

# Harrow academies – HR policies

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## Introduction

High quality staff are essential to the success of every school. The Harrow academies intend to be outstanding employers, recruiting and developing the best staff for the benefit of students.

As outstanding employers the academies require HR policies that are:

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

These policies will be reviewed annually.

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

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

These policies are operational from:

- 1 January 2013 for policies 1 – 8
- 1 April 2013 for policies 9 and 10
- 1 January 2014 for policies 11 – 15.

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## Definitions

Throughout the policies, these terms have the following meanings:

Child Protection Officer	The Senior Leader who is designated to take lead responsibility for dealing with child protection issues
Business Manager	The member of staff with responsibility for support services, including HR
Employee / Member of staff	Any individual employed by the Academy Trust
Headteacher	The Headteacher of the academy (referred to as the Principal in the Articles of Association of the Academy Trust)
HR Advisor	The individual or organisation providing support to the Manager, Senior Leader, Headteacher or Governing Body
Manager	The Manager of an employee
Senior Leader	Any member of the Leadership Group, as defined by the School Teachers' Pay and Conditions Document, or the Business Manager in cases involving support staff. Senior Leaders will only be permitted to issue formal warnings if they have been appropriately trained for that task and have been given delegated authority from the Headteacher specifically to issue such warnings.
Support staff/ Associate Staff	Those staff employed by the Academy whose terms and conditions are covered by the National Joint Council for Local Government Services condition of service. (the "Green Book")

## Roles and Accountabilities

The Governing Body is accountable for all policies of the Academy Trust. It will:

1. Approve the staffing establishment for the academy
2. Approve the HR policies for the academy
3. Approve the delegations for HR functions

The Headteacher is responsible for the implementation of all policies of the Academy Trust.

All employees of the Academy Trust are subject to the HR policies.

All employees, governors, contractors, volunteers and supply staff are subject to the expectations set out in the Code of Conduct.

The Headteacher will ensure that:

- these policies are available to staff electronically
- new staff are made aware of the policies as part of their induction
- any individual who is subject to the formal stages of any policy will receive a copy of that policy within the papers for the first formal meeting under the procedures of the relevant policy

## Common Principles

All employment policies approved since January 2012 are non-contractual.

The following principles apply to all policies:

- **Trade Union Officials:** All staff are equally subject to the policies. Where an employee is an elected traded union representative, wherever possible the circumstances of the case will be discussed with the relevant professional trade union officer before any formal action is taken, such discussion to take place without undue delay. For the avoidance of doubt, suspension is not a formal action.
- **Confidentiality:** All employees must treat as confidential any information relating to a case being conducted under any of these policies, including Appraisal documentation. The employee, and anyone accompanying the employee (including witnesses) must not make electronic recordings of any meetings or hearings conducted under any of these policies. Failure to observe confidentiality could be a reason for disciplinary action.
- **Probation:** All employees who are within their probationary period shall be managed in accordance with the conditions of their contract and in accordance with the Probation policy.
- **Equalities:** The Academy Trust is an equal opportunity employer and will not discriminate against staff on the basis of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. We will take appropriate steps to accommodate the requirements of different religions, cultures and domestic responsibilities and ensure that our policies are operated and monitored in accordance with Equalities legislation.
- **Investigative role of the Headteacher:** The Headteacher may delegate their investigate role under any policy to another Senior Leader where this is considered appropriate and is in accordance with the Scheme of Delegation of the Academy Trust. An external investigating officer may be appointed if deemed appropriate in the circumstances.
- **Formal Meetings:** The following procedural expectations apply to all Formal Meetings between an employee and Senior Leader / Headteacher / Governing Body panel under the Disciplinary and Capability policies:
  - The employee will be given at least ten working days notice of the meeting; the meeting may be postponed for up to five working days in certain situations (see 'Right to Postpone' in this section)
  - The employee will be provided with written information relating to the reason for and purpose of the meeting, a copy of the relevant HR policy that the meeting is being held within, copies of any documentation that will be considered, and names of any witnesses being called by the Academy
  - At least two working days before the meeting, the employee will provide copies of any papers that they will refer to and the names of any witnesses that they will call
  - The employee will be able to be accompanied by a Trade Union representative or a workplace colleague
  - The meeting will be chaired by someone who has not had previous involvement in the specific case (a Senior Leader, Headteacher, or Governor as appropriate), and they may be supported by the HR Advisor. If the Headteacher is the employee who is subject to the hearing, the Academy's case will be brought by the Chair of the Governing Body who may remain throughout the meeting if someone other than the Chair of the Governing Body presents the case.

- The meeting will usually proceed in the following order, unless otherwise confirmed in writing prior to the meeting:
  - The Academy representative (Investigating Officer, Senior Leader, or Headteacher) may make an opening address outlining the case. If the Academy's case is presented by someone other than the Investigating Officer, the Investigating Officer may remain in the hearing throughout with the Academy's representative.
  - The Academy representative will call each witness in turn so that
    - The witness is asked questions
    - The employee and their representative has the opportunity to question the witness
    - The Academy's representative may ask the witness questions of clarification
    - The Senior Leader / Headteacher / Governor Panel conducting the hearing has the opportunity to question the witness
  - Each witness withdraws after giving evidence, except the Academy representative who is a witness and presents the outcome of the investigation.
  - The employee's representative may make an opening address outlining the employee's case
  - The employee's representative will call each witness in turn so that
    - The witness is asked questions
    - The Academy representative has the opportunity to question the witness
    - The employee's representative may ask the witness questions of clarification
    - The Senior Leader / Headteacher / Governor Panel conducting the hearing has the opportunity to question the witness
  - Each witness withdraws after giving evidence, except that the employee who has been a witness to their own case has the right to remain throughout the hearing procedure.
  - The Academy representative and employee's representative shall have the opportunity to sum up their case if they so wish
  - Both parties then withdraw
  - The Senior Leader / Headteacher / Governor Panel conducting the hearing, together with the HR advisor, is to deliberate in private, only recalling the parties to clarify points of uncertainty on evidence already given. If recall is necessary both parties are to return, notwithstanding that only one may be concerned with the point under clarification. The HR advisor shall provide technical and procedural advice and shall not vote on the matter.
  - The Senior Leader / Headteacher / Governor Panel conducting the hearing is to announce the decision to both parties at the close of the proceedings whenever possible. The decision will be confirmed in writing soon afterwards.

- Where the decision is to dismiss or to give a formal written warning the employee will be advised of their right of appeal against the decision.
- **Representation at formal meetings:** The Employment Relations Act 1996 give workers and employees a statutory right to a “companion” at a formal hearing who can be a trade union representative or a fellow worker. Although there is no legal right to be accompanied at informal meetings there are times when this will be considered and such requests will not be unreasonably refused. An employee may choose to represent themselves, and in this situation the employee may be questioned as a witness.
- **Right to postpone formal meetings:** An employee may seek to postpone a formal meeting in order to have more time to consider his/her position, because of ill health or because of non-availability of his/her chosen companion. If an employee’s representative cannot attend on the intended date, the employee must suggest another date within 5 working days of the original date.
- **Formal warning and dismissal decisions:** The Scheme of Delegation of the Academy Trust delegates the power to dismiss to the Headteacher, and these policies enable Senior Leaders to issue formal warnings up to and including final warnings. There may be occasions, however, where the Headteacher considers that it would be more appropriate for either of the following:
  - For formal warnings to be issued by the Headteacher rather than a Senior Leader. If this is the case, any meeting that may result in dismissal would be heard by a Governors Panel rather than the Headteacher, and any appeal would be heard by Governors who had not been involved in the initial dismissal hearing.
  - If the formal warnings were issued by a Senior Leader, the Headteacher may still decide that a meeting that may result in dismissal should be heard by a Governors Panel rather than the Headteacher. If this is the case, any appeal would be heard by Governors who had not been involved in the initial dismissal hearing.

If either of these situations is the case, the Headteacher shall confirm this to the employee. If the meeting that may result in dismissal is heard by a Governors Panel, the Headteacher may be the investigating officer and / or may present the case to the Governors Panel. The Governors Panel would consist of three Governors in normal circumstances (this may be reduced with consent from the employee), and these Governors could not then be involved in any subsequent Appeal Panel.

- **Appeals against formal warning decisions:** The employee has a right of appeal against a written warning. The procedure is as follows:
  - Appeals against formal warnings should be made in writing to the Clerk to the Governing Body within 10 working days of the receipt of the written decision, and must include the grounds for appeal.
  - The appeal hearing will be held as soon as possible after receipt of the appeal. The purpose of the appeal hearing is to review the decision that was originally made and to decide if this decision was reasonable in all the circumstances, to review any procedural irregularities and to consider specifically the stated grounds of appeal.
  - The appeal will be heard by:
    - The Headteacher, for a First Written Warning issued by a Senior Leader
    - An Appeals Panel of the Governing Body for a First Written Warning issued by the Headteacher, and for any Final Written Warnings. The number of governors on the Appeals Panel of Governors will usually be three, none of whom shall have had any previous involvement in the specific case.
  - The Panel shall be advised by a HR Advisor.
  - The Panel can either confirm the warning, reduce a final warning to a warning or cancel the warning.

- **Appeals against dismissal decisions:** The employee has a right of appeal against a decision to dismiss. Appeals against dismissal should be made in writing to the Clerk to the Governing Body within 10 working days of the receipt of the written decision, and must include the grounds for appeal. The appeal hearing will be held as soon as possible after receipt of the appeal. The purpose of the appeal hearing is to review the decision that was originally made, to review any procedural irregularities and to decide if this decision was reasonable in all the circumstances, and to consider specifically the stated grounds of appeal. The appeal will be heard by an Appeals Panel of the Governing Body. The number of governors on the Appeals Panel of Governors will not usually be less than three, none of whom shall have had any previous involvement in the specific case. The Panel shall be advised by a HR Advisor. The Appeal Panel may decide to issue a warning or a final warning rather than dismiss, and may decide that any warning may last for a specified period longer than the original twelve months of any previous final warning, if appropriate. There is no right of appeal against such a decision of the Appeal Panel of the Governors. In the event that the Appeal Panel decides not to uphold decision to dismiss, the notice of dismissal shall be immediately withdrawn or the employee will be reinstated, on terms agreed by the panel, if the dismissal has already taken effect.
  
- **Monitoring of operation of Policies/ procedures:** The Academy Trust will work towards developing an equality profile of staff to help it understand key equality issues in the workforce, including any evidence of pay gaps or 'occupational segregation' i.e. staff with certain protected characteristics being over-represented in particular roles. In addition, the Trust notes that it is likely to be useful to collect and consider information, appropriately disaggregated, in relation to:
  - recruitment and promotion
  - numbers of part-time and full-time staff
  - pay and remuneration
  - training
  - return to work of women on maternity leave
  - return to work of disabled employees following sick leave relating to their disability
  - appraisals
  - grievances (including about harassment)
  - disciplinary action (including for harassment)
  - dismissals and other reasons for leaving.

# 1. Code of Conduct

All employees, governors, contractors, volunteers and supply staff as appropriate to the role and/or job description of the individual are subject to DBS checks and must:

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

This Code is split into two sections:

- Part A: Relationships with students
- Part B: Expectations of staff

## 1.1. Part A: Relationships with students

Part A applies to all employees, governors, contractors, volunteers and supply staff.

### Introduction

This Safer Care Code of Conduct ('the Code') sets out the professional standards expected and the duty upon staff, governors and volunteers to abide by it. All staff, governors and volunteers have a duty to keep pupils safe, promote their welfare and to protect them from sexual, physical and emotional harm. This duty is, in part, exercised through the development of respectful, caring and professional relationships between adults and pupils and behaviour by adults that demonstrate integrity, maturity and good judgment. Following this Code will help to safeguard staff, governors and volunteers from being maliciously, falsely or mistakenly suspected or accused of misconduct in relation to pupils.

Staff, governors and volunteers must feel able to raise issues of concern and everyone must fully recognise the duty to do so particularly in terms of child protection or safeguarding. Adults have a duty to report any child protection or welfare concerns to a designated member of staff in school. Anyone who has concerns should raise them with a Senior Leader without delay. A member of staff who, where they have a genuine concern, "whistleblows" or makes a public interest disclosure through appropriate channels will have the protection of the relevant legislation.



This Code cannot provide an exhaustive list of what is, or is not, appropriate behaviour for staff, governors or volunteers. However, it does highlight behaviour that is illegal, inappropriate or inadvisable in relation to pupils. Adults are expected to make decisions or take action in the best interests of the pupil where no specific guidance has been given.

Any employee who is found to have committed a breach of this Code may be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The governing body will take a strict approach to serious breaches of this Code. Volunteers/ Contractors found to be in breach of this code will be dealt with appropriately. The Academy may prohibit access to the site and make referrals to the necessary organisations/ authorities where a serious breach of this code is considered to have occurred.

Where an allegation of abuse is made against a member of staff the governing body will take into account the guidance set out in the recent version of Keeping Children Safe in Education, where it is alleged that a member of staff, a governor or volunteer has:

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

This Code takes account of the most recent version of the following guidance (statutory and non-statutory) set out in 'Keeping Children Safe in Education' Department of Education ('DfE') (statutory), Working together to safeguard children' HM Government statutory) and 'Guidance for safer working practice for those working with children and young people in education settings' (non-statutory).

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

A relationship between an adult and a child or young person is not a relationship between equals; the Adult has a position of power or influence. There is potential for exploitation and harm of vulnerable young people and all Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Adults must not use their status or position to form or promote relationships with children (whether current pupils or not), that are of a sexual nature, or which may become so. Adults should maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report any incident with this potential.

Any sexual behaviour or activity by a member of staff, governor or volunteer with or towards a child or young person (including Sixth Form students known to the adult as a result of the adult's employment) is illegal. Children and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether there is consent or not. Where a person aged 18 or over is in a specified position of trust with a child or young person under 18 years, the Sexual Offences Act 2003 makes it an offence for that person to engage in sexual activity with or in the presence of that child or to cause or incite that child to engage in or watch sexual activity.

Sexual behaviour includes non-contact activities, such as causing a child or young person to engage in or watch sexual activity or the production of indecent images of children. 'Working Together to Safeguard Children', defines sexual abuse as "forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening'.

Staff, governors and volunteers must not have sexual relationships or any form of communication which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, texts, electronic mail, phone calls, social networking contact or physical contact with a person with whom they are in position of trust. The adult must not make sexual remarks to, or about, a child or young person or discuss their own sexual relationships with or in the presence of pupils. Staff, governors and volunteers must take care that their language or conduct does not

give rise to comment or speculations. Attitudes, demeanour and language all require care and thought.

There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child or young person, and manipulate that relationship so that sexual abuse can take place. Staff, governors and volunteers must be aware that conferring special attention without good reason or favouring a pupil has the potential to be construed as being part of a 'grooming' process, which is a criminal offence.

Behaving in an unsuitable way towards children may result in disqualification from childcare under the Childcare Act 2006, prohibition from teaching by the Teaching Regulation Agency (TRA), a bar from engaging in regulated activity, or action by another relevant regulatory

### **Infatuations and Crushes**

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

Examples of situations which must be reported are given below:

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

### **Gifts**

All individuals covered by this Code must not give personal gifts to individual pupils. This could be misinterpreted as a gesture either to bribe, or single out the young person. It might be perceived that a 'favour' of some kind is expected in return. Any reward given to a pupil should be consistent with the school's behaviour policy, recorded, and not based on favouritism. Small value gifts that are given equally to a group of pupils (such as to a form group at the end of a year) are permitted.

### **Social Contact and Social Networking**

Communication between pupils and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones text messaging, emails, digital cameras, videos, web-cams and other hand held devices, websites social media such as Facebook, Twitter, Instagram, chat-rooms, forums, blogs, apps such as Whatsapp, gaming sites and blogs. Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child/young person, other than that which might be appropriate as part of their professional role. They should ensure that all communications are transparent and avoid any communication that could be interpreted as 'grooming behaviour'. If a pupil seeks to establish social contact, or if this occurs coincidentally, the adult should report the contact to a Senior Leader and not engage in ongoing communication.

Staff and volunteers must not give their personal contact details such as home/mobile phone number; home or personal e-mail address or social networking details to pupils.

It is recommended that staff ensure that all possible privacy settings are activated to prevent students from making contact on personal profiles and to prevent students from accessing photo albums or other personal information which may appear on social networking sites.

If staff encounter pupils through common membership of off-site organisations they are reminded to consider their professional obligations and also to familiarise themselves with the Child Protection Policy of the other organisation.

Adults are personally responsible for what they communicate in social media and must bear in mind that what is published might be read by us, pupils, parents and carers, the general public, future employers and friends and family for a long time. Adults must ensure that their on-line profiles are consistent with the professional image expected by us and must not post material which damages the reputation of the Academy or which causes concern about their suitability to work with children and young people. Those who post material which may be considered as inappropriate could render themselves vulnerable to criticism or, in the case of an employee, allegations of misconduct which may be dealt with under the Disciplinary Procedure. Even where it is made clear that the writer's views on such topics do not represent those of the Academy, such comments are inappropriate.

Adults are advised not to have any online friendships with any young people under the age of 18, unless they are family members or close family friends. Adults are advised not to have online friendships with parents or carers of pupils, or members of the governing body/trustees. Where such on line friendships exist, Adults must ensure that appropriate professional boundaries are maintained.

It is acknowledged that Adults may have genuine friendships and social contact with parents or carers of pupils, independent of the professional relationship. Adults should, however, inform senior management of any relationship with a parent/carer where this extends beyond the usual parent/carer/professional relationship; advise senior management of any regular social contact they have with a pupil or parent/carer, which could give rise to concern; inform senior management of any requests or arrangements where parents/carers wish to use their services outside of the workplace e.g. babysitting, tutoring; and Adults should always approve any planned social contact with pupils or parents/carers with senior colleagues, for example when it is part of a reward scheme. If a parent/carer seeks to establish social contact, or if this occurs coincidentally, the Adult should exercise his or her professional judgment and should ensure that all communications are transparent and open to scrutiny.

Some employees may, as part of their professional role, be required to support a parent or carer. If that person comes to depend upon the employee or seeks support outside of their professional role this should be discussed with senior management and where necessary referrals made to the appropriate support agency.

### **Physical Contact and Personal Privacy**

There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role. When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity, culture and background. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one pupil in one set of circumstances may be inappropriate in another, or with a different pupil.

Physical contact should never be secretive or casual, or for the gratification of the adult, or represent a misuse of authority. If a member of staff or volunteer believes that an action could be

misinterpreted, the incident and circumstances should be reported as soon as possible in the school's incident book, and, if appropriate, a copy placed on the child/young person's file.

Physical contact, which occurs regularly with a pupil or pupils, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review. Where feasible, staff should seek the pupil's permission before initiating contact. Staff should listen, observe and take note of the pupil's reaction or feelings and – so far as is possible - use a level of contact which is acceptable to the pupil for the minimum time necessary.

There may be occasions when a distressed pupil needs comfort and reassurance. This may include age-appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation. Adults should always tell a colleague when and how they offered comfort to a distressed pupil. Where a member of staff has a particular concern about the need to provide this type of care and reassurance s/he should seek further advice from a Senior Leader.

Some staff, for example, those who teach PE and games, or who provide music tuition will on occasions have to initiate physical contact with pupils in order to support a pupil so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the pupil's agreement. Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment. Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the pupil

All parties should clearly understand from the outset what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers informed of the extent and nature of any physical contact may also prevent allegations of misconduct arising. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent/carer.

Pupils are entitled to respect and privacy when changing clothes or taking a shower. However, there needs to be an appropriate level of supervision in order to safeguard pupils, satisfy health and safety considerations and ensure that bullying or teasing does not occur. This supervision should be appropriate to the needs and age of the pupils concerned and sensitive to the potential for embarrassment.

Staff with a job description which includes intimate care duties will have appropriate training and written guidance including a written care plan for any pupil who could be expected to require intimate care. Staff should adhere to the Academy's intimate and personal care policies. No other member of staff or volunteer should be involved in intimate care duties except in an emergency. A signed record should be kept of all intimate and personal care tasks undertaken and, where these have been carried out in another room, include times left and returned. Employees should not assist with personal or intimate care tasks which the pupil is able to undertake independently.

### **Behaviour Management and Physical Intervention**

All pupils have a right to be treated with respect and dignity. Corporal punishment is unlawful in all schools. Staff and volunteers must not use any form of degrading treatment to punish a pupil. The use of sarcasm, demeaning or insensitive comments towards pupils are not acceptable in any situation. Deliberately intimidating pupils by shouting aggressively, hectoring or overbearing physical presence is not acceptable in any situation. Any sanctions or rewards used should be part of the behaviour management policy.

Physical intervention can only be justified in exceptional circumstances. Non-statutory guidance is available from the Department of Education website. See 'Use of reasonable force - advice for Head Teachers, Staff and Governing Bodies'. Adults may legitimately intervene to prevent a pupil

from committing a criminal offence, injuring themselves or others, causing damage to property, engaging in behaviour prejudicial to good order and to maintain good order and discipline. Adults should have regard to the health and safety of themselves and others. It is always unlawful to use force as a punishment. The use of unwarranted physical force is likely to constitute a criminal offence.

Where a pupil has specific needs in respect of particularly challenging behaviour, a positive handling plan, including a risk assessment, should be put in place and agreed by all parties. Where it is judged that a pupil's behaviour presents a serious risk to themselves or others, a robust risk assessment that is regularly reviewed and a physical intervention plan, where relevant, must be put in place. All incidents and subsequent actions should be recorded and reported to a manager and the pupil's parents/carers. Where it can be anticipated that physical intervention is likely to be required, a plan should be put in place that the pupil and parents/carers are aware of and have agreed to. Parental consent does not permit the use of unlawful physical intervention or deprive a pupil of their liberty. The Academy has separate policies on Behaviour Management and the Use of Physical Intervention, any use of physical intervention must be in accordance with the school policy.

### **First Aid and Medication**

All schools must have trained first aiders/appointed persons. Staff must have had the appropriate training before administering first aid or medication except in an emergency.

The Academy has a separate policy on supporting pupils with a medical condition. Employees should have regard to the statutory guidance 'Supporting pupils at school with medical conditions' DfE December 2015, which includes advice on managing medicines. All settings must have an adequate number of qualified first aiders/appointed persons. Employees must have had the appropriate training and achieved the necessary level of competency before administering first aid or medication, or taking on responsibility to support pupils with medical conditions. If an Adult is concerned or uncertain about the amount or type of medication being given to a pupil this should be discussed with the Designated Safeguarding Lead.

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

### **One to One Situations and Meetings with Pupils**

One to one situations have the potential to make children/young persons more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with pupils may also be more vulnerable to unjust or unfounded allegations being made against them. Staff must recognise this possibility and plan and conduct such meetings accordingly. Every attempt should be made to ensure that the safety and security needs of both staff and pupils are met. Where such a meeting is demonstrably unavoidable it is advisable to avoid remote or secluded areas of the school and to ensure that the door of the room is left open and/or visual/auditory contact with others is maintained. Any arrangements should be reviewed on a regular basis.

Pre-arranged meetings with pupils on the school site that are not part of official school activities are not permitted unless written approval is obtained from their parent/ guardian and the Headteacher or other senior colleague with delegated authority. Official school activities include revision or extension classes that may take place before / after a school day, at weekends, or during school holiday periods.

No individual covered by this Code should hold any pre-arranged meeting with a student off-site without the written permission of the Headteacher.

### **Transporting Pupils**

In certain situations e.g. out of school activities, staff, governors or volunteers may agree to transport pupils. Transport arrangements should be made in advance by a designated member of staff. Transport should be provided other than in private vehicles, with at least one adult additional to the driver acting as an escort, unless there are exceptional circumstances.

Adults should ensure that their behaviour is safe and that the transport arrangements and the vehicle meet all legal requirements. They must ensure that the vehicle is roadworthy and appropriately insured and that the maximum capacity is not exceeded. It is a legal requirement that all passengers wear seatbelts and the driver should ensure that they do so. The driver should be aware of the current legislation concerning the use of car seats for younger children where applicable. It is illegal to drive using hand-held phones or similar devices and the driver must ensure that they adhere to all driving regulations.

It is inappropriate for staff to offer lifts to a child or young person outside their normal working duties, unless this has been brought to the attention of the Manager and has been agreed with parents/carers.

There may be occasions where the child or young person requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a Senior Leader and parents/carers.

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

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

### **Curriculum**

Many areas of the curriculum can include or raise subject matter which is sexually explicit, or of an otherwise sensitive nature. Care should be taken to ensure that resource materials cannot be misinterpreted and clearly relate to the learning outcomes identified by the lesson plan. This plan should highlight particular areas of risk and sensitivity.

The curriculum can sometimes include or lead to unplanned discussion about subject matter of a sexually explicit or otherwise sensitive nature. Responding to pupils' questions can require careful judgement and staff must take guidance in these circumstances from a senior member of staff. Staff and volunteers must not enter into or encourage inappropriate discussion about sexual activity or behaviour or, discussions which may offend or harm others. Adults should take care to protect children from the risk of radicalisation and should act in accordance with advice given under Part 1 of Keeping Children Safe in Education DfE and accordingly must not express any prejudicial views or, attempt to influence or impose their personal values, attitudes or beliefs on pupils.

Please refer to the School's policy on sex and relationships education.

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

Any taking or recording of images must be in accordance with the school's safeguarding policy and procedures.

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

All staff, governors and volunteers must share any concerns and report incidents in accordance with the guidance set out in Keeping Children Safe in Education (DfE). The following is a non-exhaustive list of behaviours which must be shared with a Senior Leader. An adult who:

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

## **1.2. Part B: Expectations of staff**

### **Teachers Standards**

The following is taken from the Teachers Standards, however all employees and supply staff are expected to follow the guidance outlined below.

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

### **Dress**

All students are expected to dress to a high standard at all times and the same is expected of those individuals covered by this Code. All those covered by this Code must ensure that they present themselves in ways which are appropriate to their role and not likely to be viewed as offensive, revealing or sexually provocative and specifically should not distract, cause embarrassment or give rise to misunderstanding, should be culturally sensitive and free of any political or otherwise contentious slogans, must not be considered to be discriminatory, and must not pose a health and safety risk. Work wear for staff should be that which would be acceptable within a professional office environment or which is appropriate for the subject being taught or work being undertaken.

### **Equipment**

Computers – Staff will be issued with a password to access the academy Intranet and the internet. Staff are responsible for the use of any laptop provided to them for the better performance of their duties and should therefore be careful about who has access to their password and machine.

Mobile Phones – Staff should not use their mobile phones during lessons and should not make or receive calls at any time that they are supervising students, unless in an emergency situation.

All usage of electronic equipment must be in accordance with the school's Acceptable Use Policy.



Other equipment – Any items belonging to the Academy must remain available to be used by staff and students as necessary. Staff will be responsible for the safe keeping of equipment loaned to them by the Academy.

Personal property of a sexually explicit nature such as books, magazines, CDs, DVDs or such material on any electronic media must not be brought onto or stored on the school premises or on any school equipment.

### **Internet and social networking**

Social networking sites and blogging are popular. Staff, governors and volunteers must not post material which damages the reputation of the school or which causes concern about their suitability to work with children and young people. Those who post material which may be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct which may be dealt with under the school's disciplinary procedure.

Under no circumstances should adults access inappropriate images in school or on school equipment outside school. Deliberately accessing pornography on school equipment will be treated as gross misconduct and may be a criminal offence. Accessing indecent images of children on the internet, and making, storing or disseminating such material, is illegal and is likely lead to criminal prosecution and may result in barring from work with children and young people.

### **Time Keeping and Attendance**

Staff should be ready to receive students at the scheduled start time for sessions as well as making sure students are not dismissed before the appropriate end of session time. Support staff should be ready to commence work at the beginning of their contracted hours and not conclude work until the end of those hours.

### **Honesty and Integrity**

Staff must maintain high standards of honesty and integrity in their work. This includes the handling and claiming of money and the use of school property and facilities.

### **Conduct Outside Work**

Staff must not engage in conduct outside work which could damage the reputation and standing of the employee, the academy, or other members of the school community.

Staff are required to comply with our code of conduct and the National Teacher Standards (as amended from time to time and where applicable). Adults are required to notify the Academy immediately of any allegation/s of misconduct that are of a safeguarding nature made against them (or implicating them), by a child or adult in relation to any outside work or interest (whether paid or unpaid) and, of any arrest or criminal charge whether child related or not. Where employees fail to do so, this will be treated as a serious breach of this Code and dealt with under our Disciplinary Procedure.

Staff should be careful to ensure that nothing they say or do brings the Academy's name into disrepute.

The Disciplinary policy outlines examples of actions or offences that may be regarded as misconduct / gross misconduct.

## **Confidentiality**

Where staff have access to confidential information about students or their parents or carers, staff must not reveal such information except to those colleagues who have a professional role in relation to the student and advice should be sought prior to disclosure to ensure such disclosure is in accordance with the Data Protection Act 2018, The Education (Pupil Information) Regulations 2005 (maintained schools), The ICO 'Guide to Data Protection' and the ICO guide on 'How to Disclose Information Safely'. In circumstances where the pupil's identity does not need to be disclosed the information should be used anonymously. The Disciplinary policy outlines examples of actions or offences that may be regarded as misconduct / gross misconduct.

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

If a pupil or parent/carer makes a disclosure regarding abuse or neglect, the Adult must follow the Academy's procedures and the guidance as set out in Keeping Children Safe in Education DfE. Confidentiality must not be promised to the pupil or parent/carer however reassurance should be given that the information will be treated sensitively.

If an Adult is in any doubt about the storage or sharing of information s/he must seek guidance from the Designated Safeguarding Lead. Any media or legal enquiries must be passed to senior management.

## **Smoking/Alcohol**

Alcohol may not be consumed during working hours when the school is in session; any consumption of alcohol on school trips must be in accordance with school policy. Staff are not permitted to smoke on the school premises or grounds. It is expected that staff will attend for work in a fit state to carry out their duties. The Disciplinary policy outlines examples of these and other actions or offences that may be regarded as misconduct/ gross misconduct.

## **Use of Cars**

Staff registration numbers are held on the database and it is important that staff inform administration if their number changes. For their own protection, staff should never give lifts to students without approval from a Senior Leader, other than in the situations covered in 0.

All staff who are attending courses or meetings on behalf of the academy or as part of their professional development must ensure that they have the appropriate insurance in place.

## **Relationships with other staff**

All staff are entitled to feel safe and secure at work and be free from intimidation or bullying behaviour. Staff are therefore expected to show professional courtesy and respect at all times to others working within the academy.

Should a member of staff feel that the above guideline has not been followed they should raise the matter with their Manager or in the case where this involves the Manager with the member of staff senior to them. If the matter is not resolved at this stage reference may be made to the grievance procedures.

## **Parental Contacts**

The academy has an expectation that staff will act swiftly and professionally at all times. This is particularly important where parents have contacted the Academy with a concern or complaint relating to the education of their child. The aim at the Academy is to make a return call on the same day as the original contact was made, even if in the first instance this is just a holding call. Where an error has been made we should look to apologise and correct the mistake as soon as possible. Investigations should be carried out promptly and effectively with parents informed of the outcome as soon as is practical. Where an ongoing investigation may take some time, due to a student or member of staff being absent for example, parents should be informed and given a date by which the investigation will be completed.

## **Gifts and hospitality**

Employees must not, either directly or indirectly, accept any gift, reward or benefit from any member of the public or any organisation with whom they are brought into contact by reason of their duties, other than:

1. Small gifts of a modest value or of a promotional or advertising nature, e.g. calendars, diaries, mugs, inexpensive pens or other similar items;
2. Small gifts offered during official authorised hospitality, e.g. gifts on the conclusion of any courtesy visit of a type normally given by that organisation;
3. Small gifts by students or parents. Where appropriate such gifts shall be shared between teams.

All other gifts must be declined or returned.

Employees should exercise discretion in offering and accepting hospitality and consider how it might be viewed by others. Hospitality should not be accepted from any organisation likely to or having a commercial relationship with the academy. In all instances where an employee wishes to accept hospitality they must seek written approval from a Senior Leader, except where the hospitality is either that of a minimum common courtesy, or where the hospitality is being offered to all the delegates and forms an integral part of a conference or seminar.

All gifts, and offers of gifts, or offers of hospitality (except where approval is not required), even those that have been declined, over the value of £50 must be declared to the Business Manager.

## **Conflicts of Interests and external employment**

Staff must declare in writing to the Business Manager:

1. Any relationships of a business or private nature with any outside organisation that has a relationship with the Academy
2. If they become aware that the Academy is entering into a contract in which they have a direct interest
3. If they engage or supervise or work with contractors and have previously had or currently have some form of connection in a private, social, domestic or work / professional capacity

The Business Manager will be responsible for managing any conflicts of interests that arise.

You must receive the permission of the Headteacher prior to undertaking any paid work outside of the school. Staff must not provide private tuition to students from the school.

**Promoting Equality of Opportunity and Diversity**

All staff are expected to work to eliminate discrimination, promote equality of opportunity and promote good relations. All members of the Academy should be treated with respect and you should provide all with a high quality service appropriate to their needs.

**Disciplinary Action**

Failure to meet appropriate standards of behaviour and conduct may result in disciplinary action, including dismissal.

## **2. Recruitment**

The academy wishes to recruit outstanding staff. The focus will therefore be upon ensuring that the new post is well considered and attractive, that a high quality field is attracted, and that the selection methods allow applicants to demonstrate their suitability for the post to ensure that the right applicant is appointed.

The appointment of all employees will be made on merit and in accordance with the provisions of Employment Law, Keeping Children Safe In Education statutory guidance and the Academy's Equality and Diversity Policy. Applicants will be evaluated solely on the basis of their abilities and potential, regardless of race, colour, nationality, ethnic origin, religious or political belief or affiliation, trade union membership, age, gender, gender reassignment, marital status, sexual orientation, disability, socio-economic background, or any other inappropriate distinction.

This policy applies to recruitment to all permanent, temporary or acting posts.

### **2.1. Delegation of Appointments**

The Governing Body delegates the approval for appointment in accordance with their Scheme of Delegation.

The Headteacher may not delegate the final decision of appointment to any other Senior Leader or governor.

Where the appointment to be made is of a Headteacher the Chair of Governors will undertake the roles ascribed to the Headteacher in this policy and may consult the other high school Headteachers in Harrow for advice in obtaining appropriate professional support in the appointment process.

### **2.2. Confirming a vacancy exists**

The Governing Body will approve the staffing establishment for the academy in accordance with its Scheme of Delegation.

When a vacancy appears to exist (whether this is the result of an additional post being established or a current postholder leaving that post) the Headteacher or nominated Senior Leader will consider how to best meet the needs of the academy. This may involve replacing a post 'like for like', recruiting to a different type of role, or a restructuring of service delivery.

The Headteacher will update the Governing Body regarding the staffing establishment and consult with the recognised unions where appropriate.

### **2.3. Agreeing the post and process**

Once the Headteacher or Senior Leader has confirmed that there needs to be recruitment to a vacancy that is within the approved staffing establishment, the Headteacher will agree the job description and person specification for the post.

All newly created support staff posts will be evaluated in accordance with the Greater London Provincial Council Job Evaluation Scheme.

The Headteacher will determine the most appropriate recruitment and advertisement route, bearing in mind the overall objective to recruit a high quality field of applicants. The vacancy may be filled:

- Following internal advertisement only, although this would normally not be considered appropriate for Senior Leader posts
- Following advertisement within the Harrow family of schools
- Following external advertisement
- Following advice from recruitment consultants.

In cases of internal advertisement there will be at least five working days for applications to be made, with at least ten working days for applications following advertisement within the Harrow family of schools or externally.

The Headteacher will ensure that a Selection Panel is established for the recruitment process. This Selection Panel will include at least three members of staff, one of whom will be the Manager of the new post. The Selection Panel for Senior Leaders should include Governor representation. The Selection Panel will agree who is the Chair of the Panel.

## **2.4. Information for Applicants**

All applicants for all vacant posts advertised internally or externally will be provided with:

- Notification that the appointment is subject to an enhanced DBS check, a prohibition check (for teachers only), confirmation of ID, the ability to work in the UK, satisfactory references and medical clearance.
- A Job Description outlining the duties of the post and an indication of where the post fits into the organisational structure of the school
- A Person Specification indicating the qualifications, skills and types of experience or expertise required for the post.
- An Application Form.
- Information about the School and Other General Information:
  - a description of the school relevant to the vacant post.
  - a statement about access to the school for applicants who may wish to see it or who may wish to consult the Headteacher before making an application.
  - a statement that canvassing any member of staff, or member of the Governing Body, directly or indirectly, is prohibited and will be considered a disqualification.
  - reference to the school's policy on Equality and Diversity.
  - reference to the legislation concerning the Protection of Children.
  - the name of any person who will be available to provide additional information about the post.
  - the closing date for the receipt of applications.
  - salary level of the post.
  - outline of terms of employment including salary.

## **2.5. Short Listing**

Short listing will be the responsibility of the Selection Panel identified for the post.

The Selection Panel will take up two references on each short listed candidate. References will, where appropriate, include the applicant's current employer.

References shall be taken up by the person delegated to receive the application. References are the "property" of the selection panel and strict confidentiality will be observed. References will be sought set against the requirement of the job description and person specification and information regarding issues relating to child protection. If a candidate for a post working with children is not currently employed as a teacher, a reference will be sought from the most recent employment working with children to confirm details of their employment and their reasons for leaving.

References are the "property" of the selection panel and strict confidentiality will be observed. Employer testimonials or 'bearer references' i.e. those provided by the candidate and/or marked 'to whom it may concern' will not be accepted. References must be in writing and be specific to the job for which the candidate has applied. The selection panel will not accept references from relatives or people writing solely in the capacity as a friend of the candidate for any post. References will be verified and any discrepancies will be discussed with the candidate at interview.

Short listing will be based only on substantial information. The job description and the person specification will be used to set the criteria and standards for inclusion on the long list and for reducing this to the shortlist of candidates to be invited for interview.

The criteria for selection will be consistently applied to all applicants.

If the field of applicants is felt to be weak the post may be re-advertised.

## **2.6. Selection methods**

For each vacancy, the Selection Panel will design a selection process that will enable applicants to demonstrate their competence for the role that they have applied for. It is expected, therefore, that the selection process may consist of one or more of the following methods.

At least one member of the Selection Panel will have received Safer Recruitment Training.

**The notes taken and documentation used in the selection methods will form part of the formal record of why candidates were or were not selected and will be retained for one year; after that time they will be destroyed. Under the Data Protection Act 2018, applicants have the right to request access to notes written about them during the recruitment process.**

**Interviews**  
The format, style and duration of the interviews are matters for the Selection Panel to decide but the following will be adhered to:

Briefing: All candidates will be given relevant information about the school to enable the candidate to make further enquiries about the advertised job.

The formal interview: Before the interviews the selection panel will agree on the interview format. The questions asked will be aimed at obtaining evidence of how each candidate meets the criteria listed on the person specification and each candidate will be assessed against all of the criteria for the post. The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on grounds of the following protected characteristics under the Equality Act 2010 will be asked:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The interview will also deal with the issues of safeguarding children with each candidate and include a discussion of any convictions, cautions or pending prosecutions, other than those protected, that the candidate has declared and are relevant to the prospective employment.

Before the interviews the Selection Panel will decide a procedure for evaluating the candidates at the end of the interviews.

Before the interviews the Selection Panel will decide the structure of the interview, determining which area each interviewer will cover and the approximate time allocation.

### **Other potential methods**

The selection process may, if the Selection Panel considers it appropriate for the role being recruited to, involve one or more of the following:

- Observed teaching or Assembly delivery
- Group exercises
- Technical exercises
- Psychometric testing
- Exercises or interviews with students

## **2.7. Offer of Appointment by the Selection Panel**

The Selection Panel will determine whether to recommend to the Headteacher that the post is offered to any of the applicants; the Headteacher will make the final decision about whether to offer the post and who any offer should be made to.

Any offer of appointment by the selection panel, which is accepted either verbally or in writing, is binding on both parties subject to staff qualification requirements, evidence of the right to work in the UK, satisfactory DBS Disclosure, pre-employment medical screening and two satisfactory references. The successful candidate will be informed, normally by offer letter, that the appointment is subject to satisfactory completion of these checks.

The pre-employment checks listed above must be completed before the employee starts work. Exceptions will only be made in circumstances where a risk assessment has been undertaken. Exceptions will never be made in the case of the Barred List and Teacher Prohibition checks.

## **2.8. Feedback**

On request from the applicant, feedback will be provided to all short-listed applicants, outlining the areas that they performed well in and the areas that the academy felt they needed to improve in to have been successful. This feedback will be provided either verbally or in bullet point email form.

Feedback will be provided to the successful candidate.

## **2.9 Personnel file and Single Central Record**

Recruitment and selection information for the successful candidate will be retained securely and confidentially for the duration of his/her employment with the school including:

- application form – signed by the applicant
- interview notes – including explanation of any gaps in the employment history
- references – minimum of 2
- proof of identity
- proof of right to work in the UK
- proof of relevant academic qualifications
- Certificate of Good Conduct (where applicable)
- evidence of medical clearance from the Occupational Health service
- evidence of DBS clearance, Barred List and Teacher Prohibition checks
- offer of employment letter and signed contract of employment



The school will maintain a Single Central Record of employment checks in accordance with Keeping Children Safe in Education Guidance.

### 3. Induction

This policy applies to all employees and also, as appropriate, to volunteers agency staff and governors who will all receive a tailored induction programme which will include appropriate information, training, and mentoring. Safeguarding Children, Child Protection and Health and Safety will feature prominently in every induction programme.

The first weeks and months are vital to the success of any appointment. The arrangements made for introducing a new employee, volunteer or governor to the duties of the post, and to the school as a whole, provide the foundation for successful and safe contribution to the school. The Induction Programme is designed to help new employees, volunteers and governors become familiar with the requirements of their position and learn about the school culture, ethos and working practices effectively and efficiently so that they become knowledgeable and confident as quickly as possible. The Induction Programme should be cross- referenced to the NQT Induction requirements and probationary periods for support staff, as appropriate.

The induction process will

- Provide information and training on the school's policies and procedures
- Provide Child Protection training and assess its effectiveness
- Enable the colleague to contribute to improving and developing the overall effectiveness of the school, raising pupil achievement, and meeting the needs of pupils, parents and the wider community
- Contribute to the colleague's sense of job satisfaction and personal achievement
- Explain the school's Code of Conduct to ensure that all staff, volunteers and governors new to the school understand what is expected of them at the school and gain support to achieve those expectations
- Identify and address any specific training needs

The induction programme will include:

- an induction checklist of the policies, procedures and training to be covered
- an induction timetable
- details of help and support available
- details of work shadowing, if appropriate
- a diary of induction meetings
- details of other relevant individuals with responsibility for induction e.g. the designated mentor or supervisor

## 4. Probation

All support staff commencing employment with the Academy Trust will be subject to a probationary period of 26 weeks, regardless of any previous local government experience. (Note – Newly Qualified Teachers subject to induction arrangements have a statutory induction period which is separate to this probation policy)

The employee's performance and conduct will be closely monitored during the probationary period to ensure that s/he meets the required standards for the post.

The employee's Manager will discuss the employee's performance with them regularly during this period, including any potential training or support requirements. This should include formal Review Meetings where the Manager and employee can feedback. These Review Meetings are recommended to be held at 8, 16, and 24 weeks, or more frequently if the employee is not meeting the necessary standards.

Provided there is satisfactory performance throughout the probationary period, the employee's appointment will be confirmed in writing.

The probationary period may be extended by up to 8 weeks beyond the 26 weeks in exceptional cases but only where a genuine opportunity exists for the employee to improve sufficiently to warrant confirming their appointment.

### 4.1. Unsatisfactory performance

The employee must be notified in writing within the probationary period if their performance is unsatisfactory. If this results in their employment being terminated the employee must be formally notified within the 26 week period (Note – the necessity to give notice may extend the employment beyond 26 weeks). Where an employee's failure to successfully complete their probationary period results in dismissal, the employee has the right of appeal against the decision.

The following procedure will be used:

- The Manager will inform the employee in writing that their performance is unsatisfactory and that this will be discussed at a formal Review Meeting (either the next scheduled meeting, or an additional meeting if this is required), giving reasonable notice of the meeting.
- The employee is entitled to be accompanied by a Trade Union representative or workplace colleague at the Review Meeting following written notification that their performance is unsatisfactory.
- Notes of the meeting, including actions and date for the Review Meeting, will be taken and a copy given to the employee.
- Progress will be reviewed against the improvements required, and any further improvements / actions will be documented. The employee will be warned that their contract will be terminated if there is insufficient improvement.
- The Final Review Meeting will take place either at 24 weeks, or earlier if the Manager provides written notification of continued unsatisfactory performance and consequent risk of dismissal. The Headteacher will chair the meeting if there is the potential for a dismissal decision. At that meeting the decisions available are:
  - If performance has improved sufficiently, confirm the appointment
  - Extend the probationary period if there is a genuine opportunity that the employee will improve sufficiently to warrant confirming their appointment. Probation will not be extended more than once. If probation is extended, a further Final Review Meeting will be set.

- If performance remains unsatisfactory and additional probationary time is not appropriate, state the intention to dismiss and confirm this in writing with details about the appeal procedure.

#### **4.2. Misconduct or gross misconduct**

The disciplinary procedure is not applicable to employees on probation. In cases of potential misconduct or gross misconduct, the following procedure will be used:

- The Manager will investigate to determine the facts and present these to a Senior Leader at a meeting convened for that purpose as swiftly as possible after the issue arises. In cases of alleged serious misconduct the Headteacher will consider whether it is proportionate to suspend the employee from their duties pending an investigation and any subsequent hearing. The Headteacher will chair the meeting if there is the potential for a dismissal decision. The employee will be able to be accompanied or represented by a Trade Union representative or workplace colleague, and will be able to present their case. Both the Manager and the employee will be able to question each other, and any witnesses that are called. The employee will be given ten working days notice of the meeting.
- The Senior Leader or Headteacher as appropriate will confirm their decision, and any appropriate action, within five working days of the meeting

If employment is confirmed, a written warning given during the probationary period will count as a corresponding warning for the purposes of the Disciplinary procedure and will be removed from the employee's file if there is no further written warning.

Employees warned within their probationary period do not have a right of appeal.

For some non-exhaustive examples of misconduct and gross misconduct, please refer to the academy's Disciplinary Rules.

#### **4.3. Dismissal – right of appeal.**

An employee dismissed within the probation period may appeal against dismissal, the dismissal letter will detail the process for the appeal. Appeal during the probationary period will usually be heard by the Headteacher or a different Senior Leader to the one who made the original dismissal decision.

An employee must register their wish to appeal, in writing, within ten working days of receiving written confirmation of the decision to dismiss, stating the grounds for the appeal

An appeal hearing will be held as soon as possible after receipt of the appeal at an agreed time and place.

The result of the appeal will be conveyed to the appellant immediately after the hearing and confirmed in writing within five working days.

## **5. Disciplinary procedures relating to misconduct**

*This policy should be read alongside the 'Common Principles' at the beginning of the policy suite. In accordance with those 'Common Principles' the Headteacher will determine whether any formal warnings would be issued by a Senior Leader or the Headteacher, and whether a meeting that could result in dismissal should be heard by a Governors Panel rather than the Headteacher (this will be the case if the Headteacher has issued any of the formal warnings).*

### **5.1. Notes**

A Senior Leader may only make a decision to issue a warning up to and including a final written warning.

If the Headteacher, following consultation with the Chair of Governors, considers that there is no Senior Leader to whom s/he can reasonably delegate a specific disciplinary matter then the Headteacher will take the role of the Senior Leader for that specific case and the role of the "Headteacher" under this procedure will be performed by a "Staff Dismissal Committee" of the Governing Body consisting of not less than 3 governors, none of whom will have had previous involvement in the case.

"Misconduct" and "Gross Misconduct" are as defined in Appendix A of this policy

If it is the Headteacher who is subject to the disciplinary procedures, references to the Headteacher should be read as references to a Governor.

### **5.2. Application of the policy**

Minor conduct issues can often be resolved informally between the individual employee and their Manager. These discussions should be held in private and without undue delay whenever there is cause for concern, and should be structured so as to provide guidance to the employee about how to ensure that their conduct is appropriate in the future. Where appropriate, a note of any such informal guidance may be placed on the employee's personnel file.

Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion and guidance is not appropriate (for example, because of the seriousness of the allegation).

### **5.3. Investigations**

Where an allegation is made against an employee or if misconduct / gross misconduct is suspected the Headteacher is responsible for appointing an Investigating Officer. The employee should be informed of the allegations and the name and position of the Investigating Officer.

On completing the investigation the Investigating Officer will recommend to the Headteacher whether or not a formal disciplinary hearing is necessary and on what basis.

### **5.4. Warnings without a Hearing**

Where the investigation entirely substantiates an allegation of misconduct, having also reviewed any mitigating factors, the employee (or their Trade Union representative) can formally request the issuing of a written warning without the need for a Hearing. If the Headteacher agrees that the disciplinary sanction befits the allegation, a First Written Warning may be given that will remain on the employee's record for 12 months from the date it is issued.

If the Headteacher judges that it is not a minor incident of misconduct, or if the employee has current warnings on file, the matter should be referred to a full Disciplinary Hearing.

### **5.5. Suspension**

The Headteacher or Chair of the Governing Body have the right to suspend an employee (on full contractual pay) from all duties where in their opinion exclusion from the school is required. This is normally where an act of gross misconduct is either suspected or alleged to have been committed or for "other good and urgent cause". If necessary, a Senior Leader can send a member of staff home pending ratification by the Headteacher the following day.

Suspensions are a precautionary measure and should not be regarded as prejudging the matter. Suspensions will be regularly reviewed and if at any stage during the investigation, it is considered that this suspension should be lifted, the employee will be informed immediately.

Where suspension occurs, this should be confirmed in writing giving broad details of the allegation. In all cases the Chair of the Governing Body must be informed.

Where a suspension has taken place that suspension may only be lifted by the Chair of Governors acting on behalf of the Governing Body, or by the Appeals Panel of the Governing Body following an appeal.

### **5.6. Child Protection Legislation**

If allegations are made against staff which involve child protection issues, the Child Protection Procedure must be followed irrespective of how the allegation arises. Employees may be suspended pending the outcome of the Child Protection Strategy Meeting. If the relevant child protection agencies decide not to pursue formal action against the employee, the matter will be referred back to the school for consideration under this procedure.

Action under this policy will normally only occur once the matter has been referred back to the school. The fact that external agencies have not pursued formal action should not be taken as a presumption of innocence or guilt on behalf of the employee.

### **5.7. First Written Warning**

If the Investigating Officer, having carried out appropriate investigation, considers on the facts that formal disciplinary action for misconduct is necessary, the Headteacher or Senior Leader will write to the employee to inform them that a formal Disciplinary Hearing will be held. This meeting will take place in accordance with the processes for Formal Meetings that are set out in the Common Principles.

If, following the investigations and seeking professional advice, the Senior Leader considers that the facts of the case amount to a prima facie case of gross misconduct the matter will be referred to the Headteacher.

If the decision of the Disciplinary Hearing is that an act of misconduct has been committed, the Senior Leader may give the employee a first written warning which will include a statement that any further misconduct occurring within the next twelve months that is confirmed after a Disciplinary Hearing, will lead to a final warning, unless there are mitigating circumstances.

If the employee is given no further written warning of misconduct within twelve months of the date of the first written warning, then this warning is removed from the employee's file.

The Senior Leader may decide that the misconduct is so serious that it justifies a first and final written warning.

### **5.8. Final Written Warning**

If a further incident of misconduct is suspected within twelve months of the date of the first written warning, the same procedure as outlined above for the first written warning will be followed.

If the Investigating Officer decides that a Disciplinary Hearing is required, this will take place in accordance with the processes for Formal Meetings that are set out in the Common Principles.

If the decision of the Disciplinary Hearing is that this incident constituted misconduct, the Senior Leader may give the employee a final written warning, which will include a statement that any further incident of misconduct occurring within the next twelve months and confirmed after a Disciplinary Hearing, will lead to dismissal, unless there are mitigating circumstances.

If there are no further misconduct incidents within twelve months of the date of the final written warning, then the final warning, together with any previous warning, will be removed from the employee's HR file.

### **5.9. Dismissal**

If a further incident of misconduct is suspected within twelve months from the date of the final warning, the same procedure as outlined above for the first written warning will be followed. If the Investigating Officer decides that a Disciplinary Hearing is required, this will take place in accordance with the processes for Formal Meetings that are set out in the Common Principles.

The Headteacher will chair a Disciplinary Hearing that could result in dismissal, and will normally be accompanied by a HR Advisor.

If the decision of the Disciplinary Hearing is that the incident was misconduct, the Headteacher may decide to dismiss the employee. The Headteacher will state their decision and the reasons for this decision, and will inform the employee of their right to appeal. The decision, reasons, and right to appeal will be confirmed in writing to the employee (and their representative). The Headteacher will record the outcome of his/her considerations and the names of persons present at the hearing. The Headteacher will advise the Chair of the Governing Body.

The school will give notice in writing to the employee that s/he is dismissed, whether the decision was with or without notice, or with pay in lieu of notice and the effective date of dismissal.

### **5.10. Gross Misconduct**

If the matter is considered so serious that it may amount to gross misconduct, justifying dismissal without previous warning and without notice (see the Disciplinary Rules), the employee will be informed by the Headteacher that they are suspended on full pay pending further investigation of the complaint, where it is deemed proportionate to suspend the employee from their duties, and alternatives to suspension have been considered. If it is believed that the complaint constitutes gross misconduct, the procedure to be followed will be as in the case of dismissal as set out above.

### **5.11. Right of Appeal**

The employee has a right of appeal against written warnings or dismissal decisions. The appeals procedure is set out in the Common Principles.

## 5.12. Appendix A: Disciplinary Rules: Misconduct and Gross Misconduct

### Policy statement

These Disciplinary Rules should be read in conjunction with the Disciplinary Procedure. The aim of the Disciplinary Rules and Disciplinary Procedure is to set out the standards of conduct expected of all staff and to provide a framework within which managers can work with staff to maintain those standards and encourage improvement where necessary.

It is Academy policy to ensure that any disciplinary matter is dealt with fairly and in accordance with the Disciplinary Procedure.

If you are in any doubt as to your responsibilities or the standards of conduct expected you should speak to your Manager.

These Disciplinary Rules may be amended at any time following consultation with the Joint Consultative Committee (JCC).

### Rules of conduct

While working for the academy you should at all times maintain professional and responsible standards of conduct. In particular you should:

- observe the terms and conditions of your contract, particularly with regard to:
  - hours of work;
  - confidentiality;
- ensure that you understand and follow our Code of Conduct, including the 'Relationships with Students';
- observe all policies, procedures and regulations which are available on the intranet or as notified to you from time to time by appropriate means;
- take reasonable care in respect of the health and safety of colleagues and third parties and comply with our Health and Safety Policy;
- comply with all reasonable instructions given by managers; and
- act at all times in good faith and in our best interests and those of our pupils and staff.

Failure to maintain satisfactory standards of conduct may result in action being taken under our Disciplinary Procedure.

### Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure:

1. Minor breaches of your contract or any of the academy policies;
2. Damage to, or unauthorised use of, school property, including a failure to report any loss and/or damage to any property issued to or by the employee in connection with his/her employment as a result of negligence on behalf of the employee;
3. Poor timekeeping;
4. Unauthorised absence from work;
5. Refusal to follow instructions;
6. Excessive use of school telephones, computers, faxes, email or internet for unauthorised personal purposes;
7. Excessive personal e-mail or internet usage;



8. Obscene language or other offensive behaviour;
9. Negligence in the performance of your duties; or
10. Smoking (including e-cigarettes) in no-smoking areas.
11. Undertaking additional employment outside normal working hours which would be detrimental to the work to be performed as a full time employee of the school.

This list is intended as a guide and is not exhaustive.

### **Gross misconduct**

Gross misconduct is a serious breach of contract and includes misconduct which, in the opinion of the academy, is likely to prejudice the academy or its reputation or irreparably damage the working relationship and trust between the employee and the academy. Gross misconduct will be dealt with under the Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).

The following are examples of matters that are normally regarded as gross misconduct:

1. Theft, or unauthorised removal of school property or the property of a colleague, contractor, pupil or member of the public;
2. Fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets and falsification of registration of pupils/students;
3. Actual or threatened violence, or behaviour which provokes violence or bullying;
4. Deliberate damage to school buildings, fittings, property or equipment, or the property of a colleague, contractor, pupil or member of the public;
5. Serious misuse of school property or the school name;
6. Deliberately accessing internet sites containing pornographic, offensive or obscene material using school equipment or on the school premises
7. Using e-mail or phone facilities of the school for communicating pornographic, offensive or obscene material;
8. Repeated or serious failure to obey instructions, or any other serious act of insubordination;
9. Unlawful discrimination or harassment;
10. Bringing the organisation into serious disrepute;
11. Being under the influence of alcohol, illegal drugs or other substances during working hours;
12. Causing loss, damage or injury through serious negligence;
13. Serious or repeated breach of health and safety rules or serious misuse of safety equipment;
14. Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
15. Demanding or acceptance of bribes or other secret payments/considerations;
16. Accepting but failing to declare a gift from an organisation or individual that could be perceived as materially affecting the employee's or academy's impartiality when assessing commercial contracts;
17. Possession, use, supply or attempted supply of illegal drugs;
18. Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures;
19. Knowing breach of statutory rules affecting your work;
20. Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy;
21. Harassment of, or discrimination against, employees, governors, volunteers, contractors, pupils, parents or members of the public, related to gender, marital or civil partner status, pregnancy, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age;
22. Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties, such as criminal convictions etc.;

23. Giving false information as to qualifications or entitlement to work (including immigration status) or any other false information on application form or other forms;
24. Failure to disclose criminal convictions, cautions, bindovers or warnings.
25. Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
26. Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
27. Making untrue allegations in bad faith against a colleague;
28. Victimising a colleague who has raised concerns, made a complaint or given evidence information under the Whistleblowing Policy, Anti-harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure; Child Protection Policy or otherwise;
29. Serious misuse of the academy's information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet);
30. Undertaking unauthorised paid or unpaid employment during your working hours;
31. Unauthorised entry into an area of the premises to which access is prohibited.
32. Sexual misconduct at work whether criminal or not and sexual behaviour towards or relations with pupils/students
33. Off-duty misconduct to include any act of criminal sexual misconduct by an employee, drugs offences, sexual behaviour towards or relations with students or young persons, or violence against another individual.

This list is intended as a guide and is not exhaustive.

## 6. Grievance Procedure

*This policy should be read alongside the 'Common Principles' at the beginning of the policy suite.*

### 6.1. General Principles

The aim of this Grievance Procedure is to enable any employee to have his/her grievance heard and to seek redress as appropriate. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.

The procedure applies to all employees including the Headteacher and members of the leadership team, full and part-time, permanent and temporary employees. If it is the Headteacher who has a grievance then the Chair of Governors is the person to whom the Headteacher refers to as his/her immediate Manager at Stage 2. If the Headteacher's grievance is not resolved at that stage, the matter should be referred to Stage 3, the Appeal Panel of the Governing Body. If the grievance is against the Headteacher, the employee should contact the Chair of the Governing Body in Stage 1.

If individual governors are the subject of the grievance, such person(s) shall not sit with the Appeal Committee but may attend the Governors' hearing to present his/her case.

A grievance is a complaint by an employee about any aspect of his/her employment such as

1. terms and conditions of employment;
2. health and safety;
3. work relations;
4. bullying and harassment;
5. new working practices;
6. working environment;
7. organisational change;
8. discrimination
9. pay (except where dealt with under the Pay Policy)

The grievance must be one that lies within the power of management and governors to resolve, e.g. it must not be a grievance about matters determined by legislation or collective agreements. Where another policy is used to address the grievance then the grievance procedure is not available in addition. A grievance arising from dismissal or disciplinary action is to be resolved by appeal within the disciplinary procedure. The grievance procedure is not available in addition to, or in substitution for the disciplinary procedure unless the grievance is against the person(s) who are the decision makers of the disciplinary issue.

An employee who is a member of a trade union may confidentially consult that trade union's representative before invoking the grievance procedure.

Those responsible for dealing with employees' grievances will treat them seriously and attempt to resolve them as quickly as possible. There should be no attempt to block an employee's wish to raise the grievance at a higher level.

Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits.

The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents.

At any stage of the procedure the Headteacher and/or Governors may wish to refer to an adviser external to the school for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal hearing within the Grievance Procedure. Such conciliation is without prejudice to the position of both parties in the procedure.

The Headteacher and/or Governors may wish to take advice from the school's HR Adviser before considering a grievance.

## **6.2. Stages of the Grievance Procedure**

### **Stage 1: Raising Grievances Informally**

The employee should raise the grievance with the person causing the grievance in the first instance. If the grievance cannot be resolved directly, or the employee feels unable to raise it directly then the employee should personally present the grievance, either orally or in writing, to their Manager. The Manager should give a reply as soon as possible, within a calendar week, even if it is only an interim reply. If the employee's grievance is against the Manager personally, the grievance should be raised with the Manager's Manager. If the immediate Manager is the Headteacher then the employee should contact the Chair of the Governing Body.

### **Stage 2: Formal Grievance Hearing**

If the employee is not satisfied with the reply by their Manager (who is not the Headteacher), the employee should submit the grievance in writing, indicating that it is a formal grievance, to the Headteacher. The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates and names of individuals involved.

The Headteacher will normally meet the employee to hear the grievance and reply as soon as possible, within two calendar weeks, even if it is only an interim reply pending further investigation. At this stage, the employee may be accompanied by a trade union representative or workplace colleague at any meeting to discuss the grievance.

If it is necessary for the Headteacher to attempt conciliation between two or more employees at this stage, each employee may be accompanied by a "companion" at any meeting called by the Headteacher (who may be accompanied by another employee, or the school's HR Adviser. If the Headteacher is unable to resolve the grievance and/or the employee raising the grievance is not satisfied with the outcome then the employee may appeal to the Appeal Committee of the governors at stage 3 within 10 working days of the outcome, stating clearly the grounds of the appeal.

Where the grievance is against the Headteacher Stage 2 shall be heard by a panel of governors in accordance with this Stage 2 process.

### **Stage 3: Formal Appeal Hearing**

An Appeal Panel of not less than 3 Governors will consider the grievance. None of the Governors will have had any previous involvement in dealing with the specific grievance. The Panel may be advised by the HR Advisor. The Appeal Panel shall decide the procedure by which it will hear the grievance which will allow all parties to present their cases. The Appeal Panel shall advise all parties, prior to the start of the hearing, of the procedure it intends to follow. The Appeal Panel's decision is final.

## 7. Management of Sickness Absence

*This policy should be read alongside the 'Common Principles' at the beginning of the policy suite. In accordance with those 'Common Principles' the Headteacher will determine whether any formal warnings would be issued by a Senior Leader or the Headteacher, and whether a meeting that could result in dismissal should be heard by a Governors Panel rather than the Headteacher (this will be the case if the Headteacher has issued any of the formal warnings).*

The Governing Body recognises its responsibility for the health, safety and welfare of its staff. This sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way. This policy places emphasis on proactive support for staff in the event of ill health difficulties, and sets out the steps that will normally be followed when sickness absence occurs.

Staff absence affects the quality and continuity of teaching and learning and other aspects of the effectiveness of the work of the school.

Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment). Levels of sickness absence will be monitored (including duration, cause etc.) and will identify areas where the work of the school, in particular the continuity of teaching and learning, is being affected by absence levels. The information will be reported to governors on an anonymised basis.

### 7.1. Employees' Responsibilities

- 1) Attend work when fit to do so
- 2) Follow the Notification of Sickness Absence procedures:
  - a) An employee in a school who is prevented by illness from reporting for duty shall notify the academy as soon as possible by email or telephone on the first day of absence. Wherever possible this contact should be made by the employee.
  - b) If an employee does not report for work and has not explained the reason for absence then the academy will try to contact the employee, by telephone text or email. This will not be treated as a substitute for reporting sickness absence.
  - c) A medical certificate (Fit Note) must be provided from the eighth day of absence (including Saturdays and Sundays).
  - d) In cases where the first medical certificate (Fit Note) covers a period exceeding fourteen days or where more than one medical certificate (Fit Note) is necessary the employee must obtain a final medical certificate (Fit Note) certifying fitness for work.
  - e) Employees must continue to submit medical certificates (Fit Notes) during school closure periods. In the event that an employee becomes fit during a school closure period then paragraph 2d applies.

**Self-Certification:** All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven days. The self-certification form must be completed immediately on return to duty.

**Occupational Health:** An employee shall, if reasonably required at any time, attend a medical examination by a registered medical practitioner nominated by the school, subject to the provisions of the Access to Medical Reports Act 1988 where applicable.

Engage with the Fit for Work service either as a result of a GP or employer referral.

Ensure medical advice and treatment is obtained and adhered to in order to facilitate a return to work as soon as possible.

Note: Where the Headteacher requires a medical certificate (Fit Note) from an employee, the academy will reimburse any charge made for the certificate on provision of a receipt.

## **7.2. Illness or Injury Arising from Work**

Any accident arising out of or in the course of employment with the school must be reported and recorded in accordance with school procedures. The accident will be subject to investigation and report by an employee authorised for the purpose by the school;

Where an employee seeks medical advice about an illness which is suspected or alleged to result from the nature of his or her employment the employee must report relevant information to the Headteacher or Senior Leader at the first opportunity;

In the case of the first, and any subsequent absence, due to industrial disease or accident an employee shall submit, at any time during such absence, if so required by the employer, to a medical examination by a registered medical practitioner nominated by the school.

It shall be the employer's responsibility to make a RIDDOR notification in relevant circumstances. The employee shall provide such information as may be necessary for this purpose.

## **7.3. Short and long term absence**

Short-term absence generally involves:

- Frequent or persistent short-term periods off work, i.e. taking one or two days off work on a regular basis where employees provide sickness as a reason for absence for health reasons of an unrelated nature; and / or
- Persistent intermittent absence, i.e. taking one or two weeks off work on a regular basis for health reasons of an unrelated nature

Long term absence generally refers to cases where an employee suffers from:

- An acute or chronic medical condition, e.g. a heart condition, which may last for a duration of weeks / months; or
- A particular medical condition which frequently prevents an employee from attending work, e.g. asthma; or
- Absence of either type that arises from an industrial injury or disease
- Persistent intermittent absence, i.e. taking one or two weeks off work on a regular basis for health reasons of an related nature due to an underlying medical condition

## **7.4. Phased returns to work**

Where an employee returns to work on a part time basis following long term sickness absence, with the expectation that they will be able to work their full contractual hours within a reasonable period of time, on medical advice provided by the Occupational Health doctor, the following arrangements will normally be made in relation to pay:

1. Where the employee has exhausted sick pay, the salary payment made will be based on the number of hours worked.
2. Where the employee has not exhausted sick pay, the employee will be paid in accordance with the number of hours worked, or the occupational sick pay entitlement that would be payable if the employee remained sick, whichever is the greater amount.

If the employee returns to work with a medical certificate (fit note) which states 'may be fit for work', the advice on the note will be discussed and consideration will be given as to how it impacts upon the job, the workplace, pupils and colleagues. The GP's functional comments, any of the

return to work tick boxes, and any other action that could facilitate a return to work will be considered with due regard to the Equality Act. Options may include a phased return to work, altered hours, amended duties or workplace adaptations. If a return to work is possible the agreed action plan will be documented and implemented. If it is not possible to provide the support suggested by the G.P, the note will be used as if the G.P had advised 'not fit for work'. The employee will not need to return to their G.P to obtain a revised statement. A Sickness Absence Interview will be held to review the support in place at an appropriate time.

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

## **7.5. Attendance at Meetings**

Throughout this procedure, if an employee indicates that they are too unwell to attend a formal or informal meeting they will be given the option to:

1. Meet in a neutral venue or at their home; or
2. Attend via telephone conference; or
3. Send a trade union representative or work colleague to represent them providing appropriate written consent; or
4. Provide a written submission; or
5. Request that the meeting takes place in their absence.

If an employee fails to communicate their wishes with regard to the above, the meeting may take place in their absence with the outcome communicated to them in writing. Meetings will not normally be postponed beyond 5 days unless there is medical evidence that the employee is not medically fit to take part by any of the means described above.

Any Senior Leader visiting an employee's home will be accompanied by another manager; the employee will be entitled to be accompanied by a person of their choice at a home meeting.

## **7.6. Fit for Work service**

Fit for Work is a Government run service which provides free work-related health advice to employers and employees. It is intended to complement and not replace the role of GP's or existing Occupational Health providers.

Employees may wish to access the online services available at [www.fitforwork.org](http://www.fitforwork.org) or the telephone advice line on 0800 032 6235.

When available and where employees are eligible, employers and GP's may refer employees to Fit for Work, who will seek to develop a Return to Work Plan with them.

The 'Return to Work Plan' will contain advice and recommendations, and can be used in place of a G.P Statement of Fitness for Work or 'fit note' to certify the relevant period of absence.

For a referral to be made employees must have:

- been or be expected to be absent from work for 4 continuous weeks
- a reasonable likelihood of making at least a phased return to work
- provided their explicit informed and freely given consent for a referral to be made.

Only one referral may be made per employee per year. Further information regarding the referral service can be accessed using the contact details above. The Fit for Work service may with the consent of employees contact the Academy, and share the Return Plan with them.

In all interactions with Fit for Work the academy will observe the requirements of the Data

## **7.7. Informal Procedure**

### **Return to Work Discussion**

When an employee returns to work following a period of sickness absence, their Manager will normally meet with the employee as soon as possible, preferably on the day of return. The purpose of this meeting is to determine the reason for the absence and, where appropriate, offer assistance and support. It is also an opportunity to identify any difficulties that the employee is experiencing in carrying out the duties of the post. A note of the meeting will only be made if there are action points arising from it, and the employee will be provided with a copy.

### **Sickness Absence Interviews**

Sickness absence interviews will be arranged with employees whenever it is considered necessary, which may include one or more of the following:

- a total of 4 working days absence within 1 term
- 3 occasions of absence within 1 term: or
- unacceptable patterns of absence

These meetings will consider the individual's sickness absence record, the impact of the absence on the effective working of the school, the cause of the absence and, if appropriate, whether any action by the school or individual would be likely to lead to a reduction in absence (this could include an Occupational Health referral) The employee will be provided with a copy of any notes of the meeting.

### **Monitoring Period Following Sickness Absence Interview**

Absence will be monitored for up to three months after a Sickness Absence Interview. Further interviews may take place during the monitoring period if there is more sickness absence.

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

Where the Manager is of the view that the employee's attendance has not improved to acceptable standards after the review period, the Manager should either inform the employee that the issue will:

1. be referred to Stage 1 of the formal procedure. A letter requiring attendance at a Stage 1 meeting will be sent to the employee; or
2. if there are exceptional circumstances, extend the review period.

## **7.8. Formal Procedure**

Before starting the formal procedure, the Manager will satisfy themselves that sufficient reasonable action has been taken under the informal procedure to:

1. where appropriate, seek medical advice from occupational health;
2. consider whether the employee has a disability under the Equality Act;



3. consider any support, training and adjustments that have been requested or implemented and the outcome of these actions;
4. whether there are any other work related issues;
5. ensure that the employee has been consulted throughout the informal process; and
6. consider all of the circumstances and available information.

There are two stages in the formal process. The type of case (i.e. short or long term absence) will determine the need to move either through the stages (short term absence), or, in some circumstances, directly to Stage 2 (long term absence). The procedure can end at any point in the process if there is sustained improvement. If further concerns arise within 12 months of a Stage 1 meeting being held the procedure may resume at Stage 2.

### **7.9. Formal procedure: Stage 1 Meeting**

The Stage 1 meeting would be held in accordance with the Formal Meetings process set out in the Common Principles. The meeting would usually be chaired by a Senior Leader.

At the Stage 1 meeting the Senior Leader will explain the required standards of attendance, consider the particular circumstances of the individual (including any previous action plan, monitoring period report or notes, and any Occupational Health or other medical reports that should be discussed with the employee), and consider the process followed so far and its impact.

For cases involving long term absence, the meeting will consider whether there has been any improvement in health, the likely duration of the absence, and the possible date of return.

The employee and their representative will be given a reasonable opportunity to state their case and to question the Senior Leader. At the conclusion, following an adjournment for consideration of the facts, the Senior Leader will determine an action plan that clearly identifies:

- the improvements necessary to achieve the expected standards;
- the timescale for improvement;
- how attendance will be measured/monitored;
- additional support/training to be provided; and
- the review period (which would not be less than one month and may extend beyond three months);

Within 5 working days of the formal stage 1 meeting the Senior Leader will write to the employee to:

1. confirm the action plan in writing; and
2. advise the employee that if they fail to achieve the improvements in the review period a Stage 2 meeting will be arranged where dismissal for lack of capability due to ill-health will be considered;
3. confirm the employee's right to ask that the decision is reviewed at an appeal meeting

### **Formal procedure: Stage 1 Review Period**

The Senior Leader will ensure that during the review period the employee's attendance is closely and objectively monitored. Supervision meetings will be held between the employee and the Senior Leader at regular and appropriate intervals to ensure:

1. effective monitoring;
2. appropriate support is given to the employee;
3. positive feedback is given where possible; and
4. if further problems in attendance are identified, the reasons are discussed.

Notes of the monitoring process will be kept by the Senior Leader and a copy provided to the employee. The notes may be referred to at Stage 2 of the procedure.

### **7.10. Formal Procedure: Stage 1 Review Period Evaluation**

If, at the end of the review period, the employee's performance has improved to acceptable standards, no further action will be taken under this procedure, unless standards are not sustained during the next 12 months.

The decision to take no further action will be confirmed by the Senior Leader in writing, within 5 working days. This letter will also confirm that the improved attendance must be sustained consistently during the next 12 months and explain that if there are further issues the Sickness Absence procedure may be invoked at Stage 2. A copy of this letter will be kept on the employee's personnel file.

An employee, who sustains the improved performance consistently over the 12 month period, will receive a further letter to acknowledge his/her continued efforts and confirm that any future attendance issues will be dealt with informally in the first instance.

If at the end of the review period, the employee's attendance has not improved to acceptable standards then

1. the issue will be referred to the Headteacher under Stage 2 of the procedure; or
2. in exceptional circumstances the review period will be extended.

If the employee is in a Pension Scheme, s/he will be given the option to explore eligibility for an ill health pension award prior to convening a Stage 2 Meeting.

### **7.11. Formal procedure: Stage 2 Meeting**

A Stage 2 meeting would follow the same process as outlined above for a Stage 1 meeting. Papers for the meeting should include additional information outlining the possible consequences of the meeting, i.e. that it may result in the employee's dismissal on the grounds of lack of capability due to ill-health.

For cases involving long term absence, where the employee is unlikely to return to work on the grounds of ill-health, the possibility of retirement on the grounds of permanent ill-health should be considered, as should the potential for suitable alternative employment if the employee is declared medically unfit to carry out the duties of their substantive post.

The Headteacher will Chair the meeting and may be accompanied by a HR Advisor. The Senior Leader will explain the process followed so far and its outcomes, including absence information and reports received from Occupational Health. The impact on the effective working of the school and colleagues will be considered. The employee and/or his/her representative will have every opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances. The meeting will discuss any options regarding the employee's pension that may be available.

In circumstances where the Headteacher has assumed the role of Senior Leader, a committee of Governors will assume the role of the Headteacher as set out above.

### **7.12. Formal procedure: Stage 2 Decision**

Following the discussions the Headteacher will adjourn the meeting to consider the options available:

1. to take no further action under the procedure; or
2. to set a further/final review period to allow for additional monitoring and/or additional management support. A further formal Stage 2 meeting will be held at the end of this review period. If attendance is not satisfactory by that time then the employee will be dismissed for lack of capability due to ill-health; or
3. to dismiss the employee for lack of capability due to ill-health ensuring that alternative work options have already been explored or will be explored during the employee's notice period, that there is no prospect of their return within a reasonable timeframe, or that they will be able to achieve or sustain their attendance.

### **7.13. Dismissal**

If the decision at the Stage 2 meeting is to dismiss, the Headteacher will inform the employee and his/her representative, orally, that the employee is dismissed, with the required contractual or statutory notice, on the grounds of lack of capability due to ill-health.

The Headteacher will confirm in writing, to the employee within 5 working days:

1. that he/she has been dismissed;
2. the grounds for dismissal and the reasons;
3. the required contractual or statutory notice due and the date the dismissal will be effective;
4. the employee's right of appeal to an Appeals Committee of the Governing Body against the dismissal.

In some cases it may be appropriate for the employee not to work his/her notice, but to remain at home on authorised paid leave of absence. If the employee is sick, a medical certificate (Fit Note) must be provided that covers the employee's notice period.

### **7.14. Appeals against Warnings or Dismissal**

The employee has a right of appeal against written warnings or dismissal decisions. The appeals procedure is set out in the Common Principles.

The Appeals Panel of the Governing Body has the authority to:

1. uphold the appeal (i.e. to reinstate the employee); and / or
2. issue a lesser level of management action, e.g. to:
  - 2.1. drop the formal process;
  - 2.2. refer to a lower stage in the formal process; and/or
  - 2.3. reduce standards of attendance or targets set in the action plan; or
3. dismiss the appeal, i.e. the decision to dismiss remains in force.

The decision of the Appeals Panel of the Governing Body is final. The employee has no further right of appeal.

## 8. Whistleblowing

*This policy should be read alongside the 'Common Principles' at the beginning of the policy suite.*

### 8.1. Background

As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (PIDA) (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

The Governing Body is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the school's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

### 8.2. Aims and Scope of the Policy

This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing where they have a genuine concern;
- allow employees to take the matter further if they are dissatisfied with the Governing Body's response.

This policy describes how any school employee can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised under this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

Concerns which fall within the scope of the whistleblowing procedure includes where an employee honestly and reasonably believes that malpractice or wrongdoing has occurred, is in the process of being committed or is likely to be committed, which may include:

- (a) criminal activity;
- (b) miscarriages of justice;
- (c) danger to health and safety;
- (d) damage to the environment;
- (e) failure to comply with any legal or professional obligation or regulatory requirements;
- (f) bribery;
- (g) financial fraud or mismanagement;
- (h) negligence;
- (i) breach of our internal policies and procedures
- (j) conduct likely to damage our reputation;

- (k) unauthorised disclosure of confidential information;
- (l) public examination fraud
- (m) the deliberate concealment of any of the above matters.

Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors, volunteers or outside agencies.

Concerns raised by employees about their own conditions of service or personal circumstances, should be addressed via the Academy's Grievance Procedure or, if the matter relates to salary, the salary review procedures documented in the Academy's pay policy.

### **8.3. Safeguards**

#### **Harassment or Victimisation**

The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern.

This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

#### **Confidentiality**

The Governing Body will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Governing Body to address the concern and in some circumstances, the Governing Body may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

#### **Anonymous Allegations**

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Governing Body. In exercising the discretion, the factors to be taken into account would include:

4. the seriousness of the issues raised;
5. the credibility of the concern; and
6. the likelihood of confirming the allegation from attributable sources.

### **Untrue Allegations**

If an employee makes an allegation and has a reasonable belief that the allegation is true and concerns wrongdoing or malpractice, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

### **Unfounded Allegations**

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

### **Support to Employees**

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

## **8.4. How to raise a Concern**

As a first step, an employee should normally raise concerns with their Manager or their Manager's Manager. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their Manager or their Manager's Manager is involved, s/he should approach the Headteacher or Chair of the Governing Body. An employee (including the Headteacher and members of the leadership team) can by-pass the direct management line and the Governing Body if s/he feels the overall management and Governing Body of a school is engaged in an improper course of action; in this case please refer to section 8.7 below.

Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.

The earlier an employee expresses the concern, the easier it is to take action.

Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

In some instances it may be appropriate for an employee to ask their trade union to raise a matter on the employee's behalf. An employee is entitled to seek confidential advice on the matter from their trade union representative.

## **8.5. The Role of Senior Leaders**

A Senior Leader may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the phone.

The Senior Leader should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

### **Stage One**

At the initial meeting the Senior Leader should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistle-blowing Policy.

The Senior Leader should ask the employee, to put their concern(s) in writing, if s/he has not already done so. The Senior Leader should make notes of the discussions with the employee. The employee's letter and/or Senior Leader's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign their letter and/or the notes of any discussion. The Senior Leader should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The Senior Leader should follow the policy as set out above and in particular explain to the employee:

- what steps s/he intends to take to address the concern;
- how s/he will communicate with the employee during and at the end of the process; and that a written response will be sent out within ten working days.
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately; and
- that if the employee's concern is raised in accordance with this policy but is not confirmed by the investigation, no punitive action will be taken against them.

The Senior Leader should explain to the employee that:

- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

The employee may be accompanied by a trade union representative or workplace colleague at this meeting.

### **Stage Two**

Following the initial meeting with the employee, the Senior Leader should consult with the Headteacher or Chair of the Governing Body to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Senior Leaders should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the academy's external auditor;
- form the subject of an independent enquiry.

Senior Leaders should have a working knowledge and understanding of other school policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the academy's HR advisor.

### **Stage Three**

Within ten working days of a concern being received, the Senior Leader receiving the concern must write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not why not; and/or
- letting the employee know when s/he will receive further details if the situation is not yet resolved; and
- providing the employee with details of whom to contact should s/he be dissatisfied with this response (see 8.7 below).

## **8.6. Governing Body consideration**

The Headteacher will inform the Governing Body of any concerns raised through this policy and the response. The Governing Body will take such action as it deems necessary in light of any concerns raised through this policy.

## **8.7. Raising Concerns outside the School**

The whistle-blowing policy is intended to provide employees with a mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. In circumstances where an employee decides to raise the matter externally they will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the



Public Interest Disclosure Act 1998 (PIDA). This means that the disclosure must fall under one of the 6 categories listed in bullet points in paragraph 8.2 above.

If an employee is not satisfied with the Governing Body's response, the Senior Leader should ensure that the employee is made aware with whom they may raise the matter externally (see 1-5 below):

- 'Protect' <http://www.pcaw.co.uk>; tel no 0207 404 6609\*;
- recognised trade union;
- the academy's external Auditor;
- relevant professional bodies or regulatory organisations;
- a solicitor.

The Senior Leader should stress to the employee that if they choose to take a concern outside the Academy, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party. An employee is entitled at this stage to seek confidential advice on the matter from their trade union representative.

### **Wider disclosure**

PIDA contemplates that there may be a public interest in workers making qualifying disclosures beyond employers or prescribed persons. It does not name or limit the identity of those to whom wider disclosure can be made, but their identity will be key to the question of whether disclosure was reasonable. Prior to disclosure to a third party the worker must:

- Reasonably believe, at the time of disclosure, that the information and allegations are substantially true, and
- Does not make the disclosure for personal gain; and
- Have previously disclosed substantially the same information to their employer or to a prescribed person; or
- Reasonably believe, at the time of disclosure, that they will be subjected to a detriment by their employer if they make disclosure to the employer or a prescribed person; or
- Reasonably believe (where there is no prescribed person) that material evidence will be concealed or destroyed if disclosure is made to the employer.

In all the circumstances of the case, it must be reasonable for them to make the disclosure.

Employees who wish to take the matter outside the academy should check with their Trade Union representative that they are not in breach of the Academy's Code of Conduct.

*\* - Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

## 9. Performance Appraisal Policy

*This policy should be read alongside the 'Common Principles' that apply to all academy HR policies. These 'Common Principles' outline the need for confidentiality, the procedures for and management of formal meetings (including the right to representation by a companion such as a Trade Union representative), the power to issue warnings and make dismissal decisions, and the procedures for appeals against warning and dismissal decisions.*

### 9.1. Purpose

This policy sets out the framework for a clear and consistent assessment of the overall performance of employees covered by the appraisal policy and for supporting their development within the context of the school's plan for improving educational provision and performance, and the standards expected of employees in their respective roles.

The appraisal process is a supportive and developmental process designed to ensure that all employees identified by the policy have the skills and support they need to carry out their role effectively. It helps to ensure that all employees are able to continue to improve their professional/employment practice and to develop in their respective roles.

In some cases, the appraisal process will also be used to address concerns that are raised about an employee's performance. If concerns cannot be resolved through the appraisal process, consideration will be given to whether to commence the capability procedure.

This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. Elements of this procedure, including any time limits, may be varied as appropriate in any case.

For teaching staff, performance management activities form part of directed time, but will not take place during scheduled PPA time.

Performance management documentation will be confidential to the appraisee, appraiser, and the Headteacher.

### 9.2. Application of the policy

This policy applies to all staff employed by the school, except:

- Those on contracts of less than one school term;
- Teachers undergoing induction (*i.e.* NQTs)
- Those support staff subject to a probationary period
- Any staff who are subject to Capability procedures.

### 9.3. The Appraisal period

The appraisal period will run for twelve months from 1<sup>st</sup> September to 31<sup>st</sup> August.

Employees who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. The length of the review period will be determined by the duration of their contract.

Where an employee starts at the school, or changes their role within the school, during the academic year, the Headteacher will determine the process for the employee, with a view to aligning the appraisal period with the academic year as soon as possible. Where an employee

changes role within the school, the Headteacher will determine if the appraiser should change and whether the current annual cycle should begin again for the remainder of the academic year.

#### **9.4. Appointing appraisers**

The head teacher will be appraised by at least three members of the Governing Body, who may be supported by a suitably skilled and/or experienced external adviser who has been appointed by the Governing Body for that purpose.

The task of appraising the head teacher, including the setting of objectives, will be delegated to a sub-group consisting of three members of the Governing Body. Where the headteacher does not believe one or more of the sub-group is suitable to act as his/her appraiser, s/he may submit a written request to the Chair of Governors for the governor(s) to be replaced, explaining the reason for the request.

The head teacher will decide who will appraise other employees covered by the policy. All appraisers of staff who hold QTS will also be qualified teachers. An individual's appraiser will normally be their line manager; if this is not appropriate (for instance due to the number of direct reports that a member of staff has), the appraiser appointed will have an appropriate role in the staffing structure in relation to the individual they are responsible for appraising.

On an exceptional basis, where an employee objects to the Headteacher's choice of appraiser, they should express their concerns in writing to the Headteacher. The concerns will be carefully considered and an alternative appraiser may be appointed.

If an employee is experiencing difficulties, and the Headteacher is not the normal appraiser, they or a nominated Senior Leader may undertake the role of appraiser. (see Section 1.9)

#### **9.5. Planning for the year: Setting objectives, support and CPD**

For each appraisal cycle, there should be objectives for each employee, and support / CPD needs should be identified to maximise the potential for the objectives to be successfully met. The school culture is one of continually reviewing and improving performance, and all employees have the responsibility for improving their performance through appropriate development.

Objectives that are set for employees are intended to reflect the contribution of that employee's role to the overall school, to reflect the school's focus for improvement of educational provision, and to contribute to the professional aspirations of employees. When developing plans for the forthcoming appraisal cycle, it is expected that:

- Employees would not normally have more than three objectives for the academic year
- Objectives for teaching staff should be such so that successful performance management review at the end of the appraisal cycle will indicate that the Teacher Standards have been met
- Support and CPD proposals will relate to the objectives and / or the potential career progression of the individual
- Proposed observations relate to the objectives, and to potential support and CPD proposals

The Headteacher's objectives will be set by the sub-group of the Governing Body that has been appointed under section 1.4.

Objectives for each employee covered by the policy will be set before, or as soon as practicable after, the start of each appraisal period. The appraiser and employee will seek to agree the objectives but, if that is not possible, the Headteacher or nominated Senior Leader will determine the objectives. Objectives may be revised if circumstances change.

Where an employee objects to the objectives and is unable to resolve the matter with their appraiser, they should express their concerns in writing to the Headteacher. The concerns will be carefully considered and the Headteacher will determine whether any revision to the report is required.

### **9.6. Reviewing performance - observation**

Excellent practice has been established in observing teaching and learning in the classroom. The Academy Trust values highly the professionalism and integrity that underpins classroom observations and sharing of best practice. Observation of lessons, and use of that information, will be carried out in accordance with the school protocol.

For the purposes of appraisal, teachers' performance will be observed on an appropriate and reasonable number of occasions. This will, as far as possible, be agreed by the appraiser with the appraisee based on the individual circumstances of the teacher and the overall needs of the school. All observations will be carried out in a supportive fashion and not add to teacher workload.

Employees (including teachers and the head teacher) whose posts have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed as part of this single Appraisal process.

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

### **9.7. Feedback**

Employees will receive constructive feedback on their performance throughout the year and as soon as practicable after an observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention.

Where there are concerns about any aspects of the employee's performance the appraiser will meet with the employee to:

1. give clear feedback about the areas of concern;
2. give the employee the opportunity to comment and discuss the concerns and establish the likely causes of poor performance and identify any training needs/support needed (e.g. coaching, monitoring, structured observation);
3. clarify the required standards and agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
4. make clear how, and by when, the appraiser will review progress
5. if it is appropriate to revise objectives, it will be necessary to allow sufficient time for improvement.
6. the amount of time will reflect the seriousness of the concerns; explain the implications and process if no, or insufficient, improvement is made.

When progress is reviewed, if the appraiser is satisfied that the employee has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed through that process.

The appraiser will keep a note of any concerns, the support given and the review judgement. A copy of this note will be given to the employee. If required, this will inform any decision on whether the employee requires support under the Employees Experiencing Difficulties section (1.10 below) or transition to the capability procedure.

## **9.8. Annual assessment**

The performance of each employee covered by the appraisal policy will be formally assessed in respect of each appraisal period at a meeting between the appraiser and the appraisee. This appraisal will include evaluation of the employee's performance in pursuit of the agreed objectives and reflect upon the impact of any support, CPD and observations. The appraisal meeting should be undertaken in the spirit of professional dialogue.

A successful performance management review would require the employee to have met, or made significant progress towards meeting, their objectives. This should take into account any circumstances that changed since the objectives were agreed.

Following the meeting, the appraiser will complete an appraisal report to summarise the discussion. For teachers, this report will form part of the evidence for the Headteacher to make a recommendation on pay where that is relevant.

The employee will have the opportunity to comment in writing on a written appraisal report and the appraiser will consider any comments before finalising the report and submitting it to the appraisee and to the Headteacher.

Staff should receive their written appraisal reports by 31 October (31 December for the Headteacher).

Where an employee objects to the written appraisal report and is unable to resolve the matter with their appraiser, they should express their concerns in writing to the Headteacher. The concerns will be carefully considered and the Headteacher will determine whether any revision to the report is required.

## **9.9. 1.9 Teacher's Pay progression**

The Governing Body will determine the school's pay policy in accordance with the School Teachers' Pay and Conditions Document. Decisions on pay progression will be made by 31<sup>st</sup> December for the Headteacher and normally by 31<sup>st</sup> October for all other teachers. Progression within the Upper Pay Scale (UPS) will not require the individual to make an application.

Where teachers are eligible for pay progression, the recommendations made by the appraiser will be based on the assessment of their performance against the agreed objectives.

The decision about pay progression that is subsequently made by the relevant decision-making body (either the Headteacher or following a Headteacher recommendation) will be informed by the appraiser's recommendation, will be based on the criteria and guidance contained in the School Teachers' Pay and Conditions Document and the relevant teacher and professional standards, and will be in accordance with the Pay Policy.

Where the Headteacher has not been recommended for pay progression they will be informed by the appropriate governor.

The Headteacher will notify any teacher who has not been recommended for pay progression of the date when the governing body meets to consider pay recommendations, following which the teacher (and Headteacher when the head has not been recommended for pay progression) will be entitled to exercise the right of appeal (see Pay Policy), assisted by a school-based colleague or a representative of his/her trade union.

NOTE: pay progression with the stated salary range (such as H5, for example) is automatic for support staff and not linked to performance management processes.

## **9.10. 1.10 Employees experiencing difficulties**

When dealing with an employee experiencing difficulties, the objective will be to provide support and guidance through the appraisal process in such a way that the employee's performance improves and the problem is, therefore, resolved. Where it is apparent that an employee's personal circumstances are leading to difficulties at school, appropriate support will be offered as soon as possible, without waiting for the formal annual assessment.

Where there are concerns about any aspects of the employee's performance the appraiser will meet the employee to agree a support plan, which will:

- give clear feedback about the areas of concern;
- give the employee the opportunity to comment and discuss the concerns and establish the likely causes of poor performance including any outside factors;
- identify any training needs/support needed (e.g. coaching, mentoring, monitoring, structured observation including peer observation; and observation of good practice);
- clarify the required standards and agree any support that will be provided to help address those specific concerns;
- make clear how, and by when, the appraiser will review progress;
- if it is appropriate to revise objectives, sufficient time will be agreed for improvement.
- the amount of time will reflect the seriousness of the concerns and the appraiser will explain the implications and process if no, or insufficient, improvement is made.

There is no automatic right of accompaniment by a Trade Union representative or workplace colleague at this meeting. If the employee wishes to be accompanied they should discuss this with the Headteacher who will consider the request and not unreasonably refuse the request. Arranging representation should not delay the process.

The employee's progress will continue to be monitored as part of the appraisal process and a reasonable time will be given for the employee's performance to improve. This monitoring period will depend upon the circumstances but will not normally be for a period of longer than six weeks. The aim is to ensure that the employee can recover and improve his/her performance, so s/he will be provided with appropriate support as agreed in the support plan.

During the monitoring period the employee will be given regular feedback on progress and arrangements will be made to modify the support plan if appropriate. If, at the end of the monitoring period, the appraiser is satisfied that the employee has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed through that process. The appraiser and the appraisee will keep a note of any concerns, the support given and the review judgement.

If the appraiser has evidence to show that the employee is not making progress, s/he should consult the Headteacher or nominated Senior Leader, so that consideration may be given to whether or not to use the formal capability procedure.

## **10. Capability Procedure**

*This policy should be read alongside the 'Common Principles' that apply to all academy HR policies. These 'Common Principles' outline the need for confidentiality, the procedures for and management of formal meetings (including the right to representation by a companion such as a Trade Union representative), the power to issue warnings and make dismissal decisions, and the procedures for appeals against warning and dismissal decisions. In accordance with those 'Common Principles' the Headteacher will determine whether any formal warnings would be issued by a Senior Leader or the Headteacher, and whether a meeting that could result in dismissal should be heard by a Governors Panel rather than the Headteacher (this will usually be the case if the Headteacher has issued any of the formal warnings).*

### **10.1. Notes**

A Senior Leader may only make a decision to issue a sanction up to and including a final written warning.

If the Headteacher, following consultation with the Chair of Governors, considers that there is no Senior Leader to whom s/he can reasonably delegate a specific capability matter then the Headteacher will take the role of the Senior Leader for that specific case and the role of the "Headteacher" under this procedure will be performed by a Governor Panel, none of whom will have had previous involvement in the case.

The role of the Headteacher will be taken by appropriate governors as indicated where the appraisal and or capability being reviewed is that of the Headteacher.

"Lack of capability" is defined as a situation in which an employee fails consistently to perform his/her duties to the expected standard of performance.

At any point during this process consideration could be given to the employee being given a different range of duties or an alternative post. By agreement, this may include transfer to a post suited to the employee's capabilities. If this post is at a lower salary level, the substantive lower salary would apply.

### **10.2. Application of the policy**

The formal capability policy and procedure applies to all employees of the school including the Headteacher.

This policy will apply in circumstance where it has not been possible to address concerns through the use of the appraisal policy on an informal basis.

### **10.3. Sickness absence and the use of this procedure**

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

Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employees duties or providing additional equipment or training. We may also consider making adjustments to this procedure in appropriate cases e.g.

moving from this procedure to procedures used by the school to terminate the employment of the employee on the grounds of ill health.

If an employee's medical condition is not serious enough to warrant a consideration of termination of employment on the grounds of ill health, the occupational health adviser will normally be asked to assess whether an employee absent through sickness is fit enough to attend a meeting under this procedure. In the event that the employee is deemed not fit to attend a formal capability meeting s/he may present a written submission for consideration and/or be represented by a work place colleague or trade union official in her/his absence.

#### **10.4. Formal Capability Meeting**

The Senior Leader will write to the employee to inform him/her of the meeting and that it is a formal meeting being held under the capability procedure. The meeting will be held in accordance with the Formal Meeting procedure outlined in the Common Principles. The meeting will be conducted by a Senior Leader delegated by the Headteacher (or the Chair of Governors for Headteacher).

This meeting is intended to identify the poor performance (including how the employee's performance is falling short of the expected standard, including teachers standards where appropriate), to establish the likely causes of poor performance (including why any measures taken so far have not led to the required improvement), to give clear guidance on the improved standard of performance that is required to enable the employee to be removed from formal capability procedures (including any targets / objectives), to agree any further measures or support that may be required to assist the employee in improving their performance, and to set out the timetable for monitoring and review so as to enable the employee to demonstrate improved performance. The meeting will allow the employee to respond to concerns about his/her performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

Notes will be taken of formal meetings and a copy sent to the employee and any representative.

The Senior Leader may conclude that:

- there are insufficient grounds for pursuing the capability issue; in such cases, the employee will be notified in writing that the capability procedure will end
- further investigation is needed, or that more time is needed in which to consider any additional information, in which case the employee will be notified in writing of the next steps
- A first written warning should be issued. This first written warning will include reasons for its issuing, the improvements required, and the programme for support, monitoring and review. The employee will be informed in writing that failure to achieve the expected standard of performance within the set timescale (not normally more than six weeks), may result in a final written warning which could then lead to dismissal if the expected standard performance is not achieved and sustained. The employee will be notified in writing of their right to appeal against the written warning.

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



## **10.5. Monitoring and review period following a Formal Capability Meeting**

A performance monitoring and review period will follow the Formal Capability Meeting. Formal monitoring, evaluation, guidance and support will continue during this period. Following this monitoring and review period, if the evidence available to the Senior Leader indicates insufficient improvement, the employee will be invited to a Formal Review Meeting (if this monitoring period follows a first written warning) or to a Dismissal Meeting (if this monitoring period follows a final written warning)..

## **10.6. Formal Review Meeting**

The Senior Leader will write to the employee to inform him/her of the meeting and that it is a formal meeting being held under the capability procedure. The meeting will be held in accordance with the Formal Meeting procedure outlined in the Common Principles. The meeting will be conducted by a Senior Leader delegated by the Headteacher (or the Chair of Governors for Headteacher).

The Formal Review Meeting will follow a similar procedure and cover similar issues as the Formal Capability Meeting as set out above.

If the Senior Leader (Chair of Governors for the Headteacher) is satisfied that the employee has made sufficient improvement, the formal capability procedure will cease.

In cases:

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

Notes will be taken at the Formal Review Meeting and a copy will be sent to the employee and any companion.

Where a final warning is issued, the employee will be informed in writing that failure to achieve the expected standard of performance (within the set timescale), may result in dismissal and will be given information about the further monitoring and review period and the procedure and time limits for appealing against the final written warning.

## **10.7. Right of Appeal against a formal written warning**

If an employee feels that a decision to issue a first and/or final written warning, is wrong or unjust, they may appeal in writing against the decision. The process for appealing, and for hearing the appeal, is outlined in the Common Principles section. The employee may be accompanied by a trade union representative or workplace colleague.

Notes of the appeal hearing will be taken and a copy sent to the employee. Pending any appeal the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and their progress towards the achievement of these targets may be monitored during this period.

## **10.8. Dismissal Meeting**

The Headteacher will write to the employee to inform him/her of the meeting and that it is a formal meeting being held under the capability procedure at which dismissal will be considered. The

meeting will be held in accordance with the Formal Meeting procedure outlined in the Common Principles. The meeting will be conducted by a Governor Committee as per locally agreed procedures (or Governor Committee for Headteacher).

If the expected standard of performance has been achieved during the further monitoring and review period, the capability procedure will end.

If progress has been made and there is confidence that the expected performance will be achieved by a short extension, it may be appropriate to extend the monitoring and review period rather than to dismiss. The final written warning will be extended for a short specified assessment period.

If performance has remained unsatisfactory and redeployment is not appropriate, a decision will be made that the employee will be dismissed. The employee will be informed in writing as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and whether the notice is to be served or there will be pay in lieu of notice, and the right of appeal.

### **10.9. Right of Appeal against a decision to dismiss**

The employee has a right of appeal against a decision to dismiss. The process for appealing, and for hearing the appeal, is outlined in the Common Principles section. The employee may be accompanied by a trade union representative or workplace colleague.

### **10.10. Notice of Dismissal**

Following a decision to dismiss, the Governing Body will notify the employee in writing that the employee is to be dismissed, whether with notice to be served, pay in lieu of notice, or garden leave during any notice period.

In the event that the Appeal Committee of the Governors decides not to uphold the decision to dismiss, the employee shall be informed immediately and the notice of dismissal shall be immediately withdrawn.

### **10.11. Grievances arising during the procedure**

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

## 11. Support for new parents: Maternity, Adoption, Paternity Leave

This policy addresses maternity, paternity, and adoption leave entitlements, including the entitlements for parents to 'swap' who takes certain elements of these periods of leave.

The flow-chart in Appendix 1 outlines the requirements for notifications and process; the information below outlines eligibility and entitlements. Statutory entitlements are those provided for by employment law; contractual entitlements are part of the employee's contract of employment.

The status of the employee's contract of employment during the maternity / paternity / adoption leave period is treated as if the employee is temporarily absent from work. This means that all contractual benefits, except pay, must continue as normal. Annual leave and bank holiday / concessionary days entitlement will accrue as normal.

Only one period of maternity and paternity leave can be taken even if more than one baby is born as a result of the same pregnancy; similarly, only one period of adoption and paternity leave can be taken even if more than one child is placed for adoption together.

### 11.1. Definitions

Expected Week of Childbirth (EWC)	The working week in which the child's due date falls.
Commencement date	First date of maternity or adoption leave. For maternity leave this cannot be before 11 weeks before EWC (i.e. 29 weeks pregnant) unless the child has been born
Ordinary Maternity Leave (OML)	A period of up to 26 weeks from the commencement of maternity leave
Compulsory Maternity leave	An employee must take a minimum of two weeks' leave after the birth of her child
Additional Maternity Leave (AML)	A period of up to 26 weeks from the end of Ordinary Maternity Leave
Statutory Maternity Pay (SMP)	Government funded minimum maternity pay, consisting of 6 weeks pay at 90% of average earnings during a specified period before the EWC, and then 33 weeks at the Statutory Maternity Pay rate or 90% of average weekly earnings if this is less.
Statutory Adoption Pay (SAP)	Government funded minimum adoption pay consisting of 39 weeks at the Statutory Adoption Pay rate or 90% of average weekly earnings if this is less.
Lower Earnings Limit (LEL)	Earnings must be equal to or above the Lower Earnings Limit to qualify for the statutory payments set out in this policy; it is the amount above which National Insurance contributions are paid and changes annually.
Ordinary Adoption Leave (OAL)	A period of up to 26 weeks from the commencement of adoption leave
Additional Adoption Leave (AAL)	A period of up to 26 weeks from the end of Ordinary Adoption Leave
Ordinary Paternity Leave (OPL)	A period of one, or two consecutive weeks, to be taken after but within 56 days of the child being born or placed with the adopter. Taken as whole weeks, not as odd days
Ordinary Statutory Paternity Pay (OSPP)	Government funded minimum consisting of two weeks at the Ordinary Statutory Paternity Pay rate or 90% of average weekly earnings if this is less.

## 11.2. Maternity Leave

All female employees are entitled to take up to one year (52 weeks) maternity leave from day one of employment. The 52 weeks leave consists of 26 weeks Ordinary Maternity Leave (OML) followed continuously by 26 weeks Additional Maternity Leave (AML).

The employee is not required to give notice of her intention to return to work following maternity leave unless she returns before the end of the 52 week period in which case she must give 4 weeks notice of her intention to return.

Category of Staff	Period with employer (see Note 1)	Entitlements		Obligations		
		Length of absence	Pay (see Note 2)	Period of Notice by employee to employer of intention to cease work	Period of Notice by employer to employee of date maternity absence begins	Period of Notice by employee to employer of intention to return to work
Support	Less than 26 weeks service as at 15 weeks before EWC	Up to 52 weeks	No contractual or statutory maternity pay. Form SMP1 to be provided to apply for statutory maternity allowance	By the end of the 15 <sup>th</sup> week before EWC if not earlier	28 days	None unless returning before 52 weeks, then four weeks
Teachers	Less than 26 weeks service as at 15 weeks before EWC	Up to 52 weeks	No contractual or statutory maternity pay. Form SMP1 to be provided to apply for statutory maternity allowance	By the end of the 15 <sup>th</sup> week before EWC if not earlier	28 days	None unless returning before 52 weeks, then four weeks
Support	More than 26 weeks service as at 15 <sup>th</sup> week before the EWC but less than 1 year's service as at the 11 <sup>th</sup> week before the EWC	Up to 52 weeks	Potential eligibility for SMP – see Note 3 below	By the end of the 15 <sup>th</sup> week before EWC if not earlier	28 days	None unless returning before 52 weeks, then four weeks
Teachers	More than 26 weeks service as at 15 <sup>th</sup> week before the EWC but less than 1 year's service as at the 11 <sup>th</sup>	Up to 52 weeks	Potential eligibility for SMP – see Note 3 below	By the end of the 15 <sup>th</sup> week before EWC if not earlier	28 days	None unless returning before 52 weeks, then four weeks

	week before the EWC					
Support	1 year with any local authority, maintained school, or academy as at 11 weeks before EWC	A total of up to 52 weeks, of which up to 11 weeks may be taken before EWC	6 weeks at 90% of average earnings, followed by 12 weeks half-pay and lower rate SMP, followed by 21 weeks lower rate SMP only. Rest unpaid.	By the end of the 15 <sup>th</sup> week before EWC if not earlier	28 days	None unless returning before 52 weeks, then four weeks
Teachers	1 year with any local authority, maintained school, or academy as at 11 weeks before EWC	A total of up to 52 weeks, of which up to 11 weeks may be taken before EWC	4 weeks at full pay, 2 weeks at 90% of average earnings, followed by 12 weeks half-pay and lower rate SMP, followed by 21 weeks lower rate SMP only. Rest unpaid.	By the end of the 15 <sup>th</sup> week before EWC if not earlier	28 days	None unless returning before 52 weeks, then four weeks

Note 1: The definition of 'employer' for calculating continuous service for maternity leave entitlement is that it must be continuous service within any maintained school, local authority, academy, or other organisation named in the Redundancy Modification Order

Note 2:

- All Statutory Payments are subject to National Insurance Contributions
- All half pay payments are conditional on a return to work for a period of 13 calendar weeks following the end of the leave period

Note 3: To qualify for SMP the following conditions must be met:

- The employee must have been continuously employed by their employer for at least 26 weeks by the beginning of the 15<sup>th</sup> week before the expected week of childbirth. This 15<sup>th</sup> week is called the qualifying week. (Note: the definition of 'employer' in this situation is the same as that outlined for maternity leave in Note 1 above)
- The employee must have average weekly earnings in the calculation period (which is the 8 weeks or 2 months before the end of the qualifying week) at or above the Lower Earnings Limit for payment of National Insurance contributions. The lower earnings limit is reviewed in the April of each year.
- The employee must still be pregnant at the 11<sup>th</sup> week before the expected week of childbirth or have had the baby by that time.

### Maternity Leave provisions

**Ante-natal care:** A pregnant employee has a right to reasonable paid time off to attend ante-natal care appointments. She should produce evidence of appointments if requested to do so.

**Sickness Absence:** If, after the beginning of the 4<sup>th</sup> week before the EWC, an employee is sick for a **pregnancy related reason**, then their maternity leave and pay will start automatically and they should ensure that the Headteacher is informed.

**Premature Birth:** Where a baby is born prematurely maternity leave will commence the day after the birth and the employee should ensure that the Headteacher is informed. Discretion should be used as to whether it is appropriate to extend the maternity leave period or take any other special action as necessary.

**Death of a Baby and Still Birth:** If the baby dies or is still-born after 24 weeks' pregnancy the provisions of the relevant maternity scheme based on the employees length of service apply; maternity leave will continue, or commence the day after birth in the respective circumstances. Where this occurs before 24 weeks consideration as to the circumstances should be made and where necessary special leave or sick leave should be granted. The decision should be made with consideration given to the needs of the employee and medical advice.

**Notifications during maternity leave:** The employee must tell the academy if she is taken into legal custody during her period of maternity leave or she commences work with a different employer while receiving maternity pay. Maternity pay will not be payable in these circumstances.

Please also see the 'Miscellaneous provisions' section below, section 11.7.

### **Health and Safety for pregnant employees**

Pregnant employees must be given specific health and safety protection under UK Health and Safety Legislation. The main provisions are set out below.

Employers must assess all workplaces for risks to the health and safety of their employees and others affected by their work activities. In particular, they must consider if there are specific or enhanced risks for new and expectant mothers, defined by the Health and Safety Executive (HSE) as "an employee who is pregnant, who has given birth or miscarried within the previous six months, or who is breast feeding". Such risks would include exposure to certain harmful substances or microbial agents/infectious diseases; extremes of heat and cold; noise; movement and posture; lifting/handling loads; and potential exposure to violence (including verbal abuse). Employees have a duty to inform the employer if they are within the definition above so that appropriate assessment of risk can take place.

Where an unacceptable risk is identified the employer must take any protective or preventative measures required by other health and safety legislation to remove it. Where this would not prevent the employee from being at risk, a hierarchy of measures should be followed:

- if it is reasonable to do so, working conditions or hours of work should be altered to avoid (or minimise) the risk;
- if this is not possible, or the risk cannot be avoided by this, the employee should be offered suitable alternative employment on existing, or not substantially less favourable, terms and conditions;
- if no suitable alternative work is available, the employee should be given leave of absence with full pay. If the employee refuses an offer of suitable alternative work, the leave may reasonably be unpaid.

**Period of Protection:** These provisions apply from the time the school receives written notification that the employee is pregnant until 6 months after the date of childbirth, or until the employee stops breast feeding if she continues to do so beyond this six month period. The paid leave of absence provisions will not apply during the maternity leave period. The employee will receive whatever maternity pay she is entitled to as normal.

### 11.3. Adoption Leave

Adoption leave is available to individuals who adopt and to one member of a couple who adopt jointly (where the couple may choose who takes the adoption leave). To qualify for paid adoption leave an employee must be:

- newly matched with a child for adoption by an approved adoption agency
- have worked continuously for the same employer for 26 weeks ending with the week in which they are notified of being matched with a child for adoption (Note – the definition of ‘employer’ in this situation is the same as that outlined for Maternity Leave in Note 2 above)

Only one period of adoption leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

The academy will require evidence of the adoption match.

Adopters will be entitled to up to 26 weeks' Ordinary Adoption Leave (OAL) followed immediately by up to 26 weeks' Additional Adoption Leave (AAL) -a total of up to 52 weeks leave. Statutory Adoption Pay (SAP) will be paid by employers for up to 39 weeks for those employees whose average weekly earnings exceed the Lower Earnings Limit (LEL).

Adopters will be required to inform their employers of their intention to take adoption leave within the following timeframe, unless this is not reasonably practicable:

- For UK adoptions: Within 7 days of being notified by their adoption agency that they have been matched with a child for adoption
- For international adoptions: Within 28 days of being notified that they have been matched with a child for adoption, or within 28 days of completing 26 weeks service

The adopting employee will be required to inform their employers when the child is expected to be placed with them and when they want their adoption leave to start in accordance with the timeframes outlined above. Employers will be required to respond to a request to take adoption leave within 28 days of receiving the notification.

The adopter will be able to change their mind about the date on which they want their leave to start providing they tell the academy at least 28 days in advance (unless this is not reasonably practicable). They will be required to tell their employer the date they expect any payments of SAP to start at least 28 days in advance, unless this is not reasonably practicable.

The adopter can choose when to start their leave:

- From a fixed date which can be up to 14 days before the expected date of placement
- From the date of the placement of the child (regardless of whether this is earlier or later than expected).

Adoption Leave can start any day of the week.

		Entitlements		Obligations		
Category of Staff	Period with employer (see Note 1)	Length of absence	Pay (see Note 2)	Period of Notice by employee to employer of intention to cease work	Period of Notice by employer to employee of date adoption absence begins	Period of Notice by employee to employer of intention to return to work

All	Less than 26 weeks service as at the week of match notification	Up to 52 weeks	No contractual or Statutory Adoption Pay.	Within 7 days of UK match; within 28 days of international match, or within 28 days of completing 26 weeks service	28 days	None unless returning before 52 weeks, then four weeks
All	More than 26 weeks service but less than a year of service as at the week of match notification	Up to 52 weeks	39 weeks at SAP, followed by 13 weeks unpaid	Within 7 days of UK match; within 28 days of international match, or within 28 days of completing 26 weeks service	28 days	None unless returning before 52 weeks, then four weeks
Support	1 year with any local authority, maintained school, or academy as at the week of match notification	Up to 52 weeks	6 weeks at 90% of average earnings, followed by 12 weeks half-pay and lower rate SAP, followed by 21 weeks lower rate SAP only. Rest unpaid. See Note ?	Within 7 days of UK match; within 28 days of international match, or within 28 days of completing 26 weeks service	28 days	None unless returning before 52 weeks, then four weeks
Teachers	1 year with any local authority, maintained school, or academy as at the week of match notification	Up to 52 weeks	4 weeks at full pay, 2 weeks at 90% of average earnings, followed by 12 weeks half-pay and lower rate SAP, followed by 21 weeks lower rate SAP only. Rest unpaid.	Within 7 days of UK match; within 28 days of international match, or within 28 days of completing 26 weeks service	28 days	None unless returning before 52 weeks, then four weeks

Note 1: The definition of 'employer' for calculating continuous service for maternity leave entitlement is that it must be continuous service within any maintained school, local authority, academy, or other organisation named in the Redundancy Modification Order

Note 2:

- All Statutory Payments are subject to National Insurance Contributions
- All half pay payments are conditional on a return to work for a period of 13 calendar weeks following the end of the leave period

### Adoption leave provisions

**Time off before the adoption placement:** The amount of time off necessary before adoption will vary depending on the specific circumstance of each case. The employee should be asked to produce evidence of a schedule of appointments and should be allowed reasonable time off with pay to attend such appointments



**If the placement ends during Adoption Leave:** If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement

Please also see the 'Miscellaneous provisions' section below, section 11.7.

#### **11.4. Leave for supporting a new parent when the employee has less than 26 weeks service**

This allows all employees, irrespective of length of service, to apply for up to one week's leave (pro rata) for supporting a new parent provided they are nominated by the main carer of the child and the leave is to support them on or around (within 8 weeks either side) the time of the birth/adoption of the child.

The employee will receive their contractual pay during the period of leave.

The employee is only entitled to one period of leave for supporting a new parent. Therefore where the employee is also entitled to Ordinary Paternity Leave, the one week leave for supporting a new parent will count as one of the two weeks of paternity leave entitlement.

The employee must complete an application form Appendix 2 and give reasonable notice i.e. 28 days where practicable, of their intention to take leave for supporting a new parent.

Leave for Supporting a New Parent does not need to be taken as a week block. Individual days up to a maximum of 5 days pro-rotata may be booked.

#### **11.5. Ordinary Paternity Leave (OPL)**

##### **Criteria for Eligibility for Ordinary Paternity Leave**

This statutory entitlement allows father and partners of those giving birth or adopting a child, time off work to support the mother and/or care for the baby at the time of, or following the birth or placement.

##### **Births**

An employee will qualify for Ordinary Paternity Leave (OPL) if they:

1. are the biological father of the child, or
2. are married to or in a civil partnership with the mother, or
3. are living with the mother in an enduring family relationship, but are not an immediate relative, AND
  - is or will be responsible for the child's upbringing (with the child's mother) AND
  - are taking the leave to support the mother or care for the child AND
  - have 26 weeks' qualifying service within any maintained school, local authority, academy, or other organisation named in the Redundancy Modification Order by the end of the 15th week before the start of the week when the baby is due AND
  - continue to be employed until the birth of the child

##### **Adoptions**

An employee will qualify for Ordinary Paternity Leave (OPL) if they:

- are married to or in a civil partnership with the primary adopter, or
- are living with the primary adopter in an enduring family relationship, but are not an immediate relative AND
- expects to have responsibility for the child's upbringing (with the primary adopter) AND
- are taking the leave to support the primary adopter or to care for the child AND
- have been continuously employed for 26 weeks' up to and including the week the primary adopter is told by the adoption agency that they have been matched with the child, or in the case of overseas adoption have been continuously employed for at least 26 weeks into the week that the adopter receives official notification\*, or by the time they want their OPL to begin, whichever is later. AND
- continue to be employed by the academy until the child is placed.

\* **Official notification** is written notification issued by or on behalf of the relevant domestic authority (usually the Department for Education) that the authority either:

- is prepared to issue a certificate to the overseas authority dealing with the adoption of the child
- has issued a certificate and sent it to that authority

### **Arrangements for taking Ordinary Paternity Leave**

The earliest OPL can be taken is from the date of the child's birth or adoption placement and can start on any day of the week. The leave cannot start before the birth or placement of the child. It must be taken within 56 days (8 weeks) of the birth or if the baby is born prematurely within 56 days of the expected date of birth. For adoptions within the UK it must be taken within 56 days of the placement; for international adoptions within 56 days of the date the child entered the UK.

The leave must be taken in a block, i.e. two consecutive weeks. Where less than a full week's leave is taken, it will be deemed as one week of the entitlement.

### **Notifications - Ordinary Paternity Leave**

#### **Births**

The employee must notify their Manager by end of the 15th week before the expected week of childbirth (EWC) or as soon as is reasonably practicable, of:

- the expected week of the baby's birth
- whether they wish to take one or two weeks' leave
- when they want their OPL to start leave to start

The employee must notify their Manager no later than the end of the 15th week before the EWC when they want OPL to start – they must sign a declaration stating that:

- they are taking leave either to care for their child or to support the mother or both
- they have or expect to have responsibility for the upbringing of the child
- they are the father of the child and/or the partner or husband of the mother.

The employee must supply information and make a declaration. Completing an application form within the timescale above, will ensure notification requirements are met.

## **Adoptions**

In the case of adoptions, the employee must notify their Manager that they wish to take OPL, and the date when they want OPL to start, no more than seven days after the primary adopter is notified that they have been matched with a child or receive official notification.

The Manager must acknowledge receipt of the employee's notification of their intention to take OPL and OSPP, in writing within 28 days, confirming the relevant start and end dates of OPL and OSPP.

### **Ordinary Statutory Paternity Pay (OSPP)**

The employee will be paid Ordinary Statutory Paternity Pay by the academy provided they meet the criteria.

For the first week of Ordinary Paternity Leave the employee will have their OSPP topped up to enable them to receive their normal weekly pay. The second week, if taken, will be paid at the rate for OSPP.

Where an employee meets the criteria for OPL but does not meet the criteria for the payment of OSPP, they will receive their normal weekly pay for their first week of leave.

NOTE: To receive OSPP from the academy the employee must, in the case of a birth, have more than 26 weeks continuous service at 15 weeks before the EWC or, in the case of an adoption, have more than 26 weeks continuous service ending the week the adopter is notified of being matched with a child (or for international adoptions the date when they receive official notification), and their average weekly earnings must be at or above the Lower Earnings Limit for National Insurance at the end of the qualifying week.

Employees' who do not qualify for OSPP will be given form OSPP1 and advised to claim from the Benefits Agency.

### **Changing the Dates for Ordinary Paternity Leave**

An employee can change the date on which they want their leave to start (but not the length of the leave they are taking) as long as they give their Manager 28 days' notice.

If this is not possible, the employee should tell their Manager as soon as is reasonably practicable. If an employee changes their dates, they will need to fill in a new form.

## **11.6. Benefits during Maternity, Adoption or Paternity Leave**

**Annual Leave:** Annual leave will accrue during the total period of leave taken. Employees should discuss their arrangements for taking annual leave with a Senior Leader prior to commencing the leave period.

**Bank Holidays:** For every Bank Holiday which falls during the total period of leave taken an additional day of annual leave entitlement will accrue.

**Pension:** For members of the Teachers' Pension Scheme or the Local Government Pension Scheme, the academy will pay the employer's contributions to the schemes during any period when the employee is in receipt of SMP or SAP (i.e. the first 39 weeks of the 52 weeks).

During the unpaid period of Maternity or Adoption, Leave the academy will not make any payment contribution towards the employee's pension. The employee does not make any contributions during this period but they may, if they wish, make up for missed contributions on their return to work.

### **Sickness on Returning to Work**

If an employee is unable to return to work as expected due to sickness or injury, the usual sickness absence reporting procedure will apply.

## **11.7. Miscellaneous Provisions for Maternity and Adoption Leave**

**Dismissal Protection:** The law protects an employee against dismissal when she is pregnant or during maternity leave, or when an employee is taking Adoption Leave. This entitlement is regardless of hours worked or length of service. Only when a dismissal would have occurred, regardless of the fact that the employee is pregnant or on maternity / adoption leave, would a dismissal not be automatically unfair.

**Keeping in Touch Days:** Employees may, by agreement with their employer, do up to ten days' work – known as "Keeping in Touch days" - under their contract of employment during the maternity / adoption leave period. Such days are different to the reasonable contact that employers and employees may make with one another, as during Keeping in Touch days employees can carry out work for the employer, for which they may be paid in accordance with their normal rates of pay.

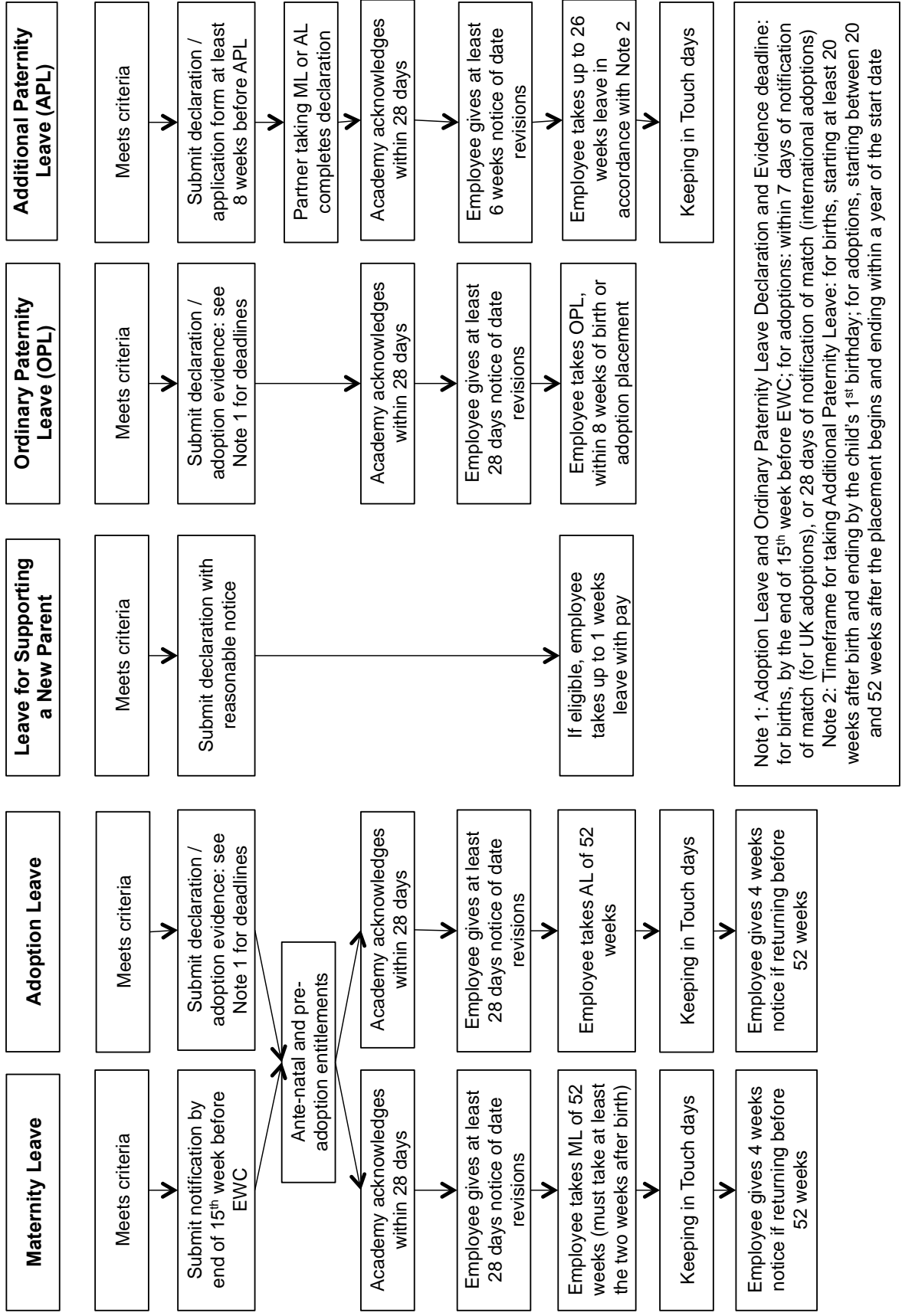
Any work done on any day during the maternity / adoption leave period will count as a whole Keeping in Touch day, up to the 10-day maximum. In other words, if an employee comes in for a one-hour training session and does no other work that day, the employee will have used one of their Keeping in Touch days. The type of work that the employee undertakes on Keeping in Touch days is a matter for agreement between the two parties. They may be used for any activity which would ordinarily be classed as work under the employee's contract.

Keeping in Touch days do not extend the period of maternity / adoption leave. Once the maximum 10 keeping-in-touch days have been used up, the employee will lose any further entitlement to statutory pay for any week in which they agree to work.

**Return to work:** The employee taking maternity / adoption leave is entitled to return to work for the same number of hours in the same or similar post to that which they were employed for prior to starting their period of leave, on terms and conditions no less favourable than those which would have been applicable had they not taken their period of leave.

If it is not possible due to reorganisation etc., for the employee to return to their original post, they must be offered suitable alternative employment on terms and condition no less favourable than if they had been able to return to the job for which they were originally employed.

## Appendix 1: Support for New Parents Policy Process Flowchart



## **12. Parental Leave**

The Regulations on unpaid parental leave set out certain core elements which are minimum standards. These cannot be reduced, even by agreement. If the employee meets the qualifying conditions and gives the required notice the employee is entitled to take the leave. It cannot be refused, but may be deferred.

### **12.1. Rules Relating to Unpaid Parental Leave**

An employee who has one year's continuous service with the academy is entitled to a total of 18 weeks leave in order to care for each child who is eligible under this policy. The employee must have parental responsibility for the child in question. The right is an individual right, so both parents are entitled to parental leave. Employees can only take parental leave subject to the following rules:

- employees must have responsibility for the child in question and be taking the leave to spend time with or otherwise care for the child. An employee is deemed to have responsibility for the child if they are:
  - the biological mother or father (whether or not living with the child)
  - the child's adoptive parent
  - has, or expects to have, parental responsibility for the child or legal parental responsibility or fathers who appear on the child's birth certificate regardless of marital status
- leave can only be taken in blocks or multiples of one week. If the leave is for a shorter period than a week it is counted as a week's leave. An employee with a disabled child may take parental leave in blocks or multiples of a single day.
- employees must give a minimum notice of 21 days' notice
- employees can only take four weeks' leave in any year for each child. The year begins on the date that the employee becomes entitled to the leave. This is either the date of the child's birth or, in the case of a new employer where an employee begins a new job, after serving the one year qualification period.
- leave may be postponed by the employer for up to six months where the business would be unduly disrupted; however, leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption.

### **12.2. Children Covered by the Regulations**

The right to parental leave lasts until the child's eighteenth birthday. The child must have been born on or after 15 December 1999.

### **12.3. Notice**

In general an employee is required to give at least 21 days notice, specifying when the leave is to begin and end. Expectant fathers who wish to take leave immediately after the birth of a child must specify the expected week of childbirth. If the leave is to be taken immediately after a child is placed for adoption the notice must specify the expected week of placement.

#### **12.4. Record Keeping and Proof**

There is nothing in the Regulations that requires employers to keep statutory records of parental leave taken, but schools are strongly advised to do so. When an employee changes jobs, employers will be free to make enquiries of a previous employer about how much parental leave he or she has taken.

The employer may request to see reasonable evidence of the child's date of birth, of the employee's responsibility or expected responsibility for the child and, if the child is disabled, to the child's entitlement to a disability living allowance.

#### **12.5. Postponing the Period of Leave**

The period of leave can be postponed "if the operation of the business would be unduly disrupted". However, if the leave is to be taken immediately after a child is born or placed for adoption the employer may not postpone the leave. Schools may be able to argue that, since there are significant school closure periods, pupils' education will be unduly disrupted by allowing parental leave in term time. The School's Personnel Adviser will advise on individual cases. However it is important that schools adopt a fair and consistent approach.

If the school wishes to postpone a period of leave it must notify the employee, in writing, within seven days of the request for leave, stating the reason for the postponement which could be that the absence will cause considerable disruption or interruption of the quality of teaching and learning provided for pupils. The employer must grant the leave within six months and specify, in writing, the date upon which the leave may be taken after consulting with the employee. If no agreement is reached after consultation the employer must determine the appropriate dates.

#### **12.6. Contractual Entitlements**

Support staff employed under Green Book Conditions of Service are contractually entitled to 5 days Maternity Support Leave "to assist in the care of the child and to provide support to the mother at or around the time of the birth." Therefore, a member of support staff is entitled to 5 days paid Maternity Support Leave and a further 12 weeks unpaid Parental Leave.

There is no similar provision for teachers under the Burgundy Book but any existing local agreements, either LA or Governing Body, should be treated in the same way as described in the preceding paragraph for support staff.

#### **12.7. Employees Rights**

Under the Regulations, employees will have the right to present a complaint to an employment tribunal if the employer prevents or attempts to prevent them from taking parental leave. An employee who takes parental leave will also have the right not to be dismissed or subjected to any other detriment by reason of taking parental leave.

#### **12.8. Unpaid Time Off to Care for Dependants**

An employee is entitled to take a reasonable amount of time off during the employee's working hours in order to take action which is necessary (see the Leave of Absence Policy for details on principles and discretions the Headteacher may apply when considering requests for time off in special circumstances):

- to provide assistance on an occasion when a dependant falls ill, gives birth, or is injured or assaulted

- to make arrangements for the provision of care for a dependant who is ill or injured
- as a result of the death of a dependant
- because of the unexpected disruption or termination of arrangements for the care of a dependant, or,
- to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment, which the child attends, is responsible for him or her.

A dependant is defined as the employee's wife, husband, child, parent or someone who lives in the same household as the employee but who is not his or her employee, tenant, lodger or boarder.

A dependant also includes, in addition to the categories in the preceding paragraph, any person who reasonably relies on the employee either for assistance on an occasion when the person falls ill or is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury. Furthermore, where the time off relates to unexpected disruption or termination of arrangements for the care of a dependant, then a dependant will also include any person who reasonably relies on the employee to make arrangements for the provision of care. This last category of dependant may cover a situation where the employee is the primary carer or is the only person who can help in an emergency. It should also be noted that any references to illness or injury include mental illness or injury.

The employee must tell the employer the reason for his or her absence as soon as reasonably practicable. The employee must also tell the employer how long he or she expects to be absent, unless this is impossible until he or she returns to work.

The duration of the time off is such as is "reasonable" in order to take action that is necessary to deal with one of the specified events. It is anticipated that the meaning and scope of these terms will have to be considered by tribunals in due course.



## **13. Flexible Working**

The academy is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. The school recognises that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of staff.

This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern. There is a statutory right to request this for all employees with at least 26 weeks continuous service, who have not made a formal request to work flexibly during the last 12 months.

No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.

In the development of this policy consideration has been given to the impact on protected characteristics under the Equality Act and the work life balance of employees.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

### **13.1. Scope and Purpose of the Policy**

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

Employees with at least 26 weeks' continuous service have a statutory right to request flexible working. That right is recognised by the formal right to request procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in section 13.3.

Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in 13.10 to a Senior Leader, who will consider the request according to the School's educational, business and operational needs.

All decisions made under the flexible work policy will be made on a case by case basis and those making the decision will consider how the individual request and/or alternatives to this request can be accommodated alongside the needs of the school.

Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.

Any employee interested in flexible working is to discuss this initially with their line manager to consider their eligibility, the different options and the effect of their proposed work pattern on colleagues/pupils and curriculum/service delivery before submitting a formal or informal request.

### **13.2. Forms of Flexible Working**

Flexible working can incorporate a number of changes to working arrangements:

- reduction or variation of working hours;
- reduction of the number of days worked each week; and/or
- working from a different location (for example, from home).

### **13.3. Eligibility for the Formal Right to Request Procedure**

To be eligible to make a request under the formal procedure you must:

- a) be an employee;
- b) have at least 26 weeks' continuous service at the date your request is made;
- c) not have made a formal request to work flexibly during the last 12 months (each 12 month period runs from the date when the most recent application was made).

Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in paragraph 13.10 to a Senior Leader, who will consider the request according to the School's educational, business and operational needs.

Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.

Any employee interested in flexible working may request an informal meeting with a Senior Leader to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues/pupils and curriculum/service delivery before submitting a formal or informal request.

### **13.4. Making a Formal Flexible Working Request**

You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.

Your written and dated application should be submitted to the Headteacher and should:

- a) state the reason for your request;
- b) provide information to confirm that you meet the eligibility criteria for requesting flexible working;
- c) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
- d) address the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on subject/service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application; and
- e) state whether this is a statutory formal request and whether you have made a previous formal or informal request for flexible working and, if so, when; and
- f) state if you are making your request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability;
- g) ideally be submitted at least two months before you wish the changes you are requesting to take effect.

The Headteacher may be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Headteacher will write to you, confirming the decision and explaining the permanent changes that will be made to your contract of employment.

If your proposal cannot be accommodated, discussion between you and the Headteacher may result in an alternative working pattern that can assist you.

### **13.5. Formal Procedure: Meeting**

Where necessary, the Headteacher or a nominated Senior Leader will arrange to meet with you within 28 days of your application being submitted. The meeting will also be attended by other relevant staff, such as your line manager. You may bring a colleague or trade union representative to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.

In most cases, the meeting will be held at your usual place of work. The meeting will be held at a time and place that is convenient to you.

The meeting will be used to consider the working arrangements you have requested. You will be able to explain how the arrangements will accommodate your caring responsibilities. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

### **13.6. Formal procedure: trial**

Occasionally it may be appropriate to 'trial' a change of working arrangements on a temporary basis. This gives both the employee and the employer the opportunity to try out the change before a decision is made whether it can become a permanent change.

The decision on whether to offer a trial period rests with the Headteacher (or a nominated Senior Leader) but the employee will need to agree. The temporary arrangement should be confirmed in writing to the employee specifying the duration of the trial period.

At the end of the trial period, the Headteacher or a nominated Senior Leader will meet with the employee to discuss the trial and make a decision on whether the temporary arrangement can be made permanent.

### **13.7. Formal Procedure: Decision**

Following the meeting, the Headteacher or nominated Senior Leader will notify you of the decision in writing within 14 days.

If your request is accepted, or where we propose an alternative to the arrangements you requested, the Headteacher or nominated Senior Leader will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that your line manager will discuss with you.

You should be aware that changes to your terms of employment will be permanent and that you will not be able to make another formal request until 12 months after the date of your original application.

If the Headteacher or nominated Senior Leader needs more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, they may need more time to investigate how your request can be accommodated or to consult several members of staff.

There will be circumstances where, due to educational, business and operational requirements, the school is unable to agree to a request. In these circumstances, the Headteacher or nominated Senior Leader will write to you:

- a) giving the business reason(s) for turning down your application;
- b) explaining why the business reasons apply in your case; and
- c) setting out the appeal procedure.

The eight business reasons for which the school may reject your request are:

1. the burden of additional costs;
2. detrimental effect on ability to meet student needs;
3. inability to reorganise work among existing staff;
4. inability to recruit additional staff;
5. detrimental impact on quality;
6. detrimental impact on performance;
7. insufficiency of work during the periods that you propose to work; and
8. planned changes.

### **13.8. Formal Procedure: Appeal**

The employee has a right of appeal against a refusal to accept a request for flexible working. The appeals procedure is set out in the Common Principles.

If your appeal is upheld against the rejection of your flexible working proposal, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that your line manager will discuss with you.

You should be aware that changes to your terms of employment will be permanent and you will not be able to make another formal request until 12 months after the date of your original application.

If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

### **13.9. Breaches of the Formal Procedure**

There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with you, a Senior Leader will write to you confirming the extension and the date on which it will end.

If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

- you fail to attend two meetings under the formal procedure without reasonable cause; or
- you unreasonably refuse to provide information we require to consider your request.

In such circumstances, a Senior Leader will write to you confirming that the request has been treated as withdrawn.

### **13.10. Making an Informal Flexible Working Request**

Employees who wish to make an informal request for flexible working may make a request to a Senior Leader who will consider it according to school educational, business and operational requirements.

It will help the Senior Leader consider your request if you:

- make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
- provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
- think about what effect the changes to your working pattern will have on the work that you do and on your colleagues, as well as on our subject/service delivery and that of your colleagues. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application; and
- give details of the demands of your caring responsibilities, if you have any.

The Senior Leader will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request.

## 14. Leave of Absence

The Governing Body recognises that absence from duty by staff may occur for a wide variety of reasons including compassionate grounds, jury service or for other reasons.

The Governing Body will observe its statutory obligations. Broadly these are:

- Time off for trade union duties in accordance with provisions in Section 61 and 62 of the Employment Rights Act 1996.
- Time off with pay for safety representatives, appointed/elected by recognised trade unions both to carry out safety functions and to undergo relevant training.
- Paid time off for ante-natal care under section 55 of the Employment Rights Act 1996, as part of the provisions for maternity leave.
- Unpaid time off for parental leave, dependants and domestic emergencies (note the reference to parental leave is separate to shared parental leave for babies due on or after 5<sup>th</sup> April 2015 or who are placed for adoption on or after 5<sup>th</sup> April 2015).

NOTE: This policy does not consider personal illness or injury, which is covered by the Sickness Absence Policy.

### 14.1. Key points for staff

Except in cases of serious urgency, no employee may be absent from duty for any reason other than personal illness, without the previous permission of the Headteacher

Where unpaid leave of absence occurs with the permission of the Headteacher, salary shall be calculated at a daily or part-daily rate based on the day's salary being 1/365<sup>th</sup> of a year's salary, for each school day of the period of absence.

Where a teacher is absent for reasons other than sickness without the permissions of the Headteacher as appropriate, deductions from salary shall be calculated at a daily or part-daily rate based on the day's salary being 1/365<sup>th</sup> of a year's salary for each school day of an absence, except that where absence involves a Friday and the following Monday, the salary shall also be deducted for the Saturday and Sunday included in the period of absence.

Where a member of support staff is absent for reasons other than sickness without the permissions of the Headteacher as appropriate, deductions from salary shall be calculated at a daily or part-daily rate based on the day's salary being 1/365<sup>th</sup> of a year's salary, except that where absence involves a Friday and the following Monday, the salary shall also be deducted for the Saturday and Sunday included in the period of absence.

Requests for Leave of Absence should be made to the Headteacher not less than 7 days before the absence is required wherever possible. In the case of the Headteacher seeking time off, consultation will be with the Chair of Governors.

The Headteacher may delegate decisions regarding Leave of Absence requests to a Senior Leader.

The Headteacher will keep a record of all leave granted under this policy.

### 14.2. Study/Examination Leave

Where there are requests for leave of absence for the purpose of revision immediately prior to an examination for a recognised qualification or leave of absence for the day(s) on which the examinations take place, the request will be considered according to the following principles:

- The cost to the school of the leave in terms of salary, cover arrangements and organisational disruption.
- The relevance of the qualification to the better performance of the post the individual holds.
- The individual's career development and personal circumstances.

### 14.3. Secondments/Extended Unpaid leave of Absence

In the event that an employee requests an extended period of unpaid leave of absence the Headteacher will discuss the matter with the employee and consider the matter in relation to:

- The cost to the school of the leave in terms of, cover arrangements and organisational disruption.
- The circumstances of the individual.

### 14.4. Adoption and Maternity Support Leave

Please see the separate policy for Support for New Parents.

### 14.5. Time Off for Public Duties and Activities

Subject to the needs of the school, the following table outlines the possible discretionary time off in order to carry out the following public duties and activities:

	Policy
Justice of the Peace; Member of the Magistrates Courts Committee; Member of a Family Practitioner Committee; Member of a Local Authority; School Governor	Not exceeding 12 paid days per academic year
Other public duties as referred to in the Employment Rights Act 1996	
Serving on such other local or regional public bodies as the Governors may authorise	
Campaigning as an official candidate for a General Election or a European Election	From 1 <sup>st</sup> day nomination papers are delivered to the 2 <sup>nd</sup> day after the election unpaid
Campaigning as an official candidate for a Local Authority Election	Paid for polling day only
Jury service - which must be claimed and receipts/proof supplied	Pay minus Juror's Allowances
Performance of duties as Examiner / Moderator or external School Examinations or Membership of the Governing Council of an Examining Body or Central Administration of an Examining Board	Up to 5 working days paid per academic year, with prior agreement from the Academy. The Academy is to receive the fee up to the daily salary receivable.

In granting a number of days leave of absence to an employee the Academy requires that the employee, wherever possible, will draw up a schedule of days, as far in advance as possible, in consultation with the Headteacher.

Time off for public duties is with pay subject to the limits of reasonableness and the limit on time off as outlined above. Pay is the normal pay that would have been earned in that period of absence.

In the event that the employee requests so much time off for public duties and activities that in the opinion of the Headteacher the operational effectiveness of the school suffers the Headteacher will discuss the need to reduce the amount of time off or make some alternative arrangements with the employee, together with their trade union official if requested.

## 14.6. Leave of Absence - Service in Non-Regular Forces

Paid leave of absence will not normally be granted for Summer Camp. Additional leave of absence may be granted without pay where there are exceptional circumstances.

Members of the Territorial Army who are required to undertake training additional to attendance at summer camp and who are unable to arrange for such training to be on days when they would normally not be working will be granted up to 5 days unpaid leave of absence.

## 14.7. Leave Requested in Special Circumstances

Applications for exceptional leave should be made to the Headteacher in writing as soon as the need to be absent is known. In an emergency the school should be informed by telephone.

In dealing with requests for leave of absence in special circumstances the Headteacher will apply the principles set out below:

- The cost to the school of the leave in terms of salary, cover arrangements and organisational disruption.
- The circumstances of the individual including previous paid and unpaid leave granted relative to the period of employment.

The list of examples is non-exhaustive and the Headteacher may exercise discretion up to the limits described.

	Policy
Defendant in a court case	Unpaid, or paid leave during the trial with salary decided after the result
Attendance as a witness either on subpoena or other direction of a court or at the direction of the police, or voluntary attendance at an inquest as witness	Pay minus Juror's Allowances
Religious observance	Maximum of 3 working days a year with pay if the religious observance times fall on days when they are normally at work and cannot re-arrange working times or take annual leave to enable the religious observance; after 3 days it is unpaid
Interviews for other appointments	Maximum of two paid working days per occasion, up to 12 paid days in an academic year in total
Visit to new school prior to commencing employment there	1 working day paid
Serious illness or injury of a significant other giving rise to serious domestic difficulties	Up to five paid working days for husband, wife, partner, child, dependent. Up to three paid working days for near relative of yourself or your spouse / partner
Death (including funeral) of a significant other	Up to five paid working days for husband, wife, partner, child, dependent. Up to three paid working days for near relative of yourself or your spouse
Confinement in relation to pregnancy of wife, partner, dependent or child	Up to 5 paid working days
Attending a funeral in an official capacity	Up to 3 working days paid
Wedding of yourself, or near relative of yourself or your spouse	1 or 2 working days paid according to distance and circumstances, including the day of the wedding
Moving house	1 working day paid
Attendance at a ceremony for award of a personal degree, or a degree awarded to an employee's child or any other reward of	1 or 2 working days paid according to distance and circumstances



honours to an employee or near relative of an employee or spouse	
Personal events or emergencies, i.e. an event which, if response were to be delayed, would result in significant personal loss to the individual	Headteacher's discretion, including whether it is paid or unpaid
Accepted impossible travel because of weather or other public crisis	Headteacher's discretion, including whether it is paid or unpaid
Attendance at a National Political Party Conference as an accredited delegate	Leave without pay
Leave in accordance with Parental and Dependents Leave Regulations 1999	As required by statute
Any personal reason other than those above which, reasonably, could not have been scheduled for a non-working day or time or within annual leave, e.g. dentist, optician, driving test, family occasions, sports	Normally these should be arranged outside working times or through time-off in lieu arrangements. Headteacher's discretion to determine whether it is paid or unpaid.

Notes:

- 'Near relative' includes father, mother, grandparent, child, grandchild, sister or brother.
- Serious illness is defined only in terms of the level of care involved, demanding the employee's presence
- Partner means a person towards whom the employee has similar responsibilities as to a husband or wife, with regard to care of dependants matters

#### **14.8. Appeal against refusal to grant Leave of Absence**

The employee has a right of appeal against a refusal to grant a Leave of Absence. The appeals procedure is set out in the Common Principles.

## **15. Redundancy**

It is the school's responsibility to review the staffing structures from time to time to ensure they remain relevant to the needs of the school and within the school's budgetary constraints.

### **15.1. Principles**

Within the context of the needs of the school, the Governing Body will make every effort to avoid compulsory redundancy by achieving reductions through:

- natural turnover and staff resignations.
- deletion of appropriate vacancies.
- voluntary redeployment of staff into other suitable posts within the school.
- voluntary transfer to part time working, reduced hours or job sharing arrangements.
- voluntary redundancy.
- review of genuine fixed term contracts.

These options will be considered within any restructure proposal.

Any employee who seeks information on the benefits available as a result of volunteering to be selected for redundancy will be entitled to do so without prejudice to their position.

### **15.2. Consultation**

In the event that it is necessary to make a reduction in staff, the Governing Body will inform all the staff concerned and the recognised trade unions involved of the following:

- the reasons for the redundancy.
- the number and descriptions of the employees to be dismissed as redundant.
- the total number of employees of any such description employed at the school.
- the proposed method of selecting the employees to be dismissed.
- the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect.
- the method of calculating any compensation to be paid to redundant employees
- The number of agency workers working temporarily for and under the supervision and direction of the school
- The parts of the school in which the agency workers are working and the type of work they are carrying out
- The proposed timeline for the redundancy process

The Headteacher, in consultation with the Chair of Governors, will determine the selection criteria that are proposed to be used, and on which the staff and trade union(s) will be consulted.

The Governing Body will consult the trade unions recognised by the Governing Body with a view to reaching agreement, and will consult with the employees affected by the proposals whether or not they are in a recognised Trade Union. The Governing Body will consider any representations made to it and provide responses to the points raised, including any reasons for the rejection of any representations.

### **15.3. Salary safeguarding**

If it is agreed that an individual will be redeployed to suitable alternative employment, the following salary protection arrangements will be adopted.

### **Teachers (those eligible for Teachers Pension Scheme)**

Salary protections will be in accordance with the provisions of the School Teachers' Pay and Conditions Document, including for Teaching and Learning Responsibilities (TLRs) or posts that are on the leadership spine.

Differences in hours worked will not be subject to protection and therefore any protected allowances would also be paid pro-rata if the new post were part-time.

Each member of the teaching staff must be given a revised annual pay statement within a month of any determination which may affect their pay, incorporating details of any safeguarding.

### **Support staff (those eligible for Local Government Pension Scheme) who commenced employment prior to 1 January 2014**

If a staff member who commenced employment with the academy prior to 1<sup>st</sup> January 2014 is deployed into a lower graded post, and holds a permanent contract, protection arrangements will be as follows:

- The protected element of pay will be the difference between the employee's previous contractual pay and their new contractual pay up to a maximum 20% of previous contractual pay.
- Pay protection will be a phased reduction of pay over a period of not more than three years, paid as follows from the implementation date of the new contractual pay:
  - Year One - 100% of the difference for 12 months
  - Year Two - 66.6% of the difference for a further 12 months
  - Year Three - 33.3% of the difference for a further and final 12 months
- Where an employee moves to a higher paid role during the pay protection period, pay protection will cease.

### **Support staff (those eligible for Local Government Pension Scheme) who commenced employment on or after 1 January 2014**

If a staff member who commenced employment with the academy on or after to 1<sup>st</sup> January 2014 is deployed into a lower graded post, and holds a permanent contract, protection arrangements will be as follows:

- The protected element of pay will be the difference between the employee's previous contractual pay and their new contractual pay up to a maximum 20% of previous contractual pay.
- Pay protection will be a phased reduction of pay over a period of not more than two years, paid as follows from the implementation date of the new contractual pay:
  - Year One - 100% of the difference for 12 months
  - Year Two - 50% of the difference for a further 12 months
- Where an employee moves to a higher paid role during the pay protection period, pay protection will cease.

## **15.4. Voluntary reductions in hours**

If it is agreed that an individual will voluntarily reduce their hours, they would be entitled to a one-off payment calculated in accordance with the table below.

<b>Hours</b>	<b>Compensation</b>
Reduction in Hours Involving Less than 20% loss of gross pay	<i>No Compensation</i>
Reduction in Hours involving 20 – 40% loss of gross pay	No of weeks on Statutory Redundancy Grid x weekly loss of pay
Reduction in Hours involving more than 40% loss of gross pay	No of weeks on Statutory Redundancy Grid x weekly loss of pay plus an additional payment for notice x weekly loss of pay

An employee who requests a voluntary reduction in hours must agree to pay back an element of the compensation if he/she leaves the job voluntarily either to another post internally or externally or increases their hours within a defined period. The amount to be paid back will be based on the difference between the compensation paid and the savings actually made, calculated on an individual basis, the principle being that the scheme must not cost more than the savings it produces. E.g. where an employee has received compensation of £1,500 wishes to leave and savings made since their reduction in hours amount to £1000 the employee will be required to pay back £500.

### **15.5. Voluntary redundancy**

The Governing Body will decide if any requests for volunteering to be selected for redundancy can be accepted. If a request is accepted, an offer will be made to the employee identifying the level of compensation that will be paid if the employee is dismissed as redundant.

The offer will be in writing and include:

- the amount of any redundancy payment under the Employment Rights Act 1996.
- the amount of any premature retirement compensation in accordance with the school's policy.
- the date on which the redundancy would be effective.
- advice on accrued pension benefits, if appropriate.
- advice that the employee should consult his/her trade union.

### **15.6. Identification of employee(s)**

If the necessary reduction is not achieved by the above means then the Headteacher will, following the consultative process, delegate a Senior Leader to meet individually with staff identified as at risk in the category of staff to be reduced in order to confirm or clarify any selection information ("skills audit") provided by the member of staff prior to the selection being made. Individuals will be given due notice of the meeting in writing and may be accompanied by a trade union representative or workplace colleague.

Following the meeting(s) with individual staff the Senior Leader will make the selection on the basis of all the information available and in accordance with the selection criteria. The employee(s) selected for redundancy will be informed in writing that the Senior Leader will recommend to the Headteacher (with power to dismiss delegated by the Governing Body) that the employee(s) be dismissed on grounds of redundancy.

The Headteacher will chair the meeting to consider the redundancy. The employee will be given at least 10 working days' notice of the meeting, and may be accompanied by a trade union representative or workplace colleague.

Following the hearing to consider the Senior Leader's recommendation to dismiss the individual(s) on the grounds of redundancy outlined above, the Headteacher will inform the employee(s) of

his/her decision(s). If the decision is to dismiss, then the Head teacher will ensure that any employee to be dismissed is given written notice of dismissal which will include advice that the employee has the right of appeal against the decision.

### **15.7. Appeals against redeployment or dismissal**

The employee has a right of appeal against a redeployment or dismissal decision. The appeals procedure is set out in the Common Principles.

If the Appeal Panel decides to uphold the appeal:

- Against dismissal: The notice of dismissal will be withdrawn and confirmed in writing.
- Against redeployment: The redeployment will be withdrawn and confirmed in writing.

### **15.8. Redundancy Compensation for employees who commenced employment with the academy prior to 1st January 2014**

#### **Employees aged under 50 years**

Redundancy payment for employees with more than two years' service will be based on the best calculation under either: -

- the 1994 Regulation formula, or
- the Employment Rights Act 1996 formula (based on actual week's pay) PLUS a 75% enhancement PLUS one week's statutory maximum pay per year of continuous service, up to a maximum of five weeks.

#### **Employees aged 50 years or over**

For those employees who have more than one year's service but less than two years a payment of 5 weeks actual weekly pay will be awarded.

For employees who have over two years' service, the redundancy payment will be based on the best calculation under either:

- the 1994 Regulation formula, or
- the Employment Rights Act 1996 formula (based on actual week's pay) PLUS a 75% enhancement PLUS one week's statutory maximum pay per year of continuous service, up to a maximum of five weeks.

For Local Government Pension Scheme members aged 55 years or over, their LGPS benefits will be payable immediately if they have over 3 months pensionable membership.

### The 1994 regulation table

Using the age and years of service of the employee, the table shows the number of weeks' pay that would be provided as redundancy compensation under this scheme.

Age	Service (Years)																												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27+		
19		0.5	0.5																										
20		1	1	1																									
21		1.5	2	2	2																								
22		2	2.5	3	3	3																							
23		4	6	8	10	10	10																						
24		4	6	8	10	12	12	12																					
25		4	6	8	10	12	14	14	14																				
26		4	6	8	10	12	14	16	16	16																			
27		4	6	8	10	12	14	16	18	18	18																		
28		4	6	8	10	12	14	16	18	20	20	20																	
29		4	6	8	10	12	14	16	18	20	22	22	22																
30		4	6	8	10	12	14	16	18	20	22	24	24	24															
31		4	6	8	10	12	14	16	18	20	22	24	26	26	26														
32		4	6	8	10	12	14	16	18	20	22	24	26	28	28	28													
33		4	6	8	10	12	14	16	18	20	22	24	26	28	30	30	30												
34		4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	32	32											
35		4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	34	34										
36		4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	36	36									
37		4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	38	38								
38		4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	40	40							
39		4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	42	42						
40		4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	44	44					
41		4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	46	46				
42		7	9	11	13	15	17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	51	51			
43		10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50	52	54	56	56	56		
44		10	15	17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	61		
45		10	15	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50	52	54	56	58	60	62	64	66		
46		10	15	20	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65	66	66		
47		10	15	20	25	30	32	34	36	38	40	42	44	46	48	50	52	54	56	58	60	62	64	66	66	66	66		
48		10	15	20	25	30	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65	66	66	66	66	66		
49		10	15	20	25	30	35	40	42	44	46	48	50	52	54	56	58	60	62	64	66	66	66	66	66	66	66		
50	5	10	15	20	25	30	35	40	45	47	49	51	53	55	57	59	61	63	65	66	66	66	66	66	66	66	66		
51	5	10	15	20	25	30	35	40	45	50	52	54	56	58	60	62	64	66	66	66	66	66	66	66	66	66	66		
52	5	10	15	20	25	30	35	40	45	50	55	57	59	61	63	65	66	66	66	66	66	66	66	66	66	66	66		
53	5	10	15	20	25	30	35	40	45	50	55	60	62	64	66	66	66	66	66	66	66	66	66	66	66	66	66		
54+	5	10	15	20	25	30	35	40	45	50	55	60	65	66	66	66	66	66	66	66	66	66	66	66	66	66	66		

## The Employment Rights Act 1996 formula

Using the age and years of service of the employee, the table shows the number of weeks' pay that would be provided as redundancy compensation under this scheme.

Age	Service (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17*	1																			
18	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½	-															
21	1	1½	2	2½	3	-														
22	1	1½	2	2½	3	3½	-													
23	1½	2	2½	3	3½	4	4½	-												
24	2	2½	3	3½	4	4½	5	5½	-											
25	2	3	3½	4	4½	5	5½	6	6½	-										
26	2	3	4	4½	5	5½	6	6½	7	7½	-									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	

**15.9. Redundancy Compensation for employees who  
commenced employment with the academy on or after 1  
January 2014**

The 1996 Act table will be used to calculate redundancy entitlements with 'weekly pay' based on 1.5 times actual weekly pay (and will not be capped at statutory maximum).