.

10.3. Alternative arrangements will not put the individual at any disadvantage or create difficulty in accessing the relevant service or result in any additional burden being placed on the individual (and the student's parents, where relevant).

11. Data Retention

11.1. If an individual (or a student's parent, where relevant) withdraws their consent for their/their child's biometric data to be processed, it will be erased from the academy's system.

12. Breaches

12.1. There are appropriate and robust security measures in place to protect the biometric data held by the academy as part of the GDPR processes in place. In the unlikely event of a breach to the biometric system(s), it will be dealt with by Our Lady Help of Christians Catholic Academy Trust DPO.

STAFF CAPABILITY POLICY AND PROCEDURE

1. Commitment to equality

1.1. The Trust is committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

2. Definitions

2.1. In this Capability Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

2.1.1. 'Academy' means the local academy within the Trust at which you work and includes all sites upon which the Academy undertaking is, from time to time, being carried out.

2.1.2. 'Board' means the board of Directors of the Trust.

2.1.3. 'Capability due to ill-health' means any health condition or any other physical or mental quality which results in unsatisfactory performance. In these cases, the Sickness Absence Policy and Procedure will apply.

2.1.4. 'Capability due to lack of competence' means a lack of skill or aptitude leading to unsatisfactory performance. In these cases, this Capability Policy and Procedure will apply.

2.1.5. 'Chair' means the Chair of the Board as appointed from time to time.

2.1.6. 'Clerk' means the Clerk to the Board as appointed from time to time.

2.1.7. 'Companion' means a willing work colleague not involved in the substance of the employee's performance issues under review by this Capability Policy and Procedure, a trade union official, or an accredited representative of a trade union or other professional association of which the employee is a member who should be available for the periods of time necessary to meet the timescales under this Capability Policy and Procedure.

2.1.8. 'Diocesan Schools Commission' means the education service provided by the diocese in which the Academy is situated, which may also be known, or referred to, as the Diocesan Education Service.

2.1.9. 'Directors' means directors appointed to the Board from time to time.

2.1.10. 'Governing Board' means the body carrying out the employment functions of the Trust in relation to the Academy and such term may include the Board and/or the Local Governing Body of the Academy.

2.1.11. 'Governors' means (if appropriate to the context), the governors appointed and elected to the Local Governing Body, from time to time.

2.1.12. ‘CEO / Principal / Head Teacher’ means the most senior teacher in the Academy who is responsible for its management and administration.

2.1.13. ‘Local Governing Body’ means (if appropriate to the context), the Governors appointed to carry out specified functions in relation to the Academy as delegated by the Trust.

2.1.14. Misconduct means any action or inaction which contravenes the provisions of the employee’s contract of employment, the rules laid down by the Trust and/or any Professional Code of Conduct and Practice. In such cases the Disciplinary Policy and Procedure will apply and the Capability Policy and Procedure may also apply.

2.1.15. ‘Trust’ means the entity responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.

2.1.16. ‘Vice-Chair’ means the Vice-Chair of the Board as elected from time to time.

2.1.17. ‘Working Day’ means any day on which you would ordinarily work if you were a full-time employee. In other words, ‘Working Day’ will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Appraisal Policy and Procedure.

2.1.18. ‘Working Week’ means any week that you would ordinarily work.

3. Scope

3.1. This Capability Policy and Procedure applies to you if you are an employee of the Trust (hereinafter referred to as an “employee” or “you”).

3.2. This policy does not form part of any employee’s terms and conditions of employment and is not intended to have contractual effect. The Trust reserves it right to amend this policy at any time.

3.3. The purpose of this Capability Policy and Procedure is to establish a structure to support employees in improving their performance to the standards expected and to take appropriate action to address identified performance weaknesses, where there has not been sufficient improvement, following support being provided pursuant to the Appraisal Policy and Procedure.

3.4. This Capability Policy and Procedure shall be invoked when there is an identified need to address, with a view to remedying, capability due to lack of competence.

3.5. This Capability Policy and Procedure can be invoked by the Board or its delegate at any stage deemed appropriate although the expectation is that it will only be invoked after the procedure set out in the Appraisal Policy and Procedure has been fully exhausted.

3.6. An employee is entitled to have access, by arrangement, to their personnel file and to request the deletion of time-expired records in line with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

3.7. The Trust delegates its authority in the manner set out in this policy.

3.8. There may be some occasions where an employee's lack of capability could also be described as Misconduct. This Capability Policy and Procedure and the Trust's Disciplinary Policy and Procedure may be used concurrently whilst the Trust endeavours to ascertain if the employee's lack of capability is due to Misconduct or lack of competence.

3.9. There may be occasions where an employee's lack of capability could relate to their health. This Capability Policy and Procedure may be used concurrently with the Trust's Sickness Absence Policy and Procedure. In particular, if an employee is absent from work on sick leave following this Capability Policy and Procedure being invoked, the Trust may use its Sickness Absence Policy and Procedure. However, the process of managing unsatisfactory performance due to capability will not necessarily cease where the employee is absent on the grounds of sickness.

3.10. The Trust is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this Capability Policy and Procedure. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the Trust community which includes all of the academies within the Trust.

3.11. This Capability Policy and Procedure offers opportunities to ensure justice for teachers, support staff and students alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge of self and others, personal growth and openness.

3.12. This Capability Policy and Procedure can be invoked at any time during any Appraisal Period as defined in the Trust's Appraisal Policy and Procedure. The expectation is that it will only be invoked after the procedure set out in the Appraisal Policy and Procedure has been fully exhausted.

3.13. The Capability Policy and Procedure does not form part of any other procedure but relevant information on capability, including the reports referred to in this Capability Policy and Procedure, may be taken into account in relation to the operation of other applicable policies and procedures.

3.14. The management of unsatisfactory performance and related investigations will be treated in confidence as far as possible by all parties involved at all stages of this Capability Policy and Procedure.

3.15. The Trust will maintain records of all interviews and reviews which take place under this Capability Policy and Procedure for a period of up to 12 months or longer where necessary and where there is an applicable lawful basis under the GDPR for extending the retention period. All data and evidence collected is to be shared between all the relevant parties, including the employee, and where there is an applicable lawful basis under the provisions of the GDPR.

4. Capability Policy and Procedure – Employees Experiencing Difficulties

4.1. This Capability Policy and Procedure should, except in exceptional circumstances, only be invoked where the measures set out in Section 9 and Section 10 (if an appeal is lodged) of

the Trust's Appraisal Policy and Procedure for Teachers and/or Section 9 and Section 10 (if an appeal is lodged) of the Trust's Appraisal Policy and Procedure for Support Staff (as appropriate) have been exhausted;

4.2. and the employee has made no improvement, or no sufficient improvement as required under the relevant Appraisal Policy and Procedure; and/or

4.3. the employee is failing to improve despite feedback in relation to unsatisfactory performance; and

4.4. a recommendation has been made under the relevant Appraisal Policy and Procedure that this Capability Policy and Procedure be invoked.

4.5. If a Principal / Head Teacher is subject to this Capability Policy and Procedure, they will normally continue to be responsible for the appraisal of staff at the Academy unless the Board determines that this is inappropriate.

5. Capability, Final Capability and Appeal Manager

5.1. The table below sets out the persons to be appointed throughout the stages of this Capability Procedure depending on the person who is the subject of the capability proceedings:

Employee Level	***First/Second Capability Meeting – the Capability Manager***	***Final Capability Meeting – the Final Capability Manager***	***Appeal Manager (re Written Warnings)***	***Appeal Manager (re Dismissal)***
CEO / Principal / Head Teacher	Chair or a non-staff Director (other than the Vice-Chair) appointed by the Chair	Directors' Capability Panel appointed by the Vice-Chair	A non-staff Director (other than the Chair or Vice Chair) appointed by the Vice-Chair	Directors' Appeal Panel appointed by the Vice-Chair
Other Leadership Spine and Academy Business Manager	Principal/ Head Teacher	Directors' Capability Panel appointed by the Chair	A non-staff Director (other than the Chair or Vice-Chair) appointed by the Vice-Chair	Directors' Appeal Panel appointed by the Vice-Chair

Other Teaching Staff	Principal/ Head Teacher or a sufficiently senior member of staff appointed by the Principal/ Head Teacher	Directors' Capability Panel appointed by the Chair	A non-staff Director (other than the Chair or Vice- Chair) appointed by the Chair	Directors' Appeal Panel appointed by the Vice-Chair
Other Support Staff	Principal/ Head Teacher or a sufficiently senior member of staff appointed by the Principal/ Head Teacher	Directors' Capability Panel appointed by the Chair	A non-staff Director (other than the Chair or Vice-Chair) appointed by the Chair	Directors' Appeal Panel appointed by the Vice-Chair

6. First Capability Meeting

6.1. Where the Trust has fully exhausted the Appraisal Policy and Procedure in accordance with Section 4 above, including the appeals process under that Policy (if an appeal is lodged), the Trust will appoint a Capability Manager in accordance with Section 5 above. The Capability Manager will write to you inviting you to a First Capability Meeting. You will be given at least 5 Working Days' notice of such meeting. At the same time as sending you the letter inviting you to the First Capability Meeting, the Capability Manager will also send you a Performance Report which shall set out:

6.1.1. what aspects of your performance are causing concern;

6.1.2. what specific and achievable performance standards are expected of you; and

6.1.3. the support that has been provided to you so far.

6.2. The Capability Manager's letter shall state that any documentation you wish to rely on during the First Capability Meeting must be submitted at least 2 Working Days prior to the First Capability Meeting.

6.3. At the First Capability Meeting you will have an opportunity to comment upon, offer an explanation and/or refute the contents of the Performance Report and to discuss the professional shortcomings identified, support and guidance required and how your performance will be monitored and supported going forward.

6.4. At the end of the First Capability Meeting, having considered your comments, if the Capability Manager concludes that your performance is satisfactory you will no longer be subject to this Capability Policy and Procedure and shall be notified in writing of the Capability Manager's decision, as soon as is reasonably practicable. The Trust's Appraisal Policy and Procedure shall resume.

6.5. At the end of the First Capability Meeting, having considered your comments, if the Capability Manager concludes that your performance is unsatisfactory you will be given a First Written Warning and an Improvement and Support Plan will be drawn up in discussion with you as soon as is reasonably practicable, but no later than 5 Working Days following the First Capability Meeting. The Improvement and Support Plan will:

6.5.1. detail the professional shortcomings identified;

6.5.2. give clear guidance on the improved sustainable standard of performance needed to exit the capability procedure;

6.5.3. explain the support that will be provided, and detail how your performance will be monitored and supported over a period of time, referred to in this Capability Policy and Procedure as the Assessment Period;

6.5.4. identify a reasonable timetable for improvement and provide a date for the Second Capability Meeting to be held at the end of the Assessment Period; and

6.5.5. state that failure to improve may lead to dismissal.

6.6. The length of the Assessment Period following a First Written Warning will be at least 4 Working Weeks and no more than 12 Working Weeks.

6.7. If the Assessment Period is less than 12 Working Weeks, at any time during the Assessment Period the timeframe may be extended by the Capability Manager to a maximum of 12 Working Weeks in total, if there is sufficient evidence that the employee is progressing towards achieving the standards required. You will be informed of any such extension in writing.

6.8. You may appeal against a First Written Warning by writing to the Clerk within 5 Working Days of the date of the First Written Warning.

6.9. An appeal will not delay the commencement of the Assessment Period.

6.10. In the case of a Principal / Head Teacher, a First Written Warning will remain live for 12 months. In the case of all other employees a First Written Warning will remain live for 6 months. If within that 12- or 6-month period the employee's required standard of performance is not sustained, the Capability Manager will recommence the Capability Procedure at the stage it was previously concluded, and you will be notified of this in writing.

7. Second Capability Meeting

7.1. At least 5 Working Days prior to the Second Capability Meeting, the date of which will have been notified to you in accordance with Section 6.5.4 above, the Capability Manager will send you an Updated Performance Report along with a letter reminding you of the date of the Second Capability Meeting. The Updated Performance Report will provide details of the assessments of your performance that have taken place during the Assessment Period, the support that has been provided to you and an evaluation of your performance at the end of the Assessment Period.

7.2. Any documentation you wish to rely on during the Second Capability Meeting must be submitted at least 2 Working Days prior to the Second Capability Meeting.

7.3. At the Second Capability Meeting you will have an opportunity to comment upon, explain and / or refute the contents of the Updated Performance Report, to discuss any continuing professional shortcomings, support and guidance required and how your performance will be monitored and supported going forward.

7.4. The Capability Manager will confirm the outcome of the Second Capability Meeting in writing within 5 Working Days of the date of such meeting.

7.5. Where the Capability Manager concludes, at the end of the Second Capability Meeting, that the standard of your performance is satisfactory you will no longer be subject to this Capability Policy and Procedure. The Trust's Appraisal Policy and Procedure shall resume. However, if the required standard of performance is not sustained during the life of the First Written Warning, the Capability Manager will recommence the Capability Procedure at the stage it was previously concluded, and you will be notified of this in writing.

7.6. Where the Capability Manager concludes, at the end of the Second Capability Meeting, that some progress has been made and that with a further period of monitoring an acceptable level of performance will be achieved, the Capability Manager may determine that you should be subject to an Additional Assessment Period of up to 4 Working Weeks. If at the end of this Additional Assessment Period, the Capability Manager concludes that your performance is satisfactory, you will no longer be subject to this Capability Policy and Procedure. The Trust's Appraisal Policy and Procedure shall resume. However, if the required standard of performance is not sustained during the life of the First Written Warning, the Capability Manager will recommence the Capability Procedure at the stage where it was previously concluded, and you will be notified of this in writing.

7.7. Where the Capability Manager concludes, at the end of the Second Capability Meeting, or at the end of the Additional Assessment Period referred to in Section 7.6 above, that no, or no sufficient, improvement has been made so that your performance remains unsatisfactory, you will be given a Final Written Warning setting a Further Assessment Period of 4 Working Weeks and notifying you of the date for a Final Capability Meeting to be held at the end of the Further Assessment Period. You will be informed that failure to make satisfactory sustainable improvement during such Further Assessment Period may result in your dismissal.

7.8. You may appeal against a Final Written Warning by writing to the Clerk within 5 Working Days of the date of the Final Written Warning.

7.9. An appeal will not delay the commencement of the Further Assessment Period.

7.10. A Final Written Warning for all employees will remain live for 12 months and if, within those 12 months, the required standard of performance is not sustained the Capability Manager will recommence the Capability Procedure at the stage it was previously concluded, and you will be notified of this in writing.

8. Final Capability Meeting

8.1. At least 5 Working Days prior to the Final Capability Meeting which you will have been invited to in accordance with Section 7.7 above, the Final Capability Manager will send you a Final Performance Report along with a letter reminding you of the date of the Final Capability Meeting. The Final Performance Report shall contain an evaluation of your performance and will detail any support provided during the Further Assessment Period.

8.2. Any documentation you wish to rely on during the Final Capability Meeting must be submitted at least 2 Working Days prior to the Final Capability Meeting.

8.3. At the Final Capability Meeting you will have an opportunity to comment upon, explain and / or refute the contents of the Final Performance Report and to discuss any continued professional shortcomings.

8.4. The Final Capability Manager will confirm the outcome of the Final Capability Meeting in writing within 5 Working Days of the date of such meeting.

8.5. Where the Final Capability Manager concludes that the standard of performance is satisfactory you will no longer be subject to this Capability Policy and Procedure. The Trust's Appraisal Policy and Procedure shall resume. However, if the required standard of performance is not sustained during the life of the Final Written Warning, the Final Capability Manager will recommence the Capability Procedure at the stage where it was previously concluded, and you will be informed of this in writing.

8.6. Where the Final Capability Manager concludes that your performance remains unsatisfactory and is not capable of sustainable improvement, the Final Capability Manager may recommend to the Trust that your employment is terminated in accordance with your contract of employment and the Trust will take appropriate steps to terminate your employment with notice. Alternative sanctions may also be considered, for example, redeployment, or demotion to a lower graded role, by mutual agreement. Alternative employment in these circumstances does not have to be in equivalent terms and conditions to the current post and protection of salary will not apply. A decision to dismiss will always be the last resort.

8.7. You may appeal against a decision to dismiss you with notice by writing to the Clerk within 10 Working Days of the date of the notice of termination.

8.8. An appeal will not delay the commencement of the notice period.

8.9. In the event that your employment is terminated in accordance with Paragraph 8.6 above:

8.9.1. if your contract of employment contains a garden leave clause the Trust may exercise that clause so that you are not required to attend the Academy during the notice period but remain employed and so bound by the terms of your contract of employment until the expiry of the notice period; or

8.9.2. if your contract of employment contains a payment in lieu of notice clause the Trust may exercise that clause to bring your contract to an end with immediate effect.

9. Appeals Against Decisions Made by Capability Manager and / or Final Capability Manager

9.1. An appeal against a decision of the Capability Manager or Final Capability Manager can be made at each stage of the procedure set out at Sections 6, 7 and 8 above.

9.2. In all cases, your appeal letter must set out the grounds of your appeal in detail. When preparing your appeal letter, you may wish to consider the following grounds:

9.2.1. That the action taken was unfair;

9.2.2. That this Capability Policy and Procedure was applied defectively or unfairly;

9.2.3. That new evidence has come to light which was not available when the relevant decision was made by the Capability Manager or Final Capability Manager;

9.2.4. That the sanction was overly harsh in all the circumstances.

9.3. Appeals will be heard by the relevant Appeal Manager appointed in accordance with Section 5 within 20 Working Days of the Clerk receiving your appeal letter.

9.4. You will be given 5 Working Days written notice of an Appeal Meeting and the Appeal Manager will confirm in this notice what evidence will be relied upon at the Appeal Meeting and whether the evidence will be written or oral. If written evidence is to be relied upon you will be provided with copies of such evidence with notice of the meeting in order to enable you to prepare for the Appeal Meeting. If oral evidence is to be relied upon at the Appeal Meeting, you will be given details of who will be in attendance. You will be able to provide evidence prior to the Appeal Meeting provided that such evidence is submitted at least 2 Working Days prior to the Appeal Meeting.

9.5. You will be given an opportunity to comment on the evidence provided during the Appeal Meeting whether such evidence is given in writing or orally. The Appeal Manager will consider the evidence provided by you and by the Capability Manager or Final Capability Manager (as appropriate) in order to determine whether the relevant decision was fair and reasonable.

9.6. The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 Working Days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The potential outcomes of an Appeal Meeting are that:

9.6.1. the Appeal Manager may uphold the decision of the Capability Manager or Final Capability Manager; or

9.6.2. the Appeal Manager may uphold the employee's appeal, overturn the decision of the Capability Manager or Final Capability Manager and refer the matter back to the Capability Manager or Final Capability Manager for reconsideration.

9.7. Should an appeal against dismissal be successful, you will be reinstated with no break in your continuous service.

10. Directors' Panels

10.1. Directors' Capability and Appeal Panels shall comprise three non-staff Directors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Directors not previously involved in the matter, in which case the Chair and / or Vice-Chair may be appointed to a Directors' Capability or Appeal Panel.

10.2. In the event that there are insufficient numbers of Directors available to participate in a Directors' Capability or Appeal Panel, the Trust may appoint associate members solely to participate in the appropriate Directors' Capability or Appeal Panel on the recommendation of the Diocesan Schools Commission.

11. Companion

11.1. If you are the subject of any formal Capability Meeting you may be accompanied by a Companion. This may be a colleague or a Trade Union representative.

11.2. You must let the relevant Manager know who your Companion will be at least one Working Day before the relevant meeting.

11.3. If you have any particular reasonable need, for example, because you have a disability, the Academy may agree to you being accompanied by a suitable helper (such as a relative or friend).

11.4. Your Companion can address the meeting in order to:

11.4.1. put your case;

11.4.2. sum up your case;

11.4.3. respond on your behalf to any view expressed at the meeting; and

11.4.4. ask questions on your behalf.

11.4.5. Your Companion can also confer with you during the meeting.

11.4.6. Your Companion has no right to:

11.4.7. answer questions on your behalf;

11.4.8. address the meeting if you do not wish it; or

11.4.9. prevent you from explaining your case.

11.5. Where you have identified your Companion and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the meeting, the meeting will be postponed for a period not in excess of five Working Days from the date set by the Trust to a date and time agreed with your Companion. Should your Companion subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted.

12. Timing of Meetings

12.1. The aim is that meetings under this Capability Policy and Procedure will be held at mutually convenient times but depending on the circumstances, meetings may:

12.1.1. need to be held when you were timetabled to teach (if that is appropriate to your role);

12.1.2. exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation (if this is appropriate to your role);

12.1.3. exceptionally, be held after the end of the working day;

12.1.4. not be held on days on which you would not ordinarily work;

12.1.5. be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

13. Venue For Meetings

13.1. Any meeting held under Sections 6,7,8 or 9 may be held off the Trust's premises or Academy site to minimise any distress for the employee.

14. Assistance

14.1. In all cases involving any sanction in relation to the Principal / Head Teacher or to a person on the Leadership Spine, or to potential or actual dismissal of any other member of staff, the Diocesan Schools Commission and / or the Local Authority may send a representative to advise the Capability Manager, Final Capability Manager or Appeal Manager.

15. Review of This Procedure

15.1. This policy and procedure was produced in September 2013 and updated in May 2018 and June 2020 by the Catholic Education Service (CES) for use in Catholic Voluntary Academies in England, following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church academies subject to the approval of the CES on referral by the relevant Catholic diocese.

STAFF CODE OF CONDUCT

The Code of Conduct is a statement of Our Lady Help of Christians Catholic Academy Trust's (the Trust) values and describes both the way it wishes to carry out its business and the standards of conduct it expects from its employees and others working for the Trust.

The code applies to all individuals operating on behalf of the Trust whether as an employee or working for the Trust in any other capacity (collectively referred to as "Staff" or "you" within this policy).

1. Policy Context

1.1. The Trust aims to be an employer of choice and expects all employees to conduct themselves in a way that reflects its vision and values.

1.2. The Trust is committed to raising standards. By abiding by the Code of Conduct and following the Trust vision and values and behaving in a manner that reflects these values, the Trust aims to create a better place for all to work and study.

2. Our Lady Help of Christians Catholic Academy Trust's Values

2.1. These values guide the way Staff behave whilst at work, they guide the way Staff work together, how Staff do their jobs and how the Trust recruits, selects and develops our Staff.

2.2. The Trust expects Staff to behave in a manner that is consistent with these values and this is encouraged and reinforced through the Trust's performance management process.

2.3. While the code sets out the standards of behaviour expected of Staff, the following questions may help Staff to decide whether what they are doing (or intend to do) is acceptable:

2.3.1. Is anyone's life, health or safety endangered by their action?

2.3.2. Does their action "feel" right? Could they successfully justify their action to their manager, students, colleagues or friends?

2.3.3. Is their action legal, honest and does it comply with Trust policy, statutory requirements and approved practice?

2.3.4. Does their action appear reasonable?

2.3.5. Would they be able to justify their action to the local media?

2.3.6. Would they be compromised if their manager, fellow workers, friends or family knew their action?

2.3.7. Does their conduct undermine the reputation of the Trust and/or their profession?

2.4. This code is intended to bring to Staff attention key areas of conduct. However, the code is backed up by more detailed policies on Health and Safety, Equal Opportunities in Employment, Electronic Information and Communications Systems, Social Media, Whistleblowing, Allegations of Abuse against Staff and Safeguarding Children. It should also be read in conjunction with the Trust's Disciplinary, Grievance and Capability Policies. Many of the rules set out below may seem obvious and would apply in any type of

employment; for example, the requirement to follow reasonable instructions. Others, however, are related specifically to the Trust and may only be relevant to particular groups of staff.

2.5. By their nature, **these rules are not exhaustive,** but they set out the principles to be observed which, if breached, may lead to disciplinary action against employees or other action against non-employees. From time-to-time issues may arise which are not specifically covered within this code, but which may lead to disciplinary action if an employee's actions amount to misconduct, or other action for non-employees.
Even though not mentioned in the rules, criminal or statutory offences committed while at work may result in disciplinary action, including summary dismissal (or other action for non-employed staff.

2.6. The Trust may also be obliged to involve the police. Such offences committed away from work may be dealt with under the Disciplinary Policy and Procedure (for employees) if they are considered relevant to the suitability for the work the person is employed to do. Staff are expected to notify the Trust immediately if they are charged or convicted of any criminal offences; or are in receipt of any indictments or police cautions; or are provisionally or permanently placed on the Children's Barred or Adults' Barred List (if applicable) administered by the DBS. Failure to do this may be taken into account in disciplinary proceedings (employees).

2.7. If an employee colludes with anyone else in the breaking of any of these rules, they may also be liable to disciplinary action or other action.

3. Rules and Standards of Behaviour

3.1. The rules that follow set out examples of standards of behaviour expected of employees. It should be noted that **this list is not exhaustive**.

3.2. Breaches of the Employee Code of Conduct will be dealt with in accordance with the Trust's Disciplinary Policy and Procedure.

3.3. The disciplinary action to be taken in any individual case will always depend on the particular facts. However, breach of any rule within the Code may lead to dismissal or summary dismissal (dismissal without notice for gross misconduct) dependent on the seriousness of the misconduct or termination of contract for non-employed staff.

4. Health and Safety

4.1. You should always observe any Trust health and safety rules and guidance.

4.2. You should never:

4.2.1. Breach the Trust health and safety policies

4.2.2. Act in a manner likely to endanger yourself, fellow workers, members of the public, parents, students, the Trust's property or that of a third party.

4.2.3. Ignore anything that has the potential to cause harm. It should be immediately brought to the attention of your line manager

4.2.4. Misuse any item provided for health and safety purposes

4.2.5. Smoke anywhere in or on the workplace. This includes all premises, grounds and vehicles.

5. Drug, Alcohol and Substance Misuse.

5.1. The Trust prohibits the drinking of alcohol in the workplace during your contracted hours or during Trust business, other than reasonable drinking of alcohol in connection with approved social functions. The Trust regards drinking to an 'unreasonable level' as any of the following situations:

5.1.1. In the opinion of management, your performance is impaired.

5.1.2. In the opinion of management, your behaviour may cause embarrassment, distress or offence to others.

5.1.3. You continue to drink when instructed to stop by a manager.

5.2. The Trust will take all reasonable steps to prevent Staff carrying out work-related activities if they are considered to be unfit/unsafe to undertake the work as a result of alcohol consumption or substance abuse.

5.3. The Trust expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance. If any such incidents take place on Trust premises, in Trust vehicles or at an Trust related function, they will be regarded as serious, will be investigated by the Trust, and may lead to disciplinary action and potential dismissal (or termination of contract for non-employees) and possible reporting to the Police.

5.4. Staff or any other person under the Trust's control must not, in connection with any work-related activity:

5.4.1. Be under the influence of alcohol or drugs (except medication specifically prescribed for you) whilst at work, during contracted hours or whilst performing any duties;

5.4.2. Misuse and be under the adverse influence of substances whilst at work during contracted hours or whilst performing any duties;

5.4.3. Attempt to sell or give drugs or alcohol to Staff, any employee, student or other person on the Trust premises, or whilst conducting Trust business. For the avoidance of doubt, assisting a colleague by sharing / passing on over the counter medicines such as painkillers, if requested by the recipient, would not fall foul of this, although it is not recommended or encouraged by the Trust. Similarly, alcoholic prizes at Christmas Fairs or similar or gifts given e.g. as leaving gifts would be allowed although the conduct rules in relation to the consumption of that alcohol still apply;

5.4.4. Be in possession of controlled drugs contrary to the Misuse of Drugs Act 1971 (as amended);

5.4.5. Operate machinery under the influence of drugs or alcohol. (There may be an exception for prescription drugs, provided they do not have an impact on performance whilst operating machinery);

5.4.6. Fail to inform line manager if taking prescription medicines or over the counter medication which may affect the ability to perform duties normally;

5.4.7. Drive vehicles whilst on Trust business whilst under the influence of drugs and/or alcohol or prescribed/over the counter drugs that may have an impact on your ability to drive safely;

5.4.8. Fail to follow instructions in relation to health and safety procedures for use and storage of solvents.

5.5. For further information, please see the Trust's Substance Misuse Policy.

6. Attendance at Work

6.1. Employees should attend for work at all agreed times and should obtain authorisation for any absence.

6.2. Employees should:

6.2.1. Observe any designated hours of work.

6.2.2. Always observe the Trust's requirements on the notification of absence by reason of sickness (outlined in the Trust's Sickness Absence and Sick Pay Policy).

6.2.3. Never work elsewhere when absent from the Trust without obtaining their line manager's express prior authorisation. Examples of absence include sickness, suspension and leave related to work and families.

6.2.4. Comply with the Trust's leave policies (such as Additional Paid and Unpaid Leave, Annual Leave, family-friendly policies etc.)

6.2.5. Never leave work during designated / agreed working hours without seeking and obtaining permission from their line manager or other appropriate manager.

7. Professional Conduct

7.1. The Trust expects all Staff to behave in a professional manner at all times; to be honest, act with integrity and give respect and consideration to others and to comply with professional codes of practice**.**

7.2. Staff should always:

7.2.1. Be honest

7.2.2. Follow all reasonable and lawful instructions.

7.2.3. Conduct themselves in a manner that does not bring the Trust's name into disrepute.

7.2.4. Act in a manner that is not abusive towards another person, this includes indirect abuse for example where abusive comments are made to others out of the hearing of the target.

7.2.5. Treat everyone with respect and not undermine them, bully or harass them or act towards them in a manner which is discriminatory.

7.2.6. Adhere to professional requirements to attend relevant training and submit monitoring information in relation to employees and students where relevant.

7.2.7. Advise their line manager if their professional status has been removed by the professional body or they are subject to any disciplinary investigation and/or disciplinary action by the professional body.

7.2.8. Take reasonable care of students under their supervision and follow the required Trust guidelines.

7.2.9. Comply with all relevant statutory provisions.

7.2.10. Cooperate with management in complying with the Trust's policies and procedures to the extent that they apply to their position.

7.2.11. Comply with the requirements of statutory bodies relating to the examination, assessment and evaluation of student achievement and attainment.

7.2.12. Comply with the Codes of Conduct of professional bodies to which they may belong.

7.2.13. Not bring members of family, dependants or other visitors onto Trust premises whilst conducting normal working duties without prior permission.

7.3. And must not:

7.3.1. Post, distribute or display inappropriate literature at any of the Trust's premises or other premises whilst on Trust business.

7.3.2. Behave in a violent manner or threaten violence towards another person.

7.3.3. Use social media in such a manner that may bring the reputation of the Trust or yourself into disrepute.

7.3.4. Make false allegations against another person or the Trust.

7.3.5. Behave in an insubordinate or inappropriate manner.

7.3.6. Behave in a persistent careless and/or negligent manner.

7.3.7. Behave in a manner that is likely to disrupt working relationships.

8. Safeguarding Children

8.1. All employees, workers, learners and volunteers and anyone operating on behalf of the Trust or visiting the Trust have the right to feel safe on its premises or while carrying out activities in relation to the Trust. No one should hurt or abuse anyone in any way.

8.2. Staff must always:

8.3. Respect other people's right to safety.

8.4. Not hurt or abuse others; and not threaten to hurt or abuse them.

8.5. Comply with the Trust pre- and post-employment vetting procedures.

8.6. Advise their manager if they are under investigation by the Police or other authority in connection with allegations of abuse.

8.7. Advise the nominated officer if you are aware or have any suspicions that anyone is abusing another person.

8.8. Comply with Trust procedure on Safeguarding Children and the provisions contained within Keeping Children Safe in Education 2022 guidance produced by the Department for Education.

9. Relationships with Students

9.1. Staff must at all times:

9.1.1. Maintain professional boundaries with students appropriate to their position and must always consider whether their actions are warranted, proportionate, safe and applied equitably.

9.1.2. Act in an open and transparent way that would not lead any reasonable person to question their actions or intent.

9.1.3. Think carefully about their conduct so that misinterpretations are minimised.

9.1.4. Be mindful of section 16 of The Sexual Offences Act 2003.

9.2. Staff must never:

9.2.1. Establish or seek to establish social contact with students for the purpose of securing a friendship or to pursue or strengthen a relationship. If a young person seeks to establish social contact, you should exercise your professional judgement in making a response and be aware that such social contact could be misconstrued.

9.2.2. Develop personal or sexual relationships with students and should not engage in any sexual activity with a student.

9.2.3. Make sexual remarks to a student, discuss their own sexual relationships with, or in the presence of, students or discuss a student's sexual relationships in an inappropriate setting or context.

9.2.4. Contact with students should be through the Trust's authorised mechanisms i.e. directly in College / School or via College / School email addresses on the College / School web platform. Personal phone numbers, email addresses or communication routes via all social media platforms should not be used and Staff should not share their home address with students. If contacted via an inappropriate route Staff must inform the Principal / Head Teacher immediately.

9.2.5. You must not accept friend invitations or become friends with any student of the Trust on any social media platform. You should also refrain from following any student on Twitter, Instagram, TikTok or other similar social media accounts of

students or their parents.

10. Allegations of Abuse Against Staff

10.1. All staff have a duty to promote and safeguard the welfare of children at the Trust. In line with this duty, the Trust has a policy and procedure dealing with allegations of abuse against staff.

10.2. All Staff are required to familiarise themselves with this policy and comply with it.

10.3. Concerns about the possible abuse of children by Staff will usually arise in one of two ways:

10.3.1. A direct allegation by a student or a third party, for example a parent; or

10.3.2. An observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

10.4. Where Staff have any concerns about another member of staff, including volunteers, contractors and supply staff that may meet the harm threshold, they must report their concern to the CEO / Principal / Head Teacher immediately, unless the allegation is about the Principal / Head Teacher, in which case it must be reported to the Chair of Governors. If the Principal / Head Teacher is absent, the allegation should be reported to the teacher in charge.

10.5. A concern/allegation meets the harm threshold if the allegation is that the individual concerned:

10.5.1. Behaved in a way that has harmed or may have harmed a child; and/or

10.5.2. Possibly committed a criminal offence against or related to a child; and/or

10.5.3. Behaved towards a child or children in a way that indicates the individual may pose a risk of harm to children; and/or

10.5.4. Behaved or may have behaved in a way the indicates the individual may not be suitable to work with children.

10.6. Further details on the process that will be followed are set out in Section One of the Allegations of Abuse Against Staff Policy.

11. Low-Level Concerns

11.1. In line with Section Two of Part Four of Keeping Children Safe in Education, we recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns with the right person so that they can be addressed appropriately. The purpose of the Trust's approach to low-level concerns is to ensure that its values are constantly lived, monitored and reinforced by staff.

11.2. The term 'low-level' concern does not mean that the concern is insignificant, it means that a staff member, supply teacher or volunteer does not seem to have:

11.2.1. behaved in a way that has harmed a child, or may have harmed a child; and/or

11.2.2. possibly committed a criminal offence against or related to a child; and/or

11.2.3. behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or

11.2.4. behaved or may have behaved in a way that indicates they may not be suitable to work with children.

11.3. A low-level concern covers any concern no matter how small, even if it is no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the Trust may have acted in a way that:

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

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

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

11.4.1. being over friendly with children

11.4.2. having favourites

11.4.3. being over friendly with children

11.4.4. having favourites

11.4.5. taking photographs of children on a personal mobile phone

11.4.6. engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or

humiliating students.

11.5. Such behaviour can exist on a spectrum.

11.6. Low-level concerns about a member of staff, supply staff, volunteer or contractor should be reported to the CEO / Principal / Head Teacher. Any concerns about the CEO / Principal / Head Teacher should be reported to the Chair of Governors.

11.7. All low-level concerns will be recorded in writing. Each record will include details of the concern, the context in which the concern arose, and action taken. The name of the individual who raised the concern should be noted, but if that individual wishes to remain anonymous, that will be respected to the extent it is reasonably possible to do so.

11.8. Records will be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation.

11.9. Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the Trust will decide on a course of action, either through its Disciplinary Policy and Procedure or by referring to the LADO, where a pattern of behaviour moves from a concern to meeting the harms threshold. The Trust will also consider whether there are wider

cultural issues existing that may have enabled to the behaviour to occur. If this is found to be the case or a contributory factor, the Trust may review its policies and deliver extra training where it considers this will minimise the events happening again.

12. Communication and Confidentiality

12.1. Confidentiality should be maintained in accordance with statutory and Trust regulations and procedures

12.2. You should:

12.2.1. Always comply with the Trust's Data Protection and Freedom of Information policies and procedures with regard to the retention, disposal security and disclosure of personal data.

12.2.2. Never disclose confidential information to any person or party without consent (unless specifically required to do so by law).

12.2.3. Never search confidential files to which access has not been granted

13. Regulatory Issues and Use and Security of Resources

13.1. You are expected to act with honesty and integrity to safeguard the stewardship of resources for which the Trust is responsible. Employees should always comply with regulations that are applicable to the Trust and its business

13.2. You should always:

13.2.1. Ensure that you comply with the rules and principles of any regulatory bodies and/or relevant statute applicable to the duties you perform.

13.2.2. Comply with the Trust's financial regulations

13.2.3. Comply with the Trust's Anti-Fraud, Bribery and Corruption Policy and Gifts and Hospitality Policy (to the extent they apply to your position).

13.2.4. Ensure that you account promptly and accurately for all monies handled in the performance of your duties. If you discover any discrepancy or loss, you must declare it to your line manager without delay.

Note: Any attempt to conceal any discrepancy will only heighten the suspicion of dishonesty later. The Trust may report any such losses and thefts to the Police.

13.3. Declare any conviction for a criminal offence or caution in relation to an offence (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and 2020).

13.4. Staff should:

13.4.1. Never wilfully damage or abuse the property of students, fellow workers or the Trust, or the property of outside agencies whilst conducting Trust business.

13.4.2. Never access, view or distribute material of a pornographic nature.

13.4.3. Never make a financial claim in connection with work or services that have not been undertaken in connection with authorised Trust business.

13.4.4. Never remove any Trust property from the Trust's premises unless approved by your manager.

13.4.5. Never remove, or be in unauthorised possession of, any property or facilities belonging to the Trust or to any employee, student or visitor to the Trust.

13.4.6. Always use Trust systems (e.g. computers, internet) in accordance with the Trust's Electronic Information and Communications Systems Policy and the Social Media Policy.

13.4.7. Take all reasonable measures to ensure, so far as it is practical, the safety and security of Trust property, including premises, vehicles, equipment and cash.

14. Equality and Diversity

14.1. The Trust seeks to achieve an environment in which all are included and in which discrimination is not tolerated. The Trust is committed to promoting equality of opportunity regardless of sex, gender reassignment, race, disability, sexual orientation, religion or belief, pregnancy or maternity, marital or civil partnership status or age. Everyone should be treated with respect and dignity and establish a culture where diversity is valued.

14.2. You should always:

14.2.1. Observe the Trust's Equal Opportunities in Employment Policy.

15. Gaining Employment / Promotion / Transfer

15.1. Employees or potential employees must comply with the Trust's recruitment and Selection procedures.

15.2. When applying for a job / transfer / promotion, employees should not:

15.2.1. Make false statements to the Trust or withhold relevant information. Any breach could result in disciplinary which may be taken against an employee at any time and also the removal of the offer of employment.

15.2.2. Fail to comply with Trust's recruitment and selection policies and procedures.

16. Employment of family

16.1. The Trust does not believe it is good practice, either for the individuals or the Trust, for close relatives to be employed in the same Department, particularly where one reports to the other. However, given the different size and nature of the academies within the Trust, the Trust recognises that a degree of flexibility may be required depending on particular circumstances.

16.2. It is possible for relatives to be appointed within the same Department but this should be discussed fully with the Trust before action is taken and should only be in cases where there will be no direct working relationship between the individuals. Any related employees and recruitment decisions will not be made by directly related employees.

16.3. Relationships covered by the term 'relative' include immediate family, i.e. spouse, partner, civil partner, parents, children, siblings, in laws, uncles, aunts, nieces and nephews.

16.4. Employees should not:

16.4.1. Be involved in the selection process where they are related in any way to an applicant or have a personal relationship outside work with them.

16.4.2. Be involved in decisions relating to discipline, promotion, pay or adjustments for any employee who is a relative, partner or close friend.

17. Conflicts of interest

17.1. Conflicts of interest should be avoided at all times. Any issues of conflict or potential conflict should be raised with the line manager at the first possible opportunity.

17.2. Employees should:

17.2.1. Act in the best interests of the Trust at all times.

17.2.2. Not work for other employers while employed by the Trust if there is any possibility of a conflict of interest.

17.3. Examples of a personal interest that should be declared are:

17.3.1. A directorship, a large shareholding, promise of future employment or the employment of a close relative or friend in a position of influence in an organisation which may compete or do business with the Trust.

17.3.2. Receipt of compensation (except remuneration from the Academy) for services provided to any person or organisation on behalf of the Trust.

17.3.3. Outside activities that adversely affect job performance, either through excessive demands on working time or through conflicting commitments.

17.3.4. Activities that involve the unauthorised use of the Trust's time, equipment or information which could adversely affect the Trust's reputation or relations with others or could otherwise conflict with the interests of the Trust.

18. Gifts, Entertainment and Hospitality

18.1. You should always act with integrity and not allow yourself to be put into a situation which does not allow you to act with honesty and integrity and / or in the best interest of the Trust.

18.2. You should not:

18.2.1. Allow yourself to be influenced in making a business decision as a consequence of accepting gifts or hospitality as detailed in the Financial Regulations.

18.2.2. For further information, please see the Trust's Gifts and Hospitality Policy.

19. Reporting Misconduct

19.1. You are expected to:

19.1.1. Report violations or suspected violations of law or the standards set out in this Code of Conduct. In these situations, you should contact your line manager.

19.1.2. Comply with the Trust's Whistleblowing Policy in the event of concerns or evidence of malpractice in connection with the Trust.

Note: *Any information provided by employees will be kept confidential in accordance with the Whistleblowing Policy, unless otherwise required by law and may be made without concern of retribution.*

19.2. Report all / any suspicions of fraud or theft to your line manager.

20. Further Guidance

20.1. If you require further clarification on this document, you should contact the Business Manager at your individual academy or the Trust CFO.

DISCIPLINARY POLICY AND PROCEDURE

1. Commitment to equality

1.1. The Trust is committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

2. Definitions

2.1. In this Disciplinary Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

2.1.1. 'Academy' means the local academy within the Trust at which you work and includes all sites upon which the Academy undertaking is, from time to time, being carried out.

2.1.2. 'Board' means the board of Directors of the Trust.

2.1.3. 'Chair' means the Chair of the Board as appointed from time to time.

2.1.4. 'Clerk' means the Clerk to the Board as appointed from time to time.

2.1.5. 'Companion' means a willing work colleague not involved in the subject matter of the disciplinary proceedings against an employee under this Disciplinary Policy and Procedure, or a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet the timescales under this Disciplinary Policy and Procedure.

2.1.6. 'Diocesan Schools Commission' means the education service provided by the diocese in which the Academy is situated, which may also be known, or referred to, as the Diocesan Education Service.

2.1.7. 'Directors' means directors appointed to the Board from time to time.

2.1.8. 'Governing Board' means the body carrying out the employment functions of the Trust in relation to the Academy and such term may include the Board and/or the Local Governing Body of the Academy.

2.1.9. 'Governors' means (if appropriate to the context), the governors appointed and elected to the Local Governing Body, from time to time.

2.1.10. 'Principal / Head Teacher' means the most senior teacher in the Academy who is responsible for its management and administration.

2.1.11. 'Local Governing Body' means (if appropriate to the context), the Governors appointed to carry out specified functions in relation to the Academy as delegated by the Trust.

2.1.12. ‘Misconduct’ means any action or inaction which may contravene the provisions of the employee’s contract of employment, the rules laid down by the Trust and/or any Professional Code of Conduct and Practice. In such cases the Disciplinary Policy and Procedure will apply and the Capability Policy and Procedure may also apply.

2.1.13. ‘Trust’ means the entity responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.

2.1.14. ‘Vice-Chair’ means the Vice-Chair of the Board as elected from time to time.

2.1.15. ‘Working Day’ means any day on which you would ordinarily work if you were a full-time employee. In other words, ‘Working Day’ will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Disciplinary Policy and Procedure.

3. Scope

3.1. This Disciplinary Policy and Procedure applies to you if you are an employee or worker of the Trust (hereinafter referred to as an “employee” or “you”).

3.2. This policy does not form part of any employee’s terms and conditions of employment and is not intended to have contractual effect. The Trust reserves it right to amend this policy at any time.

3.3. The purpose of this policy is to provide a structure to address any issues or concerns that the Trust may have relating to an employee’s conduct.

3.4. An employee is entitled to have access, by arrangement, to their personnel file and to request the deletion of time-expired records in line with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

3.5. The Trust delegates its authority in the manner set out in this policy.

3.6. There may be some occasions where an employee’s lack of capability could also be described as lack of competence. This Disciplinary Policy and Procedure and the Trust’s Capability Policy and Procedure may be used concurrently whilst the Trust endeavours to ascertain if the employee’s lack of capability is due to Misconduct, (for example, where the employee is capable of reaching the required standard but has taken active steps not to do so), or lack of competence.

3.7. There may be occasions where an employee’s conduct could relate to their health. This Disciplinary Policy and Procedure may be used concurrently with the Trust’s Sickness Absence Policy and Procedure. In particular, if an employee is absent from work on sick leave following this Disciplinary Policy and Procedure being invoked, the Trust may use its Sickness Absence Policy and Procedure if it is appropriate in the specific circumstances. The process of managing unsatisfactory behaviour using this Disciplinary Policy and Procedure will not necessarily cease where the employee is absent on the grounds of illness.

3.8. Subject to Section 3 of the Trust’s Grievance Resolution Policy and Procedure, there may be occasions when an employee brings a grievance pursuant to the Trust’s Grievance Resolution Policy and Procedure in connection with actions taken under this Disciplinary Policy and Procedure. This shall not lead to any automatic delay or pause in the conduct of any matters under this Disciplinary Policy and Procedure. In such circumstances, the

employee and the CEO / Principal / Head Teacher, or in the case where the disciplinary matter relates to the CEO / Principal / Head Teacher, the Chair, will meet to discuss whether or not the Disciplinary Policy and Procedure should be suspended whilst the grievance is dealt with. The final decision as to whether or not to suspend the Disciplinary Policy and Procedure in such circumstances will be taken by the CEO / Principal / Head Teacher or the Chair (as appropriate) and their decision shall be final.

3.9. There may be occasions where this procedure needs to be modified, for example to comply with the requirements of the Trust's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the Board at appropriate stages or where an employee has a disability which means that reasonable adjustments need to be made to this procedure. Where the Trust's Child Protection and Safeguarding Policies are invoked, this Disciplinary Policy and Procedure may be suspended until such time as the Trust determines, in its sole discretion, that it is appropriate to resume it.

3.10. The Trust is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this Disciplinary Policy and Procedure. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the community which includes all of the academies within the Trust.

3.11. This Disciplinary Policy and Procedure offers opportunities to ensure justice for teachers, support staff and students alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge of self and others, personal growth and openness.

3.12. The Trust's Appraisal Policy and Procedure and Capability Policy and Procedure do not form part of this Disciplinary Policy and Procedure but relevant information from the appraisal and/or capability process, including Appraisal Reports, may be taken into account in relation to the operation of this Disciplinary Policy and Procedure.

3.13. The management of disciplinary issues and related investigations will be treated in confidence as far as possible by all parties involved at all stages of this Disciplinary Policy and Procedure.

3.14. The Trust will maintain records of all interviews and reviews which take place under this Disciplinary Policy and Procedure for a period of up to 12 months or longer where necessary and where there is an applicable lawful basis under the GDPR for extending the retention period. All data and evidence collected is to be shared between all the relevant parties, including the employee, where there is an applicable lawful basis under the provisions of the GDPR.

4. Informal Advice and Guidance

4.1. Sometimes potential disciplinary issues can be resolved informally in the workplace. This involves drawing the employee's attention to the perceived unsatisfactory conduct, discussing the situation and agreeing an appropriate way forward including any improvement required.

4.2. Your line manager may give you informal advice and guidance at any time about any conduct falling short of the standard expected and, in many cases, the right word at the right time and in the right way may be all that is needed. Where appropriate, support will be provided by your line manager.

4.3. Informal advice and guidance may be provided verbally or in writing but will always be noted in writing on your personnel records. Where informal advice and guidance is provided verbally and noted on your personnel records you will be provided with a copy of the note. The provision of informal advice and guidance may be referred to at a later stage to evidence that an informal approach was attempted and to demonstrate the success or failure of such an approach. The provision of informal advice and guidance is not a disciplinary sanction. Employees have the right to have their response to any informal advice and guidance provided, recorded in writing on their personnel records.

4.4. Failure to comply with any informal advice and guidance provided will not, on its own, be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.

4.5. Consideration will be given to any difficulties which an employee may be facing, and the Trust will provide reasonable support and assistance to help the employee to overcome them. Such support and assistance may include, where appropriate, the Trust seeking appropriate medical or other advice regarding the effective management of any disciplinary issues.

5. Suspension

5.1. In cases where the Investigating Manager (as appointed pursuant to Paragraph 6) considers that it is appropriate (based on their initial findings) the CEO / Principal / Head Teacher, or in the case of a decision regarding the suspension of the CEO / Principal / Head Teacher, the Chair may take the decision to suspend an employee pending the conclusion of the investigation.

5.2. Where the circumstances allow, the employee will be given the opportunity to attend a suspension meeting to respond to the recommendation to suspend before a decision is taken to suspend. This response should not be a response to the disciplinary allegations(s) but a response as to whether suspension is appropriate in the circumstances. The employee may be accompanied by a Companion during the suspension meeting, where practicable.

5.3. A record will be kept of the determined purpose for the suspension for a period of up to 12 months and of any alternatives to suspension that were considered.

5.4. The Principal / Head Teacher must inform the Chair of the suspension. Where it is the CEO / Principal / Head Teacher who has been suspended, the Chair must inform the Board (excluding any staff Directors if there are any).

5.5. The period of suspension referred to in Paragraph 5.1 may be extended, subject to review by the Chair. The reason(s) for extending the suspension along with the length of the extension will be confirmed in writing as soon as is reasonably practicable following a decision to extend being made.

5.6. Only the Board may end a suspension.

5.7. Notification of suspension should ideally be undertaken in person but may, where the circumstances dictate, be notified to the employee in writing. If notification of suspension is undertaken in person, it will be confirmed in writing.

5.8. ACAS suggests that suspension may, whilst investigations are carried out, be appropriate where:

5.8.1. Working relationships have broken down;

5.8.2. gross Misconduct is alleged;

5.8.3. there are reasonable concerns that evidence or witnesses could be prejudiced by the employee's presence during the investigation;

5.8.4. there are responsibilities to other parties;

5.8.5. it is necessary for the protection of students, staff or property; and/or

5.8.6. the presence at work of the employee under investigation may be an obstacle to a proper investigation.

5.9. Suspension does not constitute a disciplinary sanction. It is a neutral act intended to ensure an effective investigation can take place. You will receive full pay and benefits during any period of suspension (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to such absence). Periods of suspension will be as brief as possible and will be kept under review. For periods of suspension lasting 20 Working Days or longer, they will be reviewed at least every 20 Working Days.

5.10. During a period of suspension, the Academy may require that you do not:

5.10.1. attend the Academy at any time (except with the prior agreement of the Principal / Head Teacher or Chair);

5.10.2. communicate in any way with parents, students, Directors, Governors or any other third party connected to the Academy or the Trust except:

5.10.3. with the prior written agreement of the Principal / Head Teacher/Chair; or

5.10.4. where following an investigation you are called to a formal Disciplinary Meeting, when you may then approach parents, students, Directors, Governors or any third party connected to the Academy or the Trust as potential witnesses, but this must be done via the Investigating Manager to avoid any data breach or breach of confidentiality;

5.10.5. discuss the fact of your suspension or the fact, or nature, of the allegations against you with any member of staff except:

5.10.6. with the prior written agreement of the Principal / Head Teacher / Chair;

5.10.7. for communication with your Companion where your Companion is a Trade Union representative;

5.10.8. where you are called to an interview with the Investigating Manager, a Disciplinary Meeting or a suspension meeting, when you approach a Companion who is a colleague; or

5.10.9. where you are called to a formal Disciplinary Meeting you may approach work colleagues as potential witnesses in support of your case, but this must be done via the Investigating Manager to avoid any data breach or breach of confidentiality.

5.11. During periods of suspension, the Trust may suspend your access to your email account and to the Managed Learning Environment (MLE) / Virtual Learning Environment (VLE).

5.12. During periods of suspension, the Trust may take such steps as are necessary to cover your workload.

5.13. During any period of suspension your contractual duties to the Academy and to Trust (whether express or implied) remain in force and enforceable.

5.14. During periods of suspension, the CEO / Principal / Head Teacher, or where it is the CEO / Principal / Head Teacher who has been suspended, the Chair, will appoint an appropriate member of staff, or in the case of the suspension of the CEO / Principal / Head Teacher, a member of the Board, to act as a point of contact for you. This individual will not be able to discuss the disciplinary issue with you but will be responsible for keeping you informed of any relevant workplace developments and maintaining your relationship with the Academy.

6. Investigating, Disciplinary and Appeal Managers

6.1. The table below sets out the persons to be appointed throughout the stages of the disciplinary procedure depending on the person who is the subject of the disciplinary proceedings:

Employee Level	***Investigating Manager***	***Disciplinary Manager***	***Appeal Manager***
CEO / Principal / Head Teacher	Chair or a non-staff Director (other than the Vice-Chair) appointed by the Chair	Directors' Disciplinary Panel appointed by the Vice-Chair	Directors' Appeal Panel appointed by the Vice-Chair
Other Leadership Spine and School Business Manager	Principal / Head Teacher	Directors' Disciplinary Panel appointed by the Chair	Directors' Appeal Panel appointed by the Vice-Chair
Other Teaching Staff	Principal / Head Teacher or a sufficiently senior member of staff appointed by the	Directors' Disciplinary Panel appointed by the Chair	Directors' Appeal Panel appointed by the Chair

	Principal / Head Teacher		
Other Support Staff	Principal / Headteacher or a sufficiently senior member of staff appointed by the Principal / Head Teacher	Directors' Disciplinary Panel appointed by the Chair	Directors' Appeal Panel appointed by the Chair

6.2. In cases relating to any alleged gross Misconduct that would bring the Academy and/or the Trust into disrepute, particularly in relation to its religious character, the Chair may act as Investigating Manager regardless of the level of the employee involved Decisions as to whether the Chair should act in these circumstances will be made by the Chair, whose decision shall be final.

6.3. The chair of the board reserves the right to delegate authority to a responsible, trained person to act on their behalf in investigation and disciplinary meetings where appropriate.

6.4. Trust HR should be consulted prior to any suspension, investigation or disciplinary process is commenced.

6.5.

7. Formal Process

7.1. Step 1 - Investigation

7.1.1. The Investigating Manager will conduct an investigation into the alleged Misconduct in a timely manner. The Investigating Manager should not have any previous involvement in the matter.

7.1.2. The Investigating Manager may appoint any other person from within the Academy and/or the Trust or an external third party to assist in the investigation.

7.1.3. The Investigating Manager will notify you in writing of the fact of the investigation, the allegations made, the terms of reference for the investigation and they will provide you with a copy of this Disciplinary Policy and Procedure. The investigation will include a face-to-face interview with you apart from in exceptional circumstances. In the event of a face-to-face interview, you will be notified at least 5 Working Days beforehand. You may, if you wish, provide a written statement or response to the Investigating Manager.

7.1.4. You are required to co-operate fully with the Investigating Manager to ensure that the investigation can be completed as swiftly and thoroughly as possible and, in any event, within a reasonable timeframe.

7.1.5. At the conclusion of the investigation, the Investigating Manager will produce an Investigation Report setting out, in detail, the allegations made in respect of your conduct, the evidence considered and a recommendation that either:

7.1.5.1. a Disciplinary Manager be appointed, and a Disciplinary Meeting be convened in accordance with Section 7.2 below; or

7.1.5.2. there is insufficient evidence to support the allegations of Misconduct to proceed in accordance with Section 7.2 below and no further action will be taken under this Disciplinary Policy and Procedure; or

7.1.5.3. a Disciplinary Meeting is not required despite evidence to support the allegations of Misconduct, but informal advice and guidance should be issued to you in accordance with the provisions of Section 4 of this Disciplinary Policy and Procedure;

7.1.5.4. there is no case to answer.

7.1.6. In all circumstances, you will be sent a copy of the Investigation Report as soon as is reasonably practicable following the end of the investigation. As a guide, from the time the Investigating Manager begins their investigation, the Investigation Report will normally be produced within 15 Working Days where the matter is straightforward. For allegations of gross Misconduct and more complex cases, the Investigation Report should be produced within 20 Working Days. In very complex or exceptional circumstances, a reasonable timescale will be determined by the Investigating Manager and will be notified to you in writing.

7.2. Step 2 – Disciplinary Meeting

7.2.1. If the Investigation Report contains a recommendation that you must attend a formal disciplinary meeting ("the Disciplinary Meeting") with the Disciplinary Manager appointed, the Investigating Manager will write a letter to you inviting you to the Disciplinary Meeting. Such letter will be sent within 5 Working Days of you being provided with the Investigation Report. If dismissal is a possible outcome this will be stated in the Investigating Manager's letter. The letter shall state that any documentation you wish to rely on must be submitted at least 2 Working Days in advance of the Disciplinary Meeting.

7.2.2. The Disciplinary Meeting shall take place at least 5 Working Days after the date of the Investigating Manager's letter sent to you in accordance with Section 7.1.3 above. Appendix A sets out details of the process that will be followed in any Disciplinary Meeting.

7.2.3. In advance of, and at the Disciplinary Meeting, the Disciplinary Manager shall consider:

7.2.3.1. evidence presented in support of the allegations of Misconduct against you;

7.2.3.2. evidence presented in defence of the allegations of Misconduct against you; and

7.2.3.3. where Misconduct is admitted, whether in whole or in part, any evidence you have in Mitigation.

7.2.4. The Disciplinary Manager may adjourn the Disciplinary Meeting (for a period of up to 15 Working Days) to allow for further investigations in the light of your evidence or any other matter that may arise during the meeting and will reconvene the Disciplinary Meeting to give you an opportunity to comment on any further evidence produced by further investigations. You will be provided with at least 5 Working Days written notice of any reconvened Disciplinary Meeting.

7.2.5. Written or oral evidence can be presented at a Disciplinary Meeting. If written evidence is to be relied upon, you will be provided with it prior to the Disciplinary Meeting and you will be given a reasonable opportunity to comment on it during the Disciplinary Meeting if you attend the meeting. If you do not attend the Disciplinary Meeting, you will be given an opportunity to provide written responses to any written evidence presented.

7.2.6. If oral evidence is heard at the Disciplinary Meeting, you will be given an opportunity to comment on it either by (a) attending the Disciplinary Meeting or (b) reviewing the notes of that oral evidence after the Disciplinary Meeting (if you were not present at the Disciplinary Meeting when such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 Working Days of being provided with the same.

7.2.7. Once all the evidence has been considered, the Disciplinary Manager will confirm the outcome of the Disciplinary Meeting in writing to you within 5 Working Days of the date of the Disciplinary Meeting or any adjourned Disciplinary Meeting, or receipt of your responses to the notes of the oral evidence provided to you in accordance with Section 7.1.5 above (as appropriate) ("the Disciplinary Decision Letter"). The potential outcomes of a Disciplinary Meeting are as follows:

7.2.7.1. the imposition of a formal disciplinary sanction in accordance with Section 8; or

7.2.7.2. that, on balance, there is insufficient evidence to substantiate the allegations made against you and so the disciplinary proceedings will be terminated, and no further action will be taken under this Disciplinary Policy and Procedure; or

7.2.7.3. a formal disciplinary sanction is not required despite evidence to support the allegations of Misconduct, but informal advice and guidance should be issued to you in accordance with the provisions of Section 4 of this Disciplinary Policy and Procedure; or

7.2.7.4. there is no case to answer.

7.3. Step 3 – Appeal

7.3.1. In the event that you are dissatisfied with the decision of the Disciplinary Manager as set out in the Disciplinary Decision Letter, you can appeal to the Appeal Manager provided that you do so in writing to the Clerk within 10 Working Days of the date of the Disciplinary Decision Letter.

7.3.2. Your appeal letter must clearly set out the grounds of your appeal. Your appeal may either be a review of any formal disciplinary sanction imposed or a re-hearing of the case and the Appeal Manager will determine whether your appeal is a review, or a re-hearing based on the content of your appeal letter. The decision of the

Appeal Manager in this regard will be final. When preparing your appeal letter, you may wish to consider the following grounds:

7.3.2.1. that the action taken was unfair;

7.3.2.2. that this disciplinary policy and procedure was applied defectively or unfairly;

7.3.2.3. that new evidence has come to light which was not available when the relevant decision was made by the Investigating Manager or Disciplinary Manager;

7.3.2.4. that the sanction was overly harsh in all the circumstances.

7.3.3. The Appeal Meeting will normally be held within 20 Working Days of your appeal letter being received by the Clerk. You will be given at least 5 Working Days' notice of the Appeal Meeting.

7.3.4. The Appeal Manager may consider any new evidence produced by you which was not available to the Disciplinary Manager.

7.3.5. The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon your reliability in relation to evidence you have already given or if it rebuts any new evidence produced, or any assertions made, by you in your grounds of appeal.

7.3.6. Written or oral evidence can be presented at an Appeal Meeting. If written evidence is to be relied upon, you will be provided with it prior to the Appeal Meeting and you will be given a reasonable opportunity to comment on it during the Appeal Meeting if you attend the meeting. If you do not attend the Appeal Meeting, you will be given an opportunity to provide written responses to any written evidence presented.

7.3.7. If oral evidence is heard, you will be given an opportunity to comment on it either by (a) attending the Appeal Meeting or (b) reviewing the notes of that oral evidence after the Appeal Meeting (if you were not present at the Appeal Meeting where such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 Working Days of being provided with the same. The Appeal Manager will consider all of the evidence provided in order to determine whether the relevant decision was fair and reasonable.

7.3.8. The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 Working Days of the date of the Appeal Meeting, or receipt of your responses to the notes of the oral evidence provided to you in accordance with Section 7.2.6 above (as appropriate). The decision of the Appeal Manager is final and there will be no further right of appeal. The potential outcomes of the Appeal Meeting are that:

7.3.8.1. the Appeal Manager may uphold the decision of the Disciplinary Manager and any formal disciplinary sanction imposed by the Disciplinary Manager will be upheld; or

7.3.8.2. the Appeal Manager may uphold your appeal and overturn the decision of the Disciplinary Manager and any formal sanction imposed by the Disciplinary Manager will be overturned and/or

7.3.8.3. the Appeal Manager may impose a lesser formal disciplinary sanction to that imposed by the Disciplinary Manager.

7.3.9. Should an appeal against dismissal be successful, you will be reinstated with no break in your continuous service.

7.3.10. Trust HR should be consulted prior to an appeal and be present at an appeal taking place or with an appropriate, independent practitioner present at the appeal to advise on process.

7.3.11.

8. Formal Sanctions

8.1. The Disciplinary Manager (and Appeal Manager where appropriate) may impose the following sanctions:

8.1.1. A first written warning. A First Written Warning will remain live for at least **6** months from the date of the First Written Warning. For a first disciplinary offence (ignoring any informal advice and guidance), a First Written Warning will be the normal response unless the Misconduct is serious as set out in Section 8.2.1 below. A First Written Warning will set out the nature of the Misconduct and the change in behaviour needed (with a suitable timescale).

8.1.2. A Final Written Warning. A Final Written Warning will remain live for at least **12** months from the date of the Final Written Warning. A Final Written Warning will normally be given for a second disciplinary offence committed or discovered during the currency of a live First Written Warning (even if that First Written Warning related to a different type of Misconduct, if appropriate in the circumstances).

8.1.3. A Final Written Warning can be given for serious Misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

8.1.4. A Final Written Warning will set out the nature of the Misconduct and the change in behaviour needed (with a suitable timescale). A Final Written Warning will also confirm the consequences of further Misconduct.

8.1.5. Dismissal on Notice. Dismissal on contractual notice may be given for a disciplinary offence (other than an act of gross Misconduct) committed or discovered during the currency of a live Final Written Warning (even if the Final Written Warning related to a different type of Misconduct, if appropriate in the circumstances).

8.1.6. For the avoidance of doubt the notice period commences immediately and does not await the outcome of any appeal.

8.1.7. In the event that your employment is terminated in accordance with Section 8.2:

8.1.7.1. if your contract of employment contains a garden leave clause the Board may exercise that clause so that you are not required to attend the Academy during

the notice period but remain employed and so bound by the terms of your contract of employment until the expiry of the notice period; or

8.1.7.2. if your contract of employment contains a payment in lieu of notice clause the Board may exercise that clause to bring your contract to an end with immediate effect.

8.1.8. Dismissal Without Notice or Termination Payment

8.1.9. Dismissal without notice or termination payment (also known as Summary Dismissal) will only occur if you have committed an act of gross Misconduct or otherwise have destroyed the trust and confidence required between an employee and their employer, in this case between you and the Trust. For the avoidance of doubt, where appropriate, dismissal without notice or termination payment may occur regardless of previous disciplinary history.

8.1.10. For the avoidance of doubt your dismissal takes effect immediately and does not await the outcome of any appeal.

8.2. The following is a **non-exhaustive** list of matters which the Trust considers may amount to gross Misconduct:

8.2.1. Conduct incompatible with, or prejudicial to, the religious character of the Trust and/or the Academy or the precepts or tenets of the Catholic Church.

8.2.2. Conduct that is likely to bring the Trust and / or the Academy or the Church into disrepute

8.2.3. Conduct giving rise to any Child Protection issue including, but not limited to, a change in your DBS status during the course of your employment

8.2.4. Failure to disclose your DBS status / submit to a DBS check where requested to do so by the Principal / Head Teacher and/or the Trust

8.2.5. A serious breach of any relevant code of conduct or professional standards

8.2.6. Theft of any property

8.2.7. Malicious or willful damage to any property

8.2.8. Knowingly or recklessly falsifying, or knowingly or recklessly causing falsification of, any documents whether for personal gain or not

8.2.9. Ordering any goods or services on behalf of the Trust and/or the Academy from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the Board

8.2.10. Dishonesty

8.2.11. Violence to any person

8.2.12. Unlawfully restraining a student

8.2.13. Abusive, threatening or offensive language or behaviour to any person

8.2.14. Discrimination or harassment

8.2.15. Bullying

8.2.16. Disclosing the contents of any live examination paper or assessment in advance to any student or parent

8.2.17. Concealing any actual or attempted cheating by any student or colleague, including participating in or concealing any actual or attempted exam misconduct

8.2.18. Attending work or undertaking duties whilst under the influence of alcohol or unlawful substances

8.2.19. Misuse of the Trust's and/or the Academy's ICT (including internet and email access and breaches of the Trust's social networking policy) to view or distribute obscene, pornographic, defamatory or otherwise unacceptable material

8.2.20. Supplying your personal contact details to a student without express authorisation from the Principal / Head Teacher

8.2.21. Interacting with a student online out of school hours other than through the Managed Learning Environment

8.2.22. Making any sexual or romantic contact with any student whatever the age of the student

8.2.23. Breaching the confidentiality or data protection obligations surrounding the Trust, the Academy, a parent, student, colleague, Director or Governor

8.2.24. Covert recording of any meetings without the knowledge or consent of all persons present

8.2.25. Serious breach of health and safety procedures

8.2.26. Serious negligence (whether or not leading to any actual loss)

8.2.27. Criminal activity during the course of employment

8.2.28. Making a false, malicious or vexatious allegation against the Trust, the Academy, a parent, student, colleague, Director or Governor

8.2.29. Repeated acts of less serious Misconduct which collectively may amount to gross Misconduct.

8.3. In all cases where the formal sanction involves dismissal, the Disciplinary Manager will recommend to the Trust that your employment is terminated in accordance with your contract of employment and the Trust will take steps to terminate your employment.

8.4. Voluntary Demotion as an Alternative to Higher Formal Sanction

8.5. There may be a situation where the Disciplinary Manager considers that a recent promotion or job change has been a contributory factor in your Misconduct.

8.6. Where Section 8.4.1 applies, the Disciplinary Manager may offer you the option of agreeing to voluntarily give up a promotion or job change as an alternative to a higher formal disciplinary sanction. Any such offer shall be made in writing. Should the option of voluntary demotion or job change be accepted this will not need to be a post with equivalent terms and conditions and protection of salary will not apply. For the avoidance of doubt, whether such an offer is made will be at the sole discretion of the Disciplinary Manager. There may be circumstances where it is not appropriate to make such an offer, for example, where there has been a safeguarding issue or where an allegation of bullying has been proven.

9. Directors' Panels

9.1. Directors' Disciplinary and Appeal Panels shall comprise three non-staff Directors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Directors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Directors' Disciplinary or Appeal Panel.

9.2. In the exceptional event that there are insufficient numbers of Directors available to participate in a Directors' Disciplinary or Appeal Panel, the Trust may appoint associate members solely to participate in the appropriate Panel on the recommendation of the Diocesan Schools Commission.

9.2.1. Trust HR should be consulted prior to an appeal and present at an appeal taking place or with an appropriate, independent practitioner present at the appeal to advise on process.

9.3.

10. Companion

10.1. If you are the subject of disciplinary allegations which lead to you being invited to an interview or meeting pursuant to this Disciplinary Policy and Procedure, you may be accompanied at such interview or meeting by a Companion who may be a Trade Union Representative or a colleague.

10.2. You must let the relevant Manager know who your Companion will be at least one Working Day before the relevant interview or meeting.

10.3. If you have any particular reasonable need, for example, because you have a disability, the Academy may agree to you being accompanied by a suitable helper (such as a relative or friend).

10.4. Your Companion can address the relevant interview or meeting in order to:

10.4.1. put your case;

10.4.2. sum up your case;

10.4.3. respond on your behalf to any view expressed at the relevant interview or meeting; and

10.4.4. ask questions on your behalf.

10.4.5. Your Companion can also confer with you during the relevant interview or meeting.

10.4.6. Your Companion has no right to:

10.4.7. answer questions on your behalf;

10.4.8. address the relevant interview or meeting if you do not wish it; or

10.4.9. prevent you from explaining your case.

10.5. Where you have identified your Companion and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the relevant interview or meeting, the relevant interview or meeting will be postponed for a period not in excess of five Working Days from the date set by the Trust to a date and time agreed with your Companion. Should your Companion subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted.

11. Timing of Interviews and Meetings

11.1. The aim is that interviews and meetings under this Disciplinary Policy and procedure will be held at mutually convenient times but depending on the circumstances, interviews and meetings may:

11.1.1. need to be held when you were timetabled to teach (if that is appropriate to your role);

11.1.2. exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation (if that is appropriate to your role);

11.1.3. exceptionally be held after the end of the working day;

11.1.4. not be held on days on which you would not ordinarily work;

11.1.5. be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

11.2. Where an employee is persistently unable or unwilling to attend an interview or meeting without good cause the relevant manager will make a decision on the evidence available.

12. Venue for Interviews or Meetings

12.1. If the allegations are sensitive the relevant Manager may hold the interview or meeting off the Trust premise or Academy site to minimise any distress to the employee.

13. Assistance

13.1. In any case concerning the religious character of the Trust and/or the Academy, the Diocesan Schools Commission must be notified immediately the Trust and/or the Academy becomes aware of the allegations and it may be represented at any relevant interview or meeting to advise the Investigating Manager, Disciplinary Manager or Appeal Manager.

13.2. In all cases involving any disciplinary sanction in relation to the Principal / Head Teacher or to a person on the Leadership Spine, or to potential or actual dismissal of any other member of staff, the Diocesan Schools Commission and/or the Local Authority may send a representative to advise the Disciplinary Manager or Appeal Manager.

14. Trade Union Officers

14.1. The Trust notes and adopts the ACAS Code of Practice's statement "Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement."

15. Referrals

15.1. Where a teacher is dismissed for serious Misconduct (or may have been dismissed for serious Misconduct if the teacher had not resigned) the Trust must consider whether to refer the circumstances to the Teaching Regulation Agency.

15.2. Where a person working for the Trust (whether a teacher or not) is dismissed or would have been dismissed if they had not resigned because that person committed conduct:

15.2.1. Behaved in a way that has harmed a child, or may have harmed a child; and/or

15.2.2. Possibly committed a criminal offence against or related to a child; and/or

15.2.3. Behaved towards a child or children in a way which indicated they may pose a risk of harm to children; and/or

15.2.4. Behaved or may have behaved in a way which indicates they may not be suitable to work with children.

15.3. The Trust must refer that person to the Disclosure & Barring Service ("DBS") and the Teaching Regulation Agency as applicable.

16. Review of this Procedure

16.1. This procedure was produced in September 2013, updated in June 2016, May 2018 and September 2020 by the Catholic Education Service (CES) for use in Catholic Voluntary Academies in England following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church academies subject to the approval of the CES on referral by the relevant Catholic diocese.

DISCIPLINARY POLICY Appendix A

Disciplinary Meeting Process

Introductions

Academy Trust Company representative puts the Academy Trust Company's case and calls the Academy Trust Company's witnesses

Employee questions Academy Trust Company representative and witnesses

Disciplinary Manager questions Academy Trust Company representative and witnesses

Additional questions asked by Employee if necessary

Additional questions asked by the Disciplinary Manager if necessary

Employee puts their case and calls their witnesses

Academy Trust Company representative questions Employee and witnesses

Disciplinary Manager questions Employee and witnesses

Additional questions asked by Academy Trust Company representative if necessary

Additional questions asked by Disciplinary Manager if necessary

Academy Trust Company representative summarises the Academy Trust Company's case

Employee summarises their case

The Disciplinary Manager deliberates in private and provides the outcome to the employee in writing within 5 Working Days of the Disciplinary Meeting

GRIEVANCE POLICY AND PROCEDURE

1. Commitment to Equality

1.1. The Trust is committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

2. Definitions

2.1. In this Grievance Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

2.1.1. 'Academy' means the local academy within the Trust at which you work and includes all sites upon which the Academy undertaking is, from time to time, being carried out.

2.1.2. 'Board' means the board of Directors of the Trust.

2.1.3. 'Chair' means the Chair of the Board as appointed from time to time.

2.1.4. 'Clerk' means the Clerk to the Board as appointed from time to time.

2.1.5. 'Companion' means a willing work colleague not involved in the subject matter of the grievance brought under this Grievance Policy and Procedure, or a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet the timescales under this Grievance Policy and Procedure.

2.1.6. 'Diocesan Schools Commission' means the education service provided by the diocese in which the Academy is situated, which may also be known, or referred to, as the Diocesan Education Service.

2.1.7. 'Directors' means directors appointed to the Board from time to time.

2.1.8. 'Governors' means (if appropriate to the context), the governors appointed or elected to the Local Governing Body, from time to time.

2.1.9. 'Local Governing Body' means (if appropriate to the context), the Governors appointed or elected to carry out specified functions in relation to the Academy as delegated by the Trust.

2.1.10. 'Principal / Head Teacher' means the most senior teacher in the Academy who is also responsible for its management and administration.

2.1.11. 'Resolution Manager' or 'Manager' means a Stage 1 Resolution Manager and/or a Stage 2 Resolution Manager, as the context so requires, appointed in accordance with Paragraph 3 to conduct the formal procedure set out at Paragraph 5.

2.1.12. 'Trust' means the entity responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.

2.1.13. ‘Vice-Chair’ means the Vice-Chair of the Board as elected from time to time.

2.1.14. ‘Working Day’ means any day on which you would ordinarily work if you were a full-time employee. In other words, ‘Working day’ will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Grievance Policy and Procedure.

3. Scope of Procedure

3.1. This Grievance Policy and Procedure is available to you insofar as any grievance relates to your work within the Academy and you are an employee or worker at the Academy (hereinafter referred to as an ‘employee’ or ‘you’).

3.2. The Trust is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this policy. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the Trust community, which includes all of the academies in the Trust.

3.3. This Grievance Policy and Procedure offers opportunities to ensure justice for teachers, support staff and students alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge to self and others, personal growth and openness.

3.4. This procedure **<u>can</u>** be used to:

3.4.1. bring about a resolution to your work-related grievance unless the situation is listed at 1.5 below as falling into a separate procedure;

3.4.2. to raise a grievance in relation to (but not limited to) terms and conditions of employment, health and safety, work relations, bullying and harassment, new working practices, working environment, organisational change and discrimination.

3.5. This procedure **<u>cannot</u>** be used to:

3.5.1. complain about the use of any other procedure or process (e.g. disciplinary, capability, restructuring etc) in relation to you whilst that procedure is being followed unless your complaint relates to the fair implementation of such procedure or process;

3.5.2. appeal against any formal or informal disciplinary sanction;

3.5.3. appeal against any decision to terminate your employment whether on grounds of ill-health, incapacity, redundancy, misconduct, poor performance or other grounds;

3.5.4. appeal against selection for redundancy;

3.5.5. complain about or appeal against any decision relating to pay or grading. Such matters are covered by the Trust’s Pay Policy;

3.5.6. complain about or appeal against any decision relating to your pension. Separate Dispute Resolution Procedures have been set up by the Teachers’ Pension Scheme

and the local fund of the Local Government Pension Scheme;

3.5.7. complain about any matter that forms a collective grievance where the appropriate mechanism is for representations to be made by the appropriate trade union representatives;

3.5.8. complain about any matter which is properly the subject of a statutory consultation process unless your complaint relates to the fair implementation of such process;

3.5.9. complain about matters which have been, or should have been, brought under a separate policy or procedure operated by the Trust, such as the Trust's Complaints policy and procedure or Whistleblowing policy and procedure;

3.5.10. complain about matters which are more than three months old where the grievance has already been dealt with or is no longer relevant or live (though this shall not prevent you referring to matters more than three months old in relation to a grievance which is otherwise live);

3.5.11. raise a safeguarding concern in relation to (a) child(ren) as any such concern should be reported immediately to the Designated Safeguarding Lead or to the Local Authority Designated Officer or appropriate authority as specified in the Trust's Safeguarding Policy.

3.6. An employee is entitled to have access by arrangement to their personnel file and to request the deletion of time-expired records in line with the provisions of the General data Protection Regulation (GDPR) and the Data Protection Act 2018.

3.7. The Trust delegates its authority in the manner set out in this policy.

3.8. The primary purpose of this procedure is to resolve current grievances.

3.9. The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).

3.10. The Trust's focus will, at all times, be on the remedial steps required to resolve a grievance.

3.11. The Trust does not speak of grievances being "against" any particular person but rather of grievances "relating" to a particular person.

3.12. The Trust shall seek to resolve any grievance raised by an employee during their notice period and/or garden leave period, using this policy.

3.13. There may be occasions where this procedure needs to be modified to comply with the requirements of the Trust's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the Trust at appropriate stages or where an employee has a disability which means that reasonable adjustments need to be made to this procedure. Where the Trust's Child Protection and Safeguarding Policies are invoked, this Grievance Policy and Procedure may be suspended until such time as the Local Governing Body determines, in its sole discretion, that it is appropriate to resume it. All modifications will be discussed with the employee.

3.14. Subject to Section 3.5.1 and 3.5.2, there may be occasions when an employee brings a grievance pursuant to this Grievance Policy and Procedure in connection with actions taken

under the Trust's Disciplinary Policy and Procedure. This shall not lead to any automatic delay or pause in the conduct of any matters under the Trust's Disciplinary Policy and Procedure. In such circumstances, the employee and the Principal / Head Teacher, or in the case where the disciplinary matter relates to the Principal / Head Teacher, the Chair, will meet to discuss whether or not the Trust's Disciplinary Policy and Procedure should be suspended whilst the grievance is dealt with. The final decision as to whether or not to suspend the Disciplinary Policy and Procedure in such circumstances will be taken by the Principal / Head Teacher or the Chair (as appropriate) and their decision shall be final.

4. Informal Resolution

4.1. The Trust encourages employees to resolve grievances informally and without recourse to the formal grievance wherever possible.

4.2. Before raising a formal grievance under this procedure, you should try to resolve the matter informally either through your line manager, the Principal / Head Teacher or, where possible, with the other party.

4.3. Where there is scope to reach a resolution informally, various strategies will be discussed with you, and you may wish to suggest possible strategies that may assist in reaching informal resolution.

4.4. Examples of informal action might include engaging in informal discussions with you; introducing team building sessions; offering team training; mediation sessions or other appropriate options depending on the specific circumstances of the grievance. Where a grievance is raised informally, in order to reach a resolution, you will need to be able to explain what outcome you are seeking.

4.5. Following an informal resolution meeting, you will be provided with a note of the meeting, and you will have an opportunity to provide written comments on the note of the meeting prior to it being included in your personnel file.

4.6. If an employee does not feel that there is a reasonable prospect of resolving their grievance informally and/or if attempts to do so have been unsuccessful, they may invoke the formal grievance resolution procedure.

5. Resolution Managers

6. The Resolution Manager should, apart from in exceptional circumstances, be someone not personally involved in the matter which is the subject of the grievance and will be appointed in accordance with the table below depending on the subject matter of the grievance:

Your grievance relates to	**Stage 1 Resolution Manager**	**Stage 2 Resolution Manager**
Students, parents or staff (other than the Principal / Head Teacher)	The Principal / Head Teacher	Chair or another non-staff Director / Governor nominated by the Chair
The Principal / Head Teacher	The Chair	Directors'/Governors' Appeal Panel appointed by the Vice-Chair

A Director/Governor or Directors/Governors (other than the Chair)	The Chair	Directors'/Governors' Appeal Panel appointed by the Vice-Chair of Governors (or the Clerk if the matter relates to the Vice-Chair)
The Chair (or a group of Directors / Governors including the Chair)	The Vice Chair or another non-staff Director / Governor (other than the Chair) nominated by the Clerk (in consultation with the Diocesan Schools Commission)	Directors' / Governors' Appeal Panel appointed by the Vice-Chair (or the Clerk if the matter relates to the Vice-Chair)
The whole body of Directors/Governors	A representative of the Diocesan Schools Commission	A panel appointed by the Diocesan Schools Commission

7. Powers of Resolution Managers

7.1. As part of the resolution of a grievance raised under the formal procedure at Section 7 below, a Resolution Manager will carry out an investigation into the allegations made by the employee in their Form GRP1 and/or GRP2 (as described in Section 7 below) or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting.

7.2. As part of the resolution of a grievance raised under the formal procedure at Section 7 below, a Resolution Manager may, where they reasonably believe that such action will result in a partial or full resolution of the grievance:

7.2.1. Request an independent investigation be carried out into the allegations made by the employee in their Form GRP1 and/or GRP2 (as described in Section 7 below) or as a result of anything discussed at a Stage 1 Resolution Meeting or a Stage 2 Resolution Meeting. The Clerk will appoint the independent investigator within 5 Working Days of a request by the Resolution Manager to do so;

7.2.2. Make a recommendation that the employee who has raised the grievance attend independent mediation with any other party who is the subject of the grievance;

7.2.3. Recommend any other reasonable course of action.

7.3. Nothing in this Section 6 shall prejudice the Trust's general right to deal with grievances with the assistance specified in Section 13.

8. Formal Grievance – Stage 1

8.1. If you have not been able to resolve a problem through informal discussions in accordance with Section 4, you must use Form GRP1 (see Appendix 1) and submit it to the Clerk. The Clerk will acknowledge receipt of your Form GRP1 within 3 Working Days of receipt by the Clerk.

8.2. The Clerk will formally appoint a Stage 1 Resolution Manager following the guidance in

Section 5 above.

8.3. The Stage 1 Resolution Manager will arrange to meet with you as soon as possible to discuss your grievance. This meeting is a Stage 1 Resolution Meeting and will normally be held within 10 Working Days of the Stage 1 Resolution Manager receiving your completed Form GRP1 from the Clerk. You will be informed of the date of the Stage 1 Resolution Meeting in writing. At the Stage 1 Resolution Meeting, the Stage 1 Resolution Manager will ask you to explain the nature of your grievance and will invite you to suggest how it might be resolved. The Stage 1 Resolution Manager will then discuss the matter with you with a view to understanding how your grievance might be resolved. Stage 1 Resolution Meetings may be adjourned if the Stage 1 Resolution Manager, in their sole discretion, determines that further investigations are required in order to resolve the grievance. If a Stage 1 Resolution Meeting is adjourned the reconvened meeting will be arranged once the further investigation is complete and you will be provided with at least 5 Working Days' notice in writing of the date of the reconvened meeting.

8.4. The Stage 1 Resolution Manager will aim to confirm the outcome of the Stage 1 Resolution Meeting in writing to you within 5 Working Days of the date of the Stage 1 Resolution Meeting ("the Stage 1 Resolution Letter"). The outcome of your grievance will be set out in the Stage 1 Resolution Letter as follows:

8.4.1. your grievance is upheld, and you will be told what action will be taken; or

8.4.2. your grievance us partially upheld and you will be told what action will be taken; or

8.4.3. your grievance is not upheld.

8.5. You will be provided with a copy of the notes from the Stage 1 Resolution Meeting with the Stage 1 Resolution Letter.

9. Formal Grievance - Stage 2 (Appeal)

9.1. In the event that you are not satisfied with the outcome of the Stage 1 Resolution Meeting as set out in the Stage 1 Resolution Letter, you can appeal by sending a completed Form GRP2 (see Appendix 2) to the Clerk within 5 Working Days of the Stage 1 Resolution Letter being sent to you. The Clerk will acknowledge receipt of your Form GRP2 within 3 Working Days of receipt by the Clerk

9.2. The Clerk will formally appoint a Stage 2 Resolution Manager (who will not be the Stage 1 Resolution Manager) following the guidance in Section 5 above.

9.3. The Stage 2 Resolution Manager will arrange to meet with you as soon as possible to discuss your appeal. This meeting is a Stage 2 Resolution Meeting and it will normally be held within 10 Working Days of receiving your completed Form GRP2 from the Clerk. You will be informed of the date of the Stage 2 Resolution Meeting in writing.

9.4. The Stage 2 Resolution Manager will confirm the outcome of the Stage 2 Resolution Meeting in writing to you within 5 Working Days of the date of the Stage 2 Resolution Meeting ("the Stage 2 Resolution Letter"). The decision of the Stage 2 Resolution Manager is final and there will be no further right of appeal. The outcome of your appeal will be set out in the Stage 2 Resolution Letter as follows:

9.4.1. your appeal is upheld, and you will be told what action will be taken; or

9.4.2. your appeal is not upheld.

9.4.3. You will be provided with a copy of the notes from Stage 2 Resolution Meeting with the Stage 2 Resolution Letter.

10. Directors' / Governors' Appeal Panel

10.1. The Directors' / Governors' Appeal Panel shall comprise two or three non-staff Directors / Governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Directors / Governors not previously involved in the matter, in which case the Chair and / or Vice-Chair may be appointed to a Directors' / Governors' Appeal Panel.

10.2. In the exceptional event that there are insufficient numbers of Directors/Governors available to participate in the Directors' / Governors' Appeal Panel, the Trust may appoint associate members to solely participate in the Directors' / Governors' Appeal Panel on the recommendation of the Diocesan Schools Commission.

11. Companion

11.1. You may be accompanied at any meeting held pursuant to this policy by a Companion (including any informal resolution meetings and mediation meetings).

11.2. You must let the relevant Resolution Manager know who your Companion will be at least one Working Day before the relevant Resolution Meeting.

11.3. If you have any particular reasonable need, for example, because you have a disability, the Academy may agree to you being accompanied by a suitable helper (such a relative or friend).

11.4. Your Companion can address the Resolution Meeting in order to:

11.4.1. put your case;

11.4.2. sum up your case;

11.4.3. respond on your behalf to any view expressed at the Resolution Meeting; and

11.4.4. ask questions on your behalf.

11.5. Your Companion can also confer with you during the meeting.

11.5.1. Your Companion has no right to:

11.5.2. answer questions on your behalf;

11.5.3. address the meeting if you do not wish it; or

11.5.4. prevent you from explaining your case.

11.6. Where you have identified your Companion and they have confirmed in writing to the relevant Resolution Manager that they cannot attend the date or time set for the Resolution Meeting, the relevant Resolution Manager will postpone the Resolution Meeting

for no more than five Working Days from the date set by the Academy to a date or time agreed with your Companion. Should your Companion subsequently be unable to attend the rearranged Resolution Meeting, the Resolution Meeting may be held in their absence or written representations will be accepted.

12. Confidentiality and Transparency

12.1. Proceedings and records of any grievance will be kept as confidential as possible, but you must appreciate that circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis.

12.2. A grievance you raise could result in the instigation of disciplinary action in respect of another employee and, to protect the confidentiality of that process, the Trust may not be able to inform you of the fact of the disciplinary process or of the disciplinary action which has been taken as a result of your grievance, if any.

12.3. The parties should not disclose the fact or content of any grievance to any employee or third party without the express consent of the Resolution Manager (except that you are allowed to approach a prospective Companion). Failure to comply with this clause may render you liable to disciplinary action under the Trust's Disciplinary Policy and Procedure.

12.4. At the conclusion of your grievance, and after any related disciplinary or other processes have been completed, a report will be presented to the non-staff Directors/Governors at a full meeting of the Governing Board as a confidential item.

13. Timing of Meetings

13.1. The aim is that meetings under this Procedure will be held at mutually convenient times but depending on the circumstances may:

13.1.1. need to be held when you were timetabled to teach (if that is appropriate to your role);

13.1.2. exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation (if this is appropriate to your role);

13.1.3. exceptionally be held after the end of the working day;

13.1.4. not be held on days on which you would not ordinarily work;

13.1.5. be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

13.2. Where an employee is persistently unable or unwilling to attend a meeting without good cause the Resolution Manager will make a decision on the evidence available.

14. Venue for Resolution Meetings

14.1. If your grievance raises sensitive issues, the relevant Resolution Manager may hold the meeting off the Trust's premises or Academy site.

15. Assistance

15.1. Where a formal grievance relates to a matter concerning the religious character of the Trust, your completed Form GRP1 and any other relevant information will be sent by the Trust to the Diocesan Schools Commission who may appoint an adviser to assist the Trust in responding to your grievance.

15.2. In all cases the Trust may seek assistance from the Diocesan Schools Commission.

16. False, Vexatious or Malicious Grievances

16.1. Making a false, vexatious or malicious grievance under this procedure is a serious disciplinary offence which could result in dismissal for gross misconduct. If the Resolution Manager believes the grievance is false, malicious or vexatious, a new investigation under the Trust's Disciplinary Policy and Procedure will take place. The fact that an allegation has not been substantiated following a formal investigation should not mean that it will be automatically considered false, malicious or vexatious.

17. Public Interest Disclosure/Whistleblowing

17.1. You should be aware that a grievance may, in certain cases, amount to a protected disclosure under the Employment Rights Act 1996 (please see the Trust's Whistleblowing Policy and Procedure for further details). You will not be allowed to raise the same matter under both this policy and the Trust's Whistleblowing Procedure.

18. Protection from Victimisation

18.1. This Grievance Policy and Procedure allows staff to seek to resolve grievances without fear of reprisal, victimisation, or disadvantage.

19. Review of This Procedure

19.1. This procedure was produced in September 2013, updated in June 2016, May 2018 and October 2020 by the Catholic Education Service (CES) for use in Catholic Voluntary Academies in England following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church academies subject to the approval of the CES on referral by the relevant Catholic diocese.

GRIEVANCES - APPENDIX 1

FORM GRP1

Submitted by	**Name:**	
	Job Title:	

I wish to formally complain about the behaviour, conduct or decisions of:

- ☐ Parents
- ☐ Students
- ☐ Staff (other than the Principal / Headteacher)
- ☐ Principal / Headteacher
- ☐ A Director/Governor or Directors/Governors (other than the Chair of the Board)
- ☐ The Chair of the Board (or a group of Directors/Governors including the Chair)
- ☐ The Directors as a whole

The details of my complaint are *(where possible please identify dates, times and names)*:

EITHER I have attempted to resolve my grievance informally by (please detail your attempts at informal resolution) **OR** I have not attempted to resolve this matter informally because (*delete where appropriate*):

In considering my grievance, I ask you to consider speaking to the following:

In considering my grievance, I ask you to look at the following attached documents:

In considering my grievance, I ask you to look for the following documents:

The outcome I am seeking to resolve this grievance is:

During the period in which you investigate my grievance, I would like you to consider taking the following steps (if any):

My grievance does/does not* include a complaint that I am subject to discrimination, bullying or harassment (If necessary provide relevant information).

My grievance does/does not* include a complaint that raises a child protection issue (if necessary provide relevant information).

I will/will not* need special help at my Resolution Meeting (If necessary provide relevant information).

My companion at the Stage 1 Resolution Meeting will be:

My companion cannot attend a Resolution Meeting on the following dates/times:

I have read the Grievance Policy and Procedure and I am aware that false, malicious or vexatious grievances may result in disciplinary action against me for gross misconduct. I am aware that this GRP1 may be forwarded to the Diocesan Schools Commission and/or to the Designated Person for Child Protection (as appropriate). I am aware that a report on the outcome of this grievance will be submitted to the Directors.

Signed:

Print name:

Date:

OFFICE USE ONLY

Received by Clerk to Board on:

Stage 1 Resolution Manager:

Received by Stage 1 Resolution Manager:

Resolution Meeting held:

Refer to DSC: YES/NO

Refer to Designated Person CP: YES/NO

GRIEVANCE - APPENDIX 2

FORM GRP2

Submitted by	**Name:**	
	Job Title:	
Stage 1 Resolution Manager:		

I wish to formally appeal against the Stage 1 Resolution Manager's decision.

I attach:

☐ A copy of my Form GRP1

☐ The Stage 1 Resolution Letter

I disagree with the Stage 1 Resolution Letter because:

I want the Stage 2 Resolution Manager to:

I will/will not* need special help at the Stage 2 Resolution Meeting (if necessary provide relevant information).

My companion at the Stage 2 Resolution Meeting will be:

My companion cannot attend a Resolution Meeting on the following dates/times:

I have read the Grievance Policy and Procedure and I am aware that false, malicious or vexatious grievances may result in disciplinary action against me for gross misconduct. I am aware that my GRP1 and this GRP2 may be forwarded to the Diocesan Schools Commission and/or to the Designated Person for Child Protection (as appropriate). I am aware that a report on the outcome of this grievance will be submitted to the Directors.

Signed:	
Print name:	
Date:	

OFFICE USE ONLY

Received by Clerk to the Board on:

Stage 2 Resolution Manager:

Received by Stage 2 Resolution Manager:

Resolution Meeting held:

WHISTLEBLOWING POLICY AND PROCEDURE

1. Introduction

1.1. The Trust is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with their contractual obligations and the its policies and procedures from time to time in force.

1.2. This policy reflects the Trust's current practices and applies to every individual working for irrespective of their status, level or grade. It therefore includes, the Principal / Head Teacher, Heads of Department, members of the Senior Leadership Team, governors, trustees, members, directors, employees, consultants, contractors, trainees, volunteers, home-workers, part-time or fixed-term employees, casual and agency staff (collectively referred to as "you**"** and "staff" in this policy) who are advised to familiarise themselves with its content.

1.3. As a public service organisation, the Trust will use public funds prudently and apply the highest standards of conduct throughout the organisation. This procedure encourages you to help maintain these standards, by enabling you to draw attention, within the Trust, to any concerns which you may have. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur. Public disclosure may well be justified at some point, but this should not happen before the Trust has had the opportunity to investigate the concern. Premature or unnecessary publicity may damage the Trust's reputation and impede proper investigations.

1.4. The aims of this policy are:

1.4.1. To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;

1.4.2. To provide staff with guidance as to how to raise those concerns;

1.4.3. To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

2. What is Whistleblowing?

2.1. Whistleblowing is the disclosure of information which relates to suspected malpractice, wrongdoing or dangers at work. The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and is intended to protect staff that "blow the whistle" on bad practice from being subjected to any detriment or unfairly dismissed as a result.

2.2. To qualify for the protection outlined in Paragraph 2.1, you must provide information of a concern that you reasonably believe shows a category of wrongdoing set out in the law; reasonably believe that the concern is in the public interest and raise your concern in accordance with this policy.

2.3. Examples of concerns that may be raised under the procedure are:

2.3.1. Criminal Activity

2.3.2. Child protection and/or safeguarding concerns (including radicalisation of students)

2.3.3. Miscarriages of justice

2.3.4. Danger to Health and safety

2.3.5. Damage to the environment

2.3.6. Failure to comply with any legal or professional obligation or regulatory requirements

2.3.7. Bribery or corruption

2.3.8. Financial fraud or mismanagement

2.3.9. Misconduct in public office and/or conduct likely to damage the Trust's reputation or financial wellbeing

2.3.10. Negligence

2.3.11. Breach of internal policies and procedures

2.3.12. Unauthorised disclosure of confidential information

2.3.13. Any other unethical or illegal conduct

2.3.14. The deliberate concealment of any of the above matters.

2.4. These acts may be in the past, present or future, so that, for example, a disclosure qualifies if it relates to criminal activity that has happened, is happening or is likely to happen.

2.5. A whistle-blower is a person who raises a genuine concern that they believes is in the public interest relating to any of the above. The Trust wants normal management channels to be sufficiently open and effective for most concerns to be raised that way, but recognises that this will not always be appropriate or possible. The Trust therefore has a Confidential Reporting Procedure, which offers the means to raise concerns you which reasonably believe are in the public interest and tends to show certain types of wrongdoing in regard to the conduct of staff, governors/elected members or other people acting on behalf of the Trust.

2.6. The procedure does not cover concerns that would be best dealt with by other procedures. For example, an employment problem may well be covered by the Trust's Grievance Procedure. The Whistleblowing policy should not be used for complaints relating to your own personal circumstances, such as the way you may have been treated at work. In those cases, you should submit a concern under the Grievance Policy and Procedure or Harassment and Bullying Policy as appropriate.

2.7. If you are uncertain as to whether you concern is within the scope of this policy, you should seek advice before taking action.

3. Confidentiality

3.1. The Trust hopes that all staff will feel able to voice whistleblowing concerns openly under this policy. Your concern will be treated in strict confidence, within this Procedure, and the Trust will endeavour to keep your identity secret in so far as is possible (if this is what you want). If it is necessary for anyone investigating your concern to know your identity, the Trust will discuss this with you first. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered support.

3.2. Although a concern may be made anonymously, the Trust encourages staff to put their name to their allegation whenever possible. Concerns that are expressed completely anonymously are much less powerful and proper investigation may be much more difficult or even impossible. It is also much more difficult to establish whether any allegations are credible and to protect your position or to give feedback on the outcome of investigations.

3.3. The Trust will consider anonymous concerns at its discretion, taking into account factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

3.4. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed *below* and appropriate measures can then be taken to preserve confidentiality.

3.5. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Protect	Helpline: **020 3117 2520**
(Independent whistleblowing charity)	E-mail: whistle@protect-advice.org.uk Website: www.pcaw.org.uk

4. Raising a Concern

4.1. The Trust hopes that in many cases, you will be able to raise any concerns with your Line Manager or Principal / Head Teacher speaking to them in person or putting the matter in writing if you prefer. Together, you may be able to agree a way of resolving the concern quickly and effectively.

4.2. Where your concern is regarding potential poor or unsafe practice or potential failures in the Trust's safeguarding regime, you should raise this initially with your Line Manager.

4.3. However, where the matter is more serious, or your Line Manager or Principal / Head Teacher has not addressed the concern or you would prefer not to raise it with them for any reason, then you should contact one of the following:

4.3.1. A governor with responsibility for whistleblowing matters

4.3.2. The Trust CEO

4.3.3. A trustee

5. Who to approach?

5.1. Below is guidance on who to contact in the first instance when raising a whistleblowing concern:

Concerns regarding	**To be raised with**
Employee	Line Manager
Line Manager	Principal / Head Teacher
Principal / Head Teacher	Chair of Governors
Direct Trust employees	CEO
CEO	Chair of the Board
Governors	Chair of the Board
Directors	Chair of the Board
Chair of the Board	Director of Schools, Diocese of Shrewsbury

5.2. Depending on the nature of the concern the Local Authority Designated Officer (LADO) may also be informed.

6. How to Raise your Concern

6.1. You can raise your concern orally (i.e., face to face or over the phone) or in writing. If you write, mark the envelope 'personal and confidential'. Whichever way you choose, please give as much information as you can. Remember also to give your name, job and where you work and say if you do not want to be contacted at work (if so, give your home address and/or a private phone number).

6.2. The following headings may help you organise your thoughts, but you do not have to follow them exactly:

6.2.1. The nature of the concern

6.2.2. Any background or history of the concern (giving dates where possible)

6.2.3. Why you are concerned

6.2.4. Why you believe your concern to be true

6.2.5. Any other procedures which you have already used – and what happened

6.2.6. The people who are involved and where they work

6.2.7. The names and jobs of any other people who will (or may) support your concern.

6.3. The earlier a concern is raised the better. Whilst you will not be expected to prove that

allegations are true, you will need to show that you have a reasonable basis for your concern.

6.4. The Trust will take a down a written summary of the concern raised and provide you with a copy as soon as practicable after the meeting. The Trust will also aim to give you an indication of how it proposes to deal with the matter.

7. Investigation and Outcome

7.1. After the meeting, the Trust will carry out an initial assessment to determine the scope of any investigation required. The Trust will inform you of the outcome of this assessment. You may be required to attend additional meetings in order to provide further information of the concerns you have raised.

7.2. In some cases, the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter (this may include externally appointed persons). The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

7.3. The Trust will aim to keep you informed of the progress of the investigation and its likely timescale. It will endeavour to complete its investigation within a reasonable timeframe. However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the investigation or any disciplinary action or other action taken as a result. You are required to treat any information about the investigation as strictly confidential.

7.4. If the Trust concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may (where they are an employee) be subject to disciplinary action under the Disciplinary Policy and Procedure.

8. Involvement of your Trade Union or Professional Association

8.1. You may ask your trade union or professional association to raise a matter on your behalf or advise you on how to articulate the case yourself. In this case – if you wish – you can remain anonymous when the concern is first raised, but you may have to be involved personally if the matter goes further.

8.2. You may also be accompanied at any meetings under this procedure by a trade union representative, a member of a professional association or a work colleague at any meeting or interview.

9. Personal Support

9.1. The Trust will do all it can to minimise any difficulties that you may have because you have raised a concern. As far as the Trust can, you will be offered personal support, and this will be arranged by the Principal / Head Teacher. For example, if you had to give evidence in disciplinary or criminal proceedings, full advice about the procedure would be given to you.

10. If You are Not Satisfied with the Trust's Response

10.1. Whilst the Trust cannot always guarantee the outcome you are seeking, it will try to deal

with the concern fairly, professionally and in an appropriate way. If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts outlined above.

11. External Disclosures

11.1. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. The Trust expects that in almost all cases, raising a concern internally would be the most appropriate course of action and you should not find it necessary to alert anyone externally.

11.2. However, if, for whatever reason, you feel you cannot raise your concern internally and you reasonably believe the information and any allegations are substantially true, the law recognsied that in some circumstances it may be appropriate for you to report your concern another prescribed person, such as a police, a regulator or professional body. It will rarely, if ever, be appropriate to alert the media. The Trust strongly encourages staff to seek advice from the independent whistleblowing charity, Protect, whose details are set out earlier in this policy. Protect has a list of prescribed bodies for reporting certain types of concerns and is able to provide advice with regards to whistleblowing and making a protected disclosure.

11.3. Where your concern is regarding the Trust's safeguarding practices, and you feel unable to raise it internally or have concerns about the way in which your concern has been or is being handled by the Trust, you may contact the National Society for the Prevention of Cruelty to Children (NSPCC) on their advice line (020 028 0285 – open from 8.00 am to 8.00 pm Monday to Friday) or by e-mail (hekp@nspcc.org.uk) or in writing to NSPCC, Weston House, 42 Curtain Road, London EC2A 3NH.

11.4. Whistleblowing concerns usually relate to the conduct of the Trust's staff, but they may sometimes relate to the actions of a third party, such as a service provider. In some circumstance, the law will protect you if you raise the matter with the third party. However, you are encouraged to report such concerns internally first. You should contact one of the internal contacts set out in this policy, or Protect, for guidance.

12. Protection and Support for Whistleblowers

12.1. It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust is committed to good practice and high standards and aims to encourage openness. The Trust will support Staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

12.2. Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager or your Principal / Head Teacher immediately. If the matter is not remedied to your satisfaction, you should raise it formally using the Grievance Policy and Procedure.

12.3. No member of staff must threaten or retaliate against an individual who has raised a concern in any way. The Trust will not tolerate any such harassment or victimisation, and anyone involved in such conduct will be subject to disciplinary action.

12.4. To ensure the protection of all staff, those who raise a concern frivolously, maliciously

and/or for personal gain and/or make an allegation they do not reasonably believe to be true and/or made in the public interest will also be liable to disciplinary action.

12.5. All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Principal / Head Teacher in the first instance.