

HR PROCEDURES

FOR STAFF

2025-2026

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1. SAFER RECRUITMENT, SELECTION AND APPOINTMENT

- 1.0 This procedure sets out the main principles which the School has adopted for safer recruitment, selection and appointment to vacant posts.
- 1.1 All relevant statutory requirements and the guidance in relevant codes of practice associated with employment legislation must be observed when making appointments.
- 1.2 This procedure had been written in accordance with statutory guidance for schools and colleges on safeguarding children and safer recruitment 'Keeping Children Safe in Education (KCSIE).

Scope

- 1.3 The procedure covers all applicants including current employees who apply for a position within the School.

General Data Protection Regulations (GDPR)

- 1.4 Personal data, including that, deemed to be sensitive personal data, provided for recruitment and selection purposes, including disclosures and pre-appointment checks will be collected, used and stored in accordance with the UK General Data Protection Regulations (UK GDPR), the Data Protection Act 2018.

Definitions

- 1.5 Senior Management consists of:

- Members of the Principalship Team, which are:
 - The Principal;
 - Vice Principal (Further Education);
 - Vice Principal (Higher Education);
 - Vice Principal (People Services);
 - Vice Principal (Resources); and
 - Vice Principal (Planning & Strategy Implementation).

- 1.6 Academic Staff consists of:

- FE Lecturers;
- FE Senior Lecturers;
- FE Cluster Leaders;
- HE Lecturers (Creative Practitioners);
- HE Senior Lecturers;
- Director of Scholarly Activity & Research and Head of Visual Arts; and
- Head of Stage & Screen.

Criteria for Selection

- 1.7 The underlying principle of this procedure is that the most suitably qualified, skilled and experienced candidate will be selected in relation to the job to be done, through procedures that are methodological, objective and fair. Consideration will also be given to the person-organisation fit which considers personal characteristics. Everyone who applies for a job with the School will receive fair treatment and will be considered solely on their ability to meet the requirements of the post and in accordance with the School's Equality and Diversity Policy.
- 1.8 Throughout the whole process of recruitment, selection and appointment, safer recruitment will be managed and maintained.

Vacancy Review

- 1.9 Whenever a vacancy arises, the School expects the first step will be a careful review of the vacancy to consider the purpose, key result areas and competencies, skills and abilities required of the job, the grade and hours required, the need for internal transfer or secondment and any other relevant details.
- 1.10 In the case of short-term staffing needs or specific projects to appoint internal staff the School does not need to follow the full procedure. Please refer to the Acting Up, Secondments and Agency Placement section later in this procedure for more information.
- 1.11 The Principal or Vice Principal responsible for the post and/or Line Manager should also consider:
- whether the job is necessary; and
 - if there are any aspects of the job which may need amending.
- 1.12 The Line Manager is responsible for completing the School's HR Requisition Form thereby obtaining authorisation, firstly, from the Financial Controller and, secondly, from the Principal if it is a new position or an increase of hours for an existing post. Authorisation should be obtained from the Vice Principal/Principal responsible for the position if it is a replacement post. This form can be accessed via the VLE or by this link ([HR Requisition Form](#)).

Job Description and Person Specification

- 1.13 Job descriptions should be prepared or updated before the advertisement of a vacancy with the below indicated:
- title of the post;
 - department;
 - nature of duties to be undertaken;
 - responsibilities, including the safeguarding of learners at all times (FE only);
 - special conditions of the post;

- salary;
- work location; and
- hours of work.

1.14 A person specification should also be prepared to indicate the sort of person required for the post in terms of skills, potential, education, training, experience, working with children (FE only), aptitude, knowledge and personal characteristics. This should be used to provide the selection criteria for the vacancy. Changes should not be made to the person specification once the selection process has begun unless in exceptional circumstances, in which case all candidates should be informed of the change.

1.15 Human Resources (HR) is available for assistance and advice.

Advertisement of Vacancies

1.16 HR will be responsible for controlling and monitoring the advertising of vacancies.

1.17 It is the responsibility of HR to maximise the quality of candidate response through appropriate, cost-effective choice of media.

1.18 The School encourages applications from its employees where they fulfil the requirements of the person specification for vacant positions. Advertisements will be communicated to staff via email. Line Managers who are aware of staff who do not have access to emails should inform them of any vacancies. All vacancies will also be listed on the School website.

1.19 Every job advert for the Schools FE provision will state that the School recognises that it has a statutory and moral duty to promote and safeguard the welfare of its students who are under the age of 18.

1.20 HR's details will appear on the advertisement.

Application Forms

1.21 The School has two official Application Forms (FE and HE) and an Equal Opportunities Monitoring Form which must be used for all vacancies. Application Forms and candidate information packs can be downloaded from the School's website or can be dispatched by HR. All completed Equal Opportunities Monitoring Forms should be submitted to HR for equal opportunities monitoring.

1.22 There is a section on the Application Form that requires candidates to disclose whether they are related to any member of the School's Board of Governors or a member of the School's management team.

1.23 An application form must be completed for all vacancies. A Curriculum Vitae (CV) will only be accepted alongside a full Application Form and is not sufficient on its own to support safer recruitment.

Shortlisting

- 1.24 Following the closing date the Vice Principal/Principal responsible for the role and/or Line Manager, as appropriate, will be responsible for the shortlisting of candidates for interview, in conjunction with a member of HR and other members of the interview panel, as appropriate.
- 1.25 At least two people should carry out the shortlisting exercise (it is recommended that those who shortlist carry out the interview for a consistent approach). Those shortlisting should consider any inconsistencies and look for gaps in employment and reasons given for them. There is a section in the Application Form which asks the candidate to give details and explain any employment gaps, if necessary.
- 1.26 Where there are any gaps in employment/inconsistencies and/or concerns on the application of a shortlisted candidate these should be explored in more detail at interview.
- 1.27 As part of our Safeguarding commitment and due diligence, we will carry out online searches and social media searches of shortlisted candidates, the content of which may be further explored at interview, where necessary. This is part of the Department for Education's safer recruitment statutory guidance (Keeping Children Safe in Education). The School will inform shortlisted candidates that online searches may be carried out as part of due diligence checks.

References

- 1.28 For all posts within the School, HR will obtain two independent references for successful candidates; one must be the candidate's current or most recent employer. References will be requested, in most circumstances, before the interview stage for posts.
- 1.29 For posts within FE if a candidate is not currently working with children but has done so in the past, the second referee should be the employer where they were most recently employed to work with children.
- 1.30 If a reference is not received before a new member of staff starts employment within FE, the new member of staff can start employment on the condition that the employee is supervised as below:
 - they must be supervised by a person who has an enhanced DBS check with barred list;
 - the supervision must be regular and day to day; and
 - the supervision must be "reasonable in all the circumstances to ensure the protection of children"

Selection Tests and Questionnaires

- 1.31 The School reserves the right to use selection tests where appropriate, in addition to interviews.

Interviews

- 1.32 Appointments must be based on merit and suitability in relation to the requirements of the post. In the interests of equal opportunities, an all-male or female interview panel should be avoided wherever practicable. It is recommended that in most cases the interview panel should consist of at least two members, one of the members should be a member of HR. The panel should also preferably include the person to whom the successful candidate will be immediately accountable.
- 1.33 There should be one person present on the panel that has Safer Recruitment Training.
- 1.34 All interviews conducted for positions within FE will follow the guidance of KCSIE, for example:
- finding out what attracted the candidate to the post being applied for and their motivation for working with children; and
 - exploring their skills and asking for examples of experience of working with children which are relevant to the role.

Proof of Identity and Qualifications

- 1.35 When being invited to an interview, candidates will be asked to bring original documents to prove identity/the right to work in the UK and proof of qualifications required for the post they are being interviewed for. These should be copied at the interview stage by HR.
- 1.36 The interview panel will make sure that they:
- talk about employment gaps;
 - ask questions about challenging/difficult situations and dealing with challenging situations and strategies used;
 - make sure the candidate understands the DBS requirements for the post and ask if they wish to declare anything (FE only); and
 - explore any concerns found during the online check search.
- 1.37 Refer to the School's Disclosure and Barring Service Checks (DBS) Procedure for further information.
- 1.38 Copies of all confidential documentation (e.g., notes of interviews) relating to unsuccessful candidates should be returned to HR by all interview panel members.

Selection

- 1.39 Those responsible for shortlisting, interviewing and selection of candidates should be aware of:
- the selection criteria for the job;

- the effects which generalised assumptions and prejudices can have on selection decisions;
- the possible misunderstandings that can occur in interviews and the need for clarity in questioning; and
- the need to incorporate the results of skills testing in the decision-making process, if necessary.

Post Interview Feedback

1.40 HR should make this available, should an unsuccessful candidate request it.

Medical Questionnaire/Pre-Employment Occupational Health Assessment

1.41 Any offer of appointment is conditional and subject to satisfactory medical clearance. All successful candidates will be required to complete a confidential pre-employment medical questionnaire which must be returned to HR.

1.42 Where a candidate declares they have an ongoing or previous medical/health condition their pre-employment medical questionnaire will be forwarded to the School's Occupational Health provider, if necessary, who will advise on the candidate's medical suitability for the post they have been offered. This will include recommendations for reasonable adaptations to the role/workplace if required, in accordance with the Equality Act.

Appointment

1.43 An offer of appointment will be made by HR at the earliest opportunity following the interview, and a start date will be mutually agreed upon if not already established during the interview. On acceptance of the post, a written offer of employment will be despatched by HR.

1.44 HR will ensure that the necessary "new starter" paperwork is completed and issued to Payroll where necessary. All relevant paperwork and relevant personal documents will be held on their personal file.

1.45 A formal contract of employment will be issued as soon as possible but no later than their 1st day of employment.

Lanyards (HE Only)

1.46 Staff appointed to work in HE will be issued with a teal lanyard upon appointment.

Keeping Children Safe in Education Requirements (FE Only)

1.47 There are additional safer recruitment requirements for roles within FE, these are summarised below.

Enhanced Level DBS (Disclosure and Barring Service) Check (with Barred List)

- 1.48 An Enhanced Disclosure (with barred list) is required for all roles within FE, including any casual/hourly paid staff. The following statement is detailed on all job adverts, 'If successful, an Enhanced DBS check (with barred list) will be required'. This is in the event of the individual being offered the position.
- 1.49 All successful candidates will be offered employment subject to a satisfactory Enhanced DBS check (with barred list).
- 1.50 Staff who are appointed to roles within HE do not require a DBS check unless they are required to work across both the HE and FE sites.

Received DBS Certificates (FE Only)

- 1.51 Once HR receives a DBS certificate, via the online system, it will be checked and recorded that it has been received on the Single Central Record.
- 1.52 Copies of DBS certificates will not be kept on file.

Disclosure of Criminal Convictions

- 1.53 Shortlisted candidates for posts in FE will be asked to declare if they have a criminal record or information that would make them unsuitable to work with children, by completing a Rehabilitation of Offenders Act 1974 – Disclosure Form. The candidate will be asked to hand the form to the interviewer at the interview.
- 1.54 The purpose of the Disclosure Form is to enable the candidate to have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.
- 1.55 Candidates will be asked to sign the Disclosure Form confirming the information they have provided is a true record. Where there is an electronic signature, the applicant should physically sign the hard copy of the form at the point of interview.
- 1.56 Having a criminal record will not bar employment with the School, but consideration will be given by the School to the nature of the position applied for and the circumstances and background of the offences. Please refer to the School's Recruitment of Ex-Offenders Procedure.

Staff Moving to a new Role within the School

- 1.57 Staff moving from a regulated activity role to a new regulated activity role will not require a new DBS certificate.

Agency and Third-Party Staff

- 1.58 For posts in FE the School must obtain written notification from any agency or third-party organisation the School uses that the organisation has carried out the

checks (in respect of the Enhanced DBS checks (with barred list), written notification that confirms the certificate has been obtained by either the employment business or another such business) on an individual who will be working at the School that the School would otherwise perform. The School must also check that the person presenting themselves for work is the same person on whom the checks have been made.

Section 128 – Managers

- 1.59 The Department for Education (DfE) have agreed procedures with the Disclosure and Barring Service (DBS) and the Teaching Regulation Agency (TRA) so that any s.128 directions made by the Secretary of State will show up on checks made with those bodies (the result will show only whether a direction exists for the person being checked, not information about directions made for other persons). For DBS, the existence of a s.128 direction will show only if a barred list check is made. It has also been made possible that the existence of a s.128 direction will also show if a check is made through the TRA (which can be done whether or not the person concerned is a teacher).
- 1.60 For posts at FE both methods should, therefore, be used for checking when making an appointment to any staff management position which involves regulated activity (which encompasses all teaching posts above classroom teacher, and all ancillary posts where the person is a member of the Senior Leadership Team).
- 1.61 Prohibition checks performed by the DfE in the UK are to ensure that individuals working in education and childcare are not barred from doing so. HR will check the Teaching Regulation Agency (TRA) for any prohibition orders against new members of staff.
- 1.62 It is the School's policy that a new member of staff can start employment within the School within FE (and HE if working across both FE and HE sites as outlined above), if the DBS has been requested but not received on the condition that the employee is supervised as below:
- they must be supervised by a person who has an Enhanced DBS check (with barred list);
 - the supervision must be regular and day to day; and
 - the supervision must be "reasonable in all the circumstances to ensure the protection of children"
- 1.63 A new member of staff will be issued with a **red lanyard** to show other staff members that they should not be left unsupervised until they have received all the necessary checks which include:
- Enhanced DBS check (with barred list); and
 - x2 employment references.

- 1.64 HR will contact the Line Manager once all checks have been received and that the new employee no longer needs to be supervised. A standard teal staff lanyard will then be issued to the member of staff.

Acting Up, Secondments and Agency Placements (FE and HE)

- 1.65 In addition to recruitment to normal vacancies, as addressed in this procedure, there is frequently a requirement due to short-term staffing needs or specific projects to appoint internal and external staff either on secondment, acting up duties, agency placements or a combination. In most instances, these are not permanent vacancies. The School may appoint staff on an hourly paid contract, secondment, acting up or agency status without invoking the full advertisement, recruitment and selection procedure but will still complete all safer recruitment checks required for the role.

Hourly Paid

- 1.66 It may be necessary, due to short-term staffing needs, to recruit an hourly paid worker. Hourly paid workers are paid an hourly rate for each hour they work.
- 1.67 Employees paid on an hourly basis are paid for actual hours worked. Unlike many salaried employees, hours per week may fluctuate based on a worker's weekly schedule or rotated shifts, and, therefore, wages can vary for that employee from week to week.

Acting Up

- 1.68 This is defined as the appointment to a higher grade for a member of staff in order for them to undertake a more senior role in the short term, and to resolve a short-term staffing problem or to undertake a specific project. The individual must be qualified to do the job, must have the capability to do the job and take full responsibility for the job. While there is no limit to the time period for acting up, it would be good practice for this not to exceed six months. The qualifying period for enhancement of salary is 6 weeks. Authorisation must be obtained from the Vice Principal/Principal responsible for the post and the Financial Controller for budgetary purposes.

Secondment

- 1.69 A secondment is when a member of staff is required to work in another area, either on a specific project or to address a short-term staffing need. Normally a secondment would last no longer than 12 months though exceptions can be made if the circumstances dictate. During the secondment, the secondee's permanent position will be protected for return at the end of the secondment. Authorisation must be obtained from the Vice Principal/Principal responsible for the post and the Financial Controller for budgetary purposes.

Agency Placements

- 1.70 It may be necessary, due to short-term staffing needs, to recruit a temporary worker from a recruitment consultant. Agency staff are not employees of the School and would not normally be entitled to paid annual leave, sick pay, maternity leave or any other paid benefit as outlined in support and academic staffs' written terms and conditions of employment. However, while agency staff are working at the School, they should be treated with the same respect, dignity and courtesy that "permanent/fixed term" employees are afforded. Agency workers with placements lasting longer than 6 months may have the opportunity to attend a small number of staff development events subject to approval from their Line Manager. Authorisation to recruit an agency placement must be obtained from the Vice Principal/Principal responsible for the post and the Financial Controller for budgetary purposes. Authorisation must be obtained from the Principal if it is a new position.

Advertising

- 1.71 Advertising is undertaken to fill a vacant post. Vacant posts include substantive vacancies and time-limited projects for which additional staffing is required. Short-term staffing issues such as sickness absence or maternity leave and short-term projects do not constitute permanent vacancies.
- 1.72 An hourly paid role, acting up, secondment or agency work is used to cover a short-term staffing need, advertising may not be required. However, if several staff members are likely to be interested in a particular acting up or secondment position, it may be good practice to advertise within the School. This decision would be at the discretion of the Vice Principal/Principal responsible for the post with advice from HR.

2. RECRUITMENT OF EX-OFFENDERS

2.0 The School is required to meet a number of obligations which are outlined in the Code of Practice for Disclosure and Barring Service Registered Persons (2015).

2.1 This procedure will be made available to those applying for any position the School has available.

Scope

2.2 The procedure covers all candidates including current employees who apply for a position within the School.

General Data Protection Regulations (GDPR)

2.3 Personal data, including that deemed to be sensitive personal data, provided for recruitment and selection purposes, including pre-appointment checks will be collected, used and stored in accordance with the UK General Data Protection Regulations (UK GDPR), the Data Protection Act 2018.

2.4 Copies of DBS certificates will not be kept on file.

Definitions

2.5 Regulated Disclosure and Barring Service (DBS).

2.6 Enhanced DBS – Enhanced checks with children's and/or adults' barred list check(s) – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) regulations as being eligible to check the appropriate barred list(s).

The Rehabilitation of Offenders Act (ROA) 1974

2.7 The Rehabilitation of Offenders Act (ROA) 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period' (see below).

Posts Exempt from the Rehabilitation of Offenders Act

2.8 Where the position is listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the School is entitled to seek information about all spent and unspent convictions that are not subject to the filtering rules and that any information disclosed will be verified by obtaining a standard or enhanced check by requesting a DBS check.

2.9 The School's Further Education provision is, exempt under the ROA 1974 (Exceptions) Order 1975, for which employers may ask about spent convictions.

This is known as asking an exempted question. When answering, the applicant would have a legal obligation to reveal spent convictions.

- 2.10 The code of practice states that information on a DBS certificate should only be used in the context of a policy on the recruitment of ex-offenders. This is designed to protect applicants from unfair discrimination on the basis of non-relevant past convictions.
- 2.11 The procedure for the recruitment of ex-offenders is made available to all applicants at the outset of the recruitment process.
- 2.12 The School actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.
- 2.13 The School selects all candidates for interview based on their skills, qualifications and experience.
- 2.14 An Enhanced Disclosure (with barred list) is required for all roles within the Further Education (FE) provision of the School. The following statement is detailed on all FE job adverts, 'Enhanced DBS (with barred list) check will be required'. This is in the event of the individual being offered the position. Further information is available in the School's Disclosure and Barring Service Procedure which is available to candidates.
- 2.15 Shortlisted candidates for posts in FE will be asked to declare if they have a criminal record or information that would make them unsuitable to work with children, by completing a Rehabilitation of Offenders Act 1974 – Disclosure Form. The candidate will be asked to hand the form to the interviewer at the interview.
- 2.16 The purpose of the Disclosure Form is to enable the candidate to have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.
- 2.17 Applicants will be asked to sign the Disclosure Form confirming the information they have provided is a true record. Where there is an electronic signature, the applicant should physically sign the hard copy of the form at the point of interview.
- 2.18 The School will ensure that all interview panels have a member of HR who has been suitably trained to identify and assess the relevance and circumstances of offences. The School will also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and are able to advise the panel on the same.
- 2.19 At interview, or in a separate discussion, the School will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly

relevant to the position sought could lead to the withdrawal of an offer of employment.

- 2.20 The School undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. A withdrawal of employment would be at the Principal's discretion.
- 2.21 The School undertakes that having a criminal record will not necessarily bar any person from working with the School but consideration will be given by the School to the nature of the position applied for and the circumstances and background of the offences. A risk assessment will be carried out by the Vice Principal/Principal responsible for the role to evaluate the offence and level of risk to the School.
- 2.22 Anyone on the barred list, would be breaking the law if they applied for roles that included regulated activity with the group they are banned from working with. The School can, therefore, not employ someone who is barred from engaging in regulated activity.
- 2.23 See the Disclosure and Barring Service Checks (DBS) Procedure for further details.

3. DISCLOSURE AND BARRING SERVICE CHECKS (DBS)

- 3.0 This procedure is designed to assist in ensuring that all persons working within the School receive the correct level of DBS check depending on their eligibility. This procedure takes account of current legislation relating to employment, rehabilitation of offenders, safeguarding children and vulnerable adults.
- 3.1 It is designed to supplement the School's Safer Recruitment, Selection and Appointment Procedure.

Scope

- 3.2 This procedure applies to the appointment of all employees, paid and unpaid, including volunteers, bank staff, staff on honorary contracts and others not covered by the term employee.

General Data Protection Regulations (GDPR)

- 3.3 Personal data, including that, deemed to be sensitive personal data, provided for recruitment and selection purposes, including disclosures and pre-appointment checks will be collected, used and stored in accordance with the UK General Data Protection Regulations (UK GDPR), the Data Protection Act 2018.

Definitions

Regulated Activity – Children under 18

- 3.4 Regulated activity is work that a barred person must not do.
- 3.5 Regulated activity is defined as teaching, training or instruction of children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight. Day-to-day management or supervision on a regular basis of a person providing this activity is also regulated activity.

Regulated Activity – Adults over 18

- 3.6 The focus is on the activities needed by the adult, not where the activity takes place, i.e. the frequency test has been removed. An individual only needs to engage in the activities listed below once to be carrying out regulated activity relating to adults:
- providing health care;
 - providing personal care;
 - providing social work;
 - assistance with general household matters;
 - assistance in the conduct of a person's own affairs; and
 - conveying.

The Rehabilitation of Offenders Act (ROA) 1974

3.7 The Rehabilitation of Offenders Act (ROA) 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period' (see below).

Rehabilitation Period

3.8 A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or when involved in criminal or civil proceedings.

Posts Exempt from the Rehabilitation of Offenders Act

3.9 Where the position is listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the School is entitled to seek information about all spent and unspent convictions that are not subject to the filtering rules and that any information disclosed will be verified by obtaining a standard or enhanced check by requesting a DBS check.

3.10 The School's Further Education provision is exempt under the ROA 1974 (Exceptions) Order 1975, for which employers may ask about spent convictions. This is known as asking an exempted question. When answering, the applicant would have a legal obligation to reveal spent convictions.

3.11 The code of practice states that information on a DBS certificate should only be used in the context of the policy on the recruitment of ex-offenders. This is designed to protect applicants from unfair discrimination on the basis of non-relevant past convictions. Further information is available in the School's Recruitment of Ex-Offenders Procedure.

DBS Checks

Levels of Checking and Eligibility for Checks

3.12 The need for a check and the level of check is determined by the activities and the type of access to students the employee will have as part of their role.

3.13 There are currently three levels of DBS checks available depending on the nature of the role. These are known as standard, enhanced without barred list (s) and enhanced with barred list (s).

- A standard check shows spent and unspent convictions, cautions, reprimands and final warnings.
- An enhanced check shows the same as a standard check plus any information held by local police that's considered relevant to the role.

- An enhanced check with barred lists shows the same as an enhanced check plus whether the applicant is on the list of people barred from doing the role.

3.14 Further information on each level of check is provided below.

Standard Level DBS Check

- 3.15 To be eligible for a standard level DBS check, the post must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975. This check contains details of both spent (old) and unspent (current) convictions, including cautions, reprimands and final warnings held in England and Wales on the Police National Computer (PNC). Most of the relevant convictions in Scotland and Northern Ireland may also be included.
- 3.16 A standard check may be undertaken where the post enables the employee to have access to persons in receipt of services in the course of their normal duties. 'Access to persons' does not include positions which only allow limited or incidental contact with students or service users. i.e. where staff are required to pass through student areas to get to their normal place of work.
- 3.17 A standard level of check does not check against either of the barred lists and should not be applied for when an employee is working in a 'regulated activity'.

Enhanced Level DBS Check

- 3.18 To be eligible for an enhanced level DBS check, the post must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) Regulations. The enhanced check contains the same information as a standard check but also includes any non-conviction information held by local police, where they consider it to be relevant to the post. This information is referred to as 'approved information' and is included on the enhanced check certificate.
- 3.19 In a small number of cases, the enhanced level DBS check may also include additional non-criminal record information from the local police where this is thought necessary in the interests of preventing or detecting crime.
- 3.20 An enhanced level of check does not check against the barred list.

Enhanced Level DBS Check with Check of the Barred List

- 3.21 To be eligible for an enhanced level DBS check with barred list an employee must be expected to be working in a regulated activity with either children or adults or both. It must be specifically listed in the Police Act 1997 (Criminal Records) Regulations.
- 3.22 The School has a legislative requirement to request barring checks to be conducted for employees working in a regulated activity under the Protection of Freedom's Act 2012 which amended the Safeguarding Vulnerable Groups Act 2006 in September 2012.

Regulated Activity

3.23 'Regulated activity' is defined under the Safeguarding Vulnerable Groups Act (2006) as amended by the Protection of Freedoms Act (2006) as any activity involving working or volunteering with children and/or adults, which meets specific criteria.

3.24 Where it is indicated on a DBS application form that the prospective employee will be working or volunteering with adults or children within a regulated activity, an enhanced level disclosure will be required with reference to the appropriate barred list (s). Further information on Regulated Activity is included later in this procedure.

Level of DBS Checks for our Staff

3.25 See the below table for information regarding what disclosure level is required for each staff group.

Staff Group	Disclosure Required
All FE Staff, FE 1 st Aiders and FE Mental Health 1 st Aiders	Enhanced disclosure with barred list
All HE Staff, HE 1 st Aiders and HE Mental Health 1 st Aiders	No disclosure required as not engaged in regulated activity
Employees who work across both sites	FE guidelines will be followed

Transgender process

3.26 DBS offers a confidential checking process for transgender applicants.

3.27 This process is for transgender applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS certificate.

3.28 For more information about the transgender process email sensitive@db.sgs.gov.uk

How to Complete an Application for a Check?

3.29 Once a post has been identified as requiring an enhanced DBS check, HR will send the employee a link to enable them to complete their DBS online. This link will also inform the employee what ID is required. A list of approved forms of ID is also available from HR.

3.30 As soon as the employee has received their link they are able to complete their DBS.

- 3.31 Once an employee has completed their online application they will receive an automated email with their reference number informing them that they are required to take their ID to HR.
- 3.32 After the ID has been received by HR it will be verified online.
- 3.33 The DBS certificate will be sent directly to the employee and HR will be notified that it has cleared.
- 3.34 The employee will not be able to start employment with the School until the DBS has been submitted. An employee can start employment with the School if the DBS has been submitted but no certificate has been received as long as they are supervised at all times by another member of staff who is fully DBS(ed). Further Information is provided in the School's Safer Recruitment, Selection and Appointment Procedure.
- 3.35 There is no requirement for the DBS certificate to be brought to HR by the employee, unless there is a positive disclosure identified.
- 3.36 If a positive disclosure appears on the certificate, HR will be notified and will request to sight the document. A risk assessment will be carried out with the Vice Principal (People Services) and the relevant Vice Principal to the role. The final decision as to whether they are suitable for the role will be made by the Principal.

How long will a DBS take to be Actioned?

- 3.37 It usually takes approximately 14 working days for an employee to receive their DBS certificate but could take longer.
- 3.38 A certificate from another institution will not be accepted.

Disclosure

- 3.39 Shortlisted candidates for posts in FE will be asked to declare if they have a criminal record or information that would make them unsuitable to work with children, by completing a Rehabilitation of Offenders Act 1974 – Disclosure Form. The candidate will be asked to hand the form to the interviewer at the interview.
- 3.40 The purpose of a Disclosure Form is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.
- 3.41 Applicants will be asked to sign the Disclosure Form confirming the information they have provided is a true record. Where there is an electronic signature, the applicant should physically sign the hard copy of the form at the point of interview.
- 3.42 The School undertakes that having a criminal record will not necessarily bar any person from working with the School but consideration will be given by the School to the nature of the position applied for and the circumstances and background

of the offences. A risk assessment will be carried out by the Vice Principal/Principal responsible for the role to evaluate the offence and level of risk to the School.

- 3.43 Anyone on the barred list, would be breaking the law if they applied for roles that included regulated activity with the group they are banned from working with. The School can, therefore, not employ someone who is barred from engaging in regulated activity.

Positive Disclosures

- 3.44 The DBS certificate will reveal if the individual has a criminal record, including details of convictions, cautions, reprimands or final warnings. The DBS certificate will only provide the basic facts such as the name and date of offence(s) and, if applicable, details of any sentence(s). It will not put them into context.
- 3.45 Information obtained through DBS checks can help HR and the appropriate Vice Principal/Principal responsible for the role create a risk assessment to help ascertain whether to employ/remain employing a person whose DBS check reveals a conviction or other relevant information. The information provided should be carefully considered in light of all the relevant circumstances and judged on a case-by-case basis.
- 3.46 If a disclosure indicates a conviction, caution or other records a member of HR will make checks to ascertain whether the issues reported on the DBS certificate had been declared on the Rehabilitation of Offenders Act 1974 – Declaration Form.
- 3.47 If the issues on the Disclosure Form have not been previously declared, a member of HR will be required to contact the candidate to ascertain why they failed to disclose this information at the interview stage, as this could result in the offer of employment/employment being withdrawn. HR will discuss the candidates' explanation for failing to make the declaration. In exceptional circumstances and following discussions with the Principal a decision may be taken to accept the candidates/employee's explanation for failure to disclose. The employee will be informed and a note retained on their personal file.
- 3.48 Where a successful candidate makes a positive disclosure at the interview stage regarding any sanctions relating to fraud or assault (cautions, convictions etc.) or any other dishonest acts, they should be informed that this will be brought to the attention of the Vice Principal (People Services) and the appropriate Vice Principal/Principal to the role for further consideration.
- 3.49 A meeting/discussion will be held with the applicant and the Vice Principal (People Services)/Vice Principal/Principal responsible for the role to discuss the positive disclosure/DBS which should follow the format below:
- reassure the applicant regarding confidentiality;
 - ensure that the applicant is aware of the DBS Policy and Procedure and provide a copy on request;

- discuss the information on the Disclosure Form/DBS and circumstances surrounding it;
- explain that the Principal, if appropriate, will need to be informed to discuss and agree whether the application can proceed further or employment can continue;
- explain that the applicant/employee will be kept informed and notified of the outcome. This will be confirmed in writing;
- discuss the applicant's reasons for non-disclosure if necessary; and
- if appropriate seek the applicant's confirmation that the details on the certificate are accurate. Should the applicant dispute this, advise them to contact the DBS and do not proceed further with the appointment/employment until this is resolved.

3.50 When determining whether to withdraw a conditional offer/employment, consideration must be given to the following:

- any legal or regulatory requirements;
- the nature of the offence;
- its relevance to the position being applied for;
- the length and type of sentence issued;
- the age it was committed;
- whether the applicant has a pattern of offending behaviour, for example, if there are multiple offences;
- did the applicant disclose their offence(s) on the DBS form or at interview;
- whether the applicant's circumstances have changed since the offending behaviour. For example, where the offence was time-limited or committed as a juvenile and the individual has taken on responsibilities in life to enhance their standing in society, such as through education or voluntary work; and
- the circumstances surrounding the offending behaviour and the explanation offered by the individual.

3.51 Where a decision is made to withdraw the conditional offer/employment, this will be confirmed in writing to the applicant.

When to Repeat a Check

3.52 A DBS check has no official expiry date. Any information included will be accurate at the time the check was carried out. For the purpose of best practice, the School will carry on rechecks on all eligible employees every 4 years.

Certificates for Previous Roles

3.53 The School does not need to carry out a new DBS check if an employee changes role within the School as long as the School:

- checks the applicant's identity matches the details on the certificate;
- checks the certificate is the right level in relation to the role applied for; and
- checks to see if anything has changed if the applicant is signed up for the update service.

Checks on someone who Lived Abroad

- 3.54 DBS checks won't cover the time someone lived outside the UK, any further checks the School considers appropriate will be carried out.

Certificates of Good Conduct

- 3.55 The School will try to obtain a certificate of good conduct and any other references from potential overseas employees. The standard of foreign police checks varies.
- 3.56 The employee should obtain a certified translation of the certificate of good conduct. The DBS does not offer a translation service.

Checking an Applicant's Right to Work in the UK

- 3.57 The DBS does not check whether an applicant is permitted to work in the UK. The School is responsible for ensuring employees have the right to work within the UK.

Regulated Activity

- 3.58 Regulated activity is work that a barred person must not do. It is illegal for an employer to knowingly employ someone in a regulated activity role when the employer knows that the person is barred from that regulated activity.
- 3.59 It is also an offence for a barred person to work or seek to work in regulated activity within a sector from which they are barred. In the event a prospective employee appears on the barred list, guidance should be sought from the DBS.

4. REFERENCES

4.0 This procedure provides advice on requesting, receiving, and storing employment references for prospective new employees, in both the School's Higher Education (HE) and Further Education (FE) provisions.

4.1 This procedure also provides information on completing reference requests for past employees.

Scope

4.2 This procedure covers all employees of The Northern School of Art, whether employed permanently, temporarily, full time or part time.

4.3 References should be obtained for all prospective employees as part of the recruitment process, irrespective of whether or not they are currently employed. This procedure provides advice on the procedure for requesting, receiving and storing references, and outlines the legal framework surrounding this activity.

4.4 This procedure has been written in line with the Department for Education's (DfE) Keeping Children Safe in Education (KCSIE).

4.5 The School also has an obligation to reply to any reference requests received from past employees.

Request References

4.6 References can provide supporting evidence from third parties and corroborate the evidence gathered so far during the selection process as to the candidate's/employee's suitability.

4.7 The School will obtain two written references for all employees appointed to posts within both FE and HE. One reference must be from the candidate's current or most recent employer.

4.8 Employees are able to start their employment in FE but must be supervised by an employee at all times until all references have been received. Any new employee who is supervised will be given a red lanyard until all checks have been received. Once the relevant checks are clear the employee will be issued with the School's branded lanyard which is teal. See the Safer Recruitment, Selection and Appointment Procedure for more details.

Supervision is defined as:

- they must be supervised by a person who is in regulated activity (someone who has had an enhanced DBS check with barred list);
- the supervision must be regular and day to day; and

- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.
- 4.9 Reference requests for staff who are appointed to roles where they are required to work across both the HE and FE sites in “regulated activity” will follow the same procedure as for posts in FE.
- 4.10 In summary, a person will be engaging in regulated activity with children if, as a result of their work, they:
- Will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children;
 - Will be working on a regular basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives opportunity for contact with children; or
 - Engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.
- 4.11 Staff appointed to work in HE only can start employment pending the receipt of references and do not need to be supervised. They will be issued with a teal lanyard upon appointment.

Requesting references

- 4.12 KCSIE specifies that references should be obtained before interview, where possible, of shortlisted candidates. This enables any issues of concern to be raised with the referee and taken up with the candidate at interview if the reference has been received. It is advisable to provide referees with the date on which interviews will be held to encourage a response by that date.
- 4.13 References for both FE and HE should be obtained from two referees, one of which is the candidate’s most recent/current employer and have been completed by a senior person with appropriate authority, who are able to comment on the candidate’s suitability for the job.
- 4.14 For posts in FE (and HE if working in regulated activity as outlined above) where a candidate is not currently working with children but has done so in the past it is important that a reference is also obtained from the most recent relevant employer (i.e. the employer by whom the person has been most recently employed by, working with children). If the candidate has never worked with children, a reference must be received from their current employer.
- 4.15 As they are invariably complimentary, personal or character references from family members, friends or associates are not acceptable.
- 4.16 The Schools application form asks the candidate if they wish their reference to be consulted before a possible offer of employment is made. If a candidate has specified that they do not wish a referee to be consulted, HR will only write to the referee if an offer of employment is made. Any other candidate’ referees will be contacted before interview.

- 4.17 Where a reference has not been obtained on a candidate before an interview, the successful candidates/employee's reference must be scrutinised once received. In some cases, references may be received after an offer of employment has commenced. HR will contact referees to clarify if references are vague or insufficient information is provided.
- 4.18 The information on the application form will be compared with that in the reference i.e. dates of employment and any discrepancies will be taken up with the candidate. The reason for the candidate leaving their current or most post should be established.
- 4.19 Any concerns should be addressed and resolved satisfactorily, before appointment where possible. Where an offer of employment has been made, and the School does not believe the concerns have been satisfactorily addressed an offer of employment will be withdrawn. This is made clear to the employee when they are offered a position at the School that an offer of employment is expressly conditional on 'the receipt of references that are satisfactory for the School's purposes.
- 4.20 On a precautionary note, 'glowing' references received should not automatically go unchallenged.
- 4.21 If the reference has not been returned within 3 weeks of the request, the candidate/employee will be contacted by HR and asked to chase their referee.
- 4.22 If a referee refuses to provide a reference, HR will find out why and seek an alternative referee.

Telephone and Email References

- 4.23 References should only be sought in writing, in the first instance. Telephone references should only be taken in exceptional circumstances where there is no alternative due to time/other constraints. When a reference is taken over the telephone, all of the details should be written down, and the person taking it must sign and date this record.
- 4.24 Email references are acceptable, but care must be taken to ensure they come from a legitimate source. A legitimate source is a company email address which matches the reference request information.

Candidates/Employees Supplying References and 'To Whom It May Concern' References

- 4.25 It is important not to rely on references or testimonials provided by the candidate/employee, or on open references or testimonials, i.e. 'To Whom It May Concern'. The reference may not answer the questions the School requires. In addition, there have been instances of candidates/employees forging references. Also, open references/testimonials might be the result of a 'settlement agreement', where the reference has been agreed, and as such are unlikely to include any adverse comments.

Content of References

- 4.26 Taking references provides an excellent opportunity to verify information gathered from the application form, such as levels of responsibility or experience.
- 4.27 Reference requests for posts in FE should ensure the information provided confirms that the referee is satisfied that the candidate's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold (as specified in KCSIE). They should not include information about concerns/allegations which are unsubstantiated, unfounded, false or malicious.
- 4.28 As a result of an amendment under The School Staffing (Amendment) Regulations 2012 which took effect from 1st September 2012, for posts in FE the School is able to ask whether or not the candidate/employee has been the subject of formal capability procedures within the last two years of employment. The referee should confirm whether this is the case and, if so, provide written details of the concerns which gave rise to the procedures; the duration of the proceedings and the outcome.
- 4.29 All reference requests should be accompanied by an up to date Job Description and Person Specification.

Assessing the Satisfactory Nature of References

- 4.30 Legal precedent states that the 'satisfactory' nature of an employment reference is a subjective measure. HR and the recruiting manager must exercise their judgement as to the definition of 'satisfactory'.
- 4.31 If a reference is received that raises concerns, HR will contact the referee via telephone to investigate further. The guidelines given above should be followed.
- 4.32 In the event that one reference is considered unsatisfactory, but one is satisfactory, consideration should be given to the contents of both. One option is to consider asking the candidate/employee for a third referee in making a final decision on whether to employ/continue employing the candidate/employee. A further option is to organise a meeting with the candidate/employee to discuss the concerns (see below). The outcome of this meeting may also be considered as part of the basis of the decision.
- 4.33 If the employee has already commenced employment before the references have been received, HR will inform their Line Manager once all references have been received.

Rights of Subject Access

- 4.34 In considering whether to allow a candidate/employee access to a reference about them which has been provided by a third party, the School must balance their obligations to the provider of the information and the candidate/employee.

This applies if the candidate/employee requests access, or if HR wishes to discuss the reference or elements of it with the candidate/employee.

- 4.35 HR should take care when discussing the content of a reference with the candidate/employee. Usually, a reference is provided in confidence and by discussing the contents the School may be breaching data protection by releasing information provided to the School by the referee without their permission. In many cases careful questioning can clarify issues, however, if this is not appropriate, HR will contact the School's Data Protection Officer for advice.
- 4.36 Ultimately candidates/employees do have the right under the General Data Protection Regulations to gain access to the content of references at their request. All requests should be made to Data Protection Officer.

General Data Protection Regulations (GDPR)

- 4.37 Personal data, including that deemed to be sensitive personal data, provided for recruitment and selection purposes, including disclosures and pre-appointment checks will be collected, used and stored in accordance with the UK General Data Protection Regulations (UK GDPR), the Data Protection Act 2018.
- 4.38 Successful candidate/employee references will be kept in a secure electronic facility. Once the length of time for retained data has expired the data will be disposed of confidentially.
- 4.39 Unsuccessful candidates and leavers' references will be kept in a secure electronic facility and secure archive facility.

Replying to Reference Requests for past Employees

- 4.40 All reference requests for past employees should be completed by HR.
- 4.41 HR must ensure that all references given are fair and accurate.
- 4.42 HR are permitted to give factual references only, e.g. employment dates, absence levels, the reason for leaving and previous duties.

5. SINGLE CENTRAL RECORD

5.0 This procedure provides advice on vetting employees and storing the vetting information on the School's Single Central Record (SCR).

5.1 The School recognises that the safety, welfare and care of students is paramount. The School is, therefore, committed to the highest standards in protecting and safeguarding the students entrusted to its care at all times.

5.2 The School will ensure that arrangements are in place for all reasonable measures to be taken to minimise the risks of harm to children's welfare.

Scope

5.3 This procedure covers all employees of The Northern School of Art, whether employed permanently, temporarily, full time or part-time. This procedure also covers volunteers.

5.4 All staff based at the School's FE site will be subject to a full range of safeguarding checks following the Department for Education (DfE) statutory guidance in 'Keeping Children Safe in Education' (KCSIE).

5.5 Checks will include:

- an identity check;
- a barred list check;
- an enhanced DBS check/certificate;
- a check for a section 128 direction;
- a prohibition check;
- a General Teaching Council for England (GTCE) check;
- a European Economic Area (EEA) check;
- further checks on people living or working outside the UK;
- a check of professional qualifications;
- a check to establish the person's right to work in the UK; and
- reference checks.

5.6 All checks will be recorded within the School's single central record and copies held on file where necessary.

5.7 The School recognises that all information is confidential. Copies of proof of identity retained on file will be kept in locked storage cabinets within a locked office.

General Data Protection Regulations (GDPR)

5.8 Personal data, including that deemed to be sensitive personal data, provided for recruitment and selection purposes, including disclosures and pre-appointment

checks will be collected, used and stored in accordance with the UK General Data Protection Regulations (UK GDPR), the Data Protection Act 2018.

6. RELOCATION EXPENSES

6.0 This procedure intends to outline the process to be followed when claiming relocation expenses.

6.1 Reimbursement of relocation expenses will be available to all newly appointed staff if they meet the following criteria:

- they are appointed to a permanent post (or a temporary post expected to last for more than 2 years);
- they are appointed on Academic or Senior Management terms and conditions, or Support Staff conditions Scale 5 or above;
- their current home address is not within 80 miles of their base of work, e.g. Hartlepool or Middlesbrough;
- they have moved to the area because their spouse/partner has also moved to the area to take up an appointment at the School. In such cases, a claim for expenses will be accepted from one party only.

6.2 Relocation expenses can cover:

- the cost of removal of household goods, temporary storage of goods whilst in temporary rented accommodation and legal/estate agent fees.

6.3 The maximum relocation expenses payable to any individual will normally be up to £1,000. For new employees moving from outside the UK, only expenses from port of entry may be eligible for reimbursement.

6.4 Applications should be made on the Relocation Expenses Application Form, within 1 year of taking up the appointment. The completed form should be sent to HR. This form can be accessed via the VLE or this link ([Relocations Expenses Application Form](#)).

6.5 Where a single expense exceeds £1,000, three company quotations must be provided and an amount equivalent to the cheapest quotation will be reimbursed.

6.6 The application will be considered by the Principal and the Vice Principal (People Services). The Principal's decision is final.

6.7 Payment will be made by cheque or BACS as soon as possible after the decision has been made.

6.8 The employee will be required to give a formal undertaking that, in the event of them leaving the employment of the School of their own will within 2 years from the date of taking up the appointment, they will be required to reimburse the monies paid to them under the scheme, in the following manner:

- if leaving within 12 months, the employee will repay the full amount; or
- if leaving within 13-24 months the amount to be repaid will decrease by 1/24th of the amount paid for every month of service with the School.

6.9 The Principal reserves the right to refuse to reimburse relocation expenses, if they feel the request for relocation expenses is inappropriate and also reserves the right to extend the availability of such expenses to groups of staff other than those listed in this procedure where circumstances warrant it.

7. INDUCTION AND PROBATIONARY PERIODS

7.0 This procedure process sets out the process to be followed to ensure all employees undertake the School induction procedure and all staff have been through the probationary review process.

Scope

7.1 The procedure covers all employees of The Northern School of Art, whether employed permanently, temporarily, full time or part time.

Definitions

7.2 New starters will be referred to as employees throughout this procedure.

New Starter Induction

7.3 When an employee commences employment with the School an induction meeting will take place on their first day of work. This induction meeting will be carried out by a member of HR who will ensure the Induction Checklist is completed.

7.4 HR may carry out their part of the employee's induction before the first day of employment if they carry out a new starter meeting with the employee before employment commences.

7.5 On their first day at work the employee's Line Manager should ensure that the employee receives a tour of the building they will be working in, is introduced to the team they will be working with and ensure the employee knows the fire procedure and where the fire escapes are etc.

7.6 As well as the induction checklist, the Safeguarding Children – Working with Students Form, should also be completed for employees who will be working in FE and for staff working across both HE and FE sites in 'regulated activity' (please refer to the Safer Recruitment, Selection and Appointment Procedure for more information). This is extremely important as it informs the employee that they are not to be left unsupervised with children under the age of 18 until their Enhanced DBS (with Barred List) and 2 references have been received by the School. This form should be signed by a member of HR, the Line Manager and the employee. If HR carry out a new starter meeting with the employee before employment commences this form will be discussed and sent to the Line manager before the employee's first day.

7.7 Employees who will be working in FE (and HE if working across both FE and HE sites – see above) will also have a separate meeting with the Designated Safeguarding Lead (DSL) who will discuss the School's Safeguarding arrangements.

Probationary Periods

- 7.8 The main purpose of a probationary period is to enable the employee to gain a full understanding of the requirements of the post and the School and to achieve an appropriate level of performance within a reasonable period.
- 7.9 This procedure provides a framework for Line Managers to assess the performance of new employees. It will provide a process of feeding back good performance and improving performance if necessary.
- 7.10 Probationary periods are intended to be a positive experience, which gives the individual the opportunity to learn and settle into their role at the School. However, it is important to recognise the potential for someone to fail their probationary period. Thus, also explaining the process by which employment with the School will be terminated if performance does not meet the required standard during the probationary period.

Key Elements

- 7.11 All employees of the School are subject to a probationary period. The length of the probationary period will vary depending on the employee's position. For example:
- Support Staff – 6 months;
 - Academic Staff and Senior Managers (SO1 and above) – 6 months; or
 - an employee moving to a new post internally – 3 months.
- 7.12 During the probationary period, employees will be assessed on:
- performance in the job role;
 - applications of values and behaviours;
 - achievement of objectives;
 - attendance; and
 - timekeeping.
- 7.13 The probationary period can be extended for reasons of poor performance or if it has not been possible to adequately assess performance in the above periods.
- 7.14 After the first month of employment, HR will send the employee a New Starter Questionnaire to see how they have settled into their role.
- 7.15 If there are any issues highlighted in the questionnaire HR will inform the employee's Line Manager of the issues to try and get them resolved in a timely manner.

Passing a probationary period

- 7.16 2 weeks before the employee's formal probationary period is due to expire a member of HR will contact the employee's Line Manager to check that they are

happy with the employee's performance and that the probationary period can be passed.

- 7.17 Once the Line Manager has confirmed that the employee has successfully passed their probationary period, HR will write to the employee confirming that they have successfully completed their probationary period and are now an established member of staff. The employee's employment status will also be changed on the School's HR systems.

The Role of the Line Manager

- 7.18 Line Managers must ensure that their new member of staff understands the probationary period, the requirements it places upon them, and the consequences of failing the probationary period.
- 7.19 Managers must ensure the employee has a reasonable understanding of the standards of performance and behaviours required of them. When the employee starts employment with the School they will be given the Code of Conduct which explains what behaviours are expected of a School employee. This should be discussed between the Line Manager and the employee.
- 7.20 Managers have a responsibility to ensure their employees have a reasonable understanding of how well they are progressing throughout their probation, particularly if there is a deterioration in performance.
- 7.21 Managers must ensure that they set realistic objectives for the employee. Objectives should be SMART and reviewed throughout the probationary period. Line managers should refer to the Performance Management Procedure and use the Initial Target Setting Form and the 1-2-1 Form to monitor how the employee is achieving the SMART targets that have been set.
- 7.22 Managers are responsible for ensuring that the employee receives the necessary training to do the job, and so should liaise with HR if necessary, e.g. does the employee require any staff development.

Responsibilities of the Probationer

- 7.23 Probationers must complete any mandatory training identified, including the formal induction.
- 7.24 Probationers must take responsibility for their development, including completing any training arranged for them, making use of learning resources and informing their Line Manager if they require further support.
- 7.25 Probationers must ensure that they inform their Line Manager of any circumstances that may impact their performance.
- 7.26 Probationers must complete the below online training:

- Safeguarding;
- Equality and Diversity;
- Prevent;
- Cyber Security.

Concerns about a New Starters Performance

- 7.27 If a Line Manager has a concern about an employee's performance, capability, or behaviour, they should ensure that HR is made aware of this as soon as possible for them to provide advice about how the issues may be remedied.
- 7.28 Any issues or concerns regarding performance should be addressed by the Line Manager and a member of HR and noted formally.
- 7.29 The Line Manager must inform the employee of any areas of concern which could potentially lead to a failed probation.
- 7.30 Actions must be agreed upon in order to address the areas of concern and provide the opportunity for sufficient improvement by the time the formal probationary period meeting is due. It may be necessary to hold a number of meetings before the formal probationary period expiry date to establish how the employee is getting on.

Extensions to a Probationary Period

- 7.31 If a Line Manager is considering extending an employee's probationary period, they should agree on this with their own Line Manager and contact HR.
- 7.32 To ensure that relevant factors have been considered, a decision to extend a person's probationary period should only be made on the formal expiry of the employee's probationary period.
- 7.33 A Line Manager may wish to extend a probationary period because it has not been possible to fully assess the employee's performance, or because there are areas of concern regarding performance, capability, behaviour, attendance or timekeeping.
- 7.34 If an extension is being considered because of concerns of performance, capability, behaviour attendance or timekeeping, the manager must be of the view that there is a realistic prospect of the employee improving sufficiently within the period of an extension to meet the required standards.
- 7.35 HR will provide advice about appropriate time scales for an extension to probationary periods to ensure a consistent approach. It is anticipated that the probationary period can be extended between one to three months. The exact length of the extension will depend on the reason for the extension.

- 7.36 The Line Manager and a member of the HR team must meet the employee to inform them of the probationary period being extended and confirm this to the employee in writing.
- 7.37 The letter should outline the reason for the extension and the levels of improvement required or areas of performance still to be assessed.
- 7.38 Another review must take place at the end of the extended probationary period. The review will consider overall performance, with a particular focus on the outstanding areas of concern.
- 7.39 After the review meeting, the Line Manager must decide if the employee has successfully completed their probationary period or if they recommend that the probationary period is failed.
- 7.40 If the Line Manager's assessment is that the employee has successfully completed their probationary period, the process described above, should be followed.
- 7.41 If the Line Manager's recommendation is that the employee should fail their probationary period, then the process described below should be followed.

Recommendation for Failing the Probationary Period

- 7.42 If the Line Manager assesses that the employee should fail their probationary period HR should send the recommendation to the Principal.
- 7.43 If the Line Manager is the Principal, HR should send the recommendation to the Head of Governance who will decide who from the Board will be best to hear the case.
- 7.44 It is not the Line Manager's responsibility to decide if a person fails their probationary period.
- 7.45 A recommendation is required from them, but ultimately the decision to terminate employment because of a failed probationary period will be made by the Principal who will hold a hearing to consider the matter (or a member of the Board if the Line Manager is the Principal).
- 7.46 A probationary period hearing will be organised to decide if the employee's employment will be terminated.
- 7.47 HR will confirm this to the employee in writing, where possible within 10 working days of the review meeting.

Probationary Period Review Hearing

- 7.48 A probationary review hearing will be chaired by the Principal or an elected member of the Governing body if the Line Manager is the Principal and will be accompanied by an HR representative.

7.49 The meeting will be attended by:

- the employee;
- a trade union representative or colleague of the employee (if they choose to be accompanied); and
- the Line Manager who has made the recommendation for a failed probationary period.

7.50 The meeting may be held in the absence of the employee (and their representative) if they fail to attend on more than one occasion.

7.51 The Line Manager must provide information and evidence to demonstrate why they have made a recommendation for a failed probationary period. This will include:

- copies of any notes that have been taken;
- copies of notes from other meetings; relevant emails; and any other relevant information; and
- detailed evidence of support/development opportunities provided.

7.52 If the employee has any information they feel will be useful to consider and which helps to demonstrate that they have met the required standard to pass their probation, they should collate this information.

7.53 The Line Manager and the employee should collate their information and send it to HR, who will distribute copies to those attending the hearing.

7.54 Where possible, the information from the Line Manager and the employee should be provided to all attendees at least 5 working days before the hearing.

7.55 The information should, therefore, be sent to HR at least 6 working days before the hearing.

7.56 At the meeting the Line Manager will be asked to present the reasons why they are recommending that the probationary period is failed.

7.57 The member of staff, supported by their colleague or trade union representative, will then be given the opportunity to present their case.

7.58 The Chair of the hearing and the HR representative may ask questions of both sides at any time.

7.59 After both sides have had the opportunity to present their case, the meeting will be adjourned and the Chair of the hearing will consider their decision with advice from the HR representative.

7.60 The final decision will have one of three outcomes:

- that the employee has, in fact, met the required standard for the role and should pass their probation;
- the probationary period should be extended; or
- the employee has failed their probationary period and should be dismissed.

7.61 In reaching their decision the panel should take into account factors such as; if there has already been an extension to the probationary period; if there is a realistic prospect of the employee meeting the required standard; and the degree to which performance and/or behaviour was below the required standard.

7.62 The outcome of the hearing will be notified to the employee as soon as possible after the meeting and confirmed in writing within 10 working days of the meeting.

7.63 If the employee is dismissed, they will be paid in lieu of notice.

7.64 In the event of a dismissal, the employee must be informed of their rights of appeal.

Appeal Hearing

7.65 An employee who is dismissed because of a failed probation may appeal against the decision.

7.66 If the dismissed employee wishes to appeal, then the appeal must be submitted to the Head of Governance within 10 working days of notification of the dismissal being received.

7.67 The appeal hearing will provide the dismissed employee with the opportunity to raise any concerns about the process which led to their dismissal, or if they felt the reason for dismissal was not reasonable.

7.68 The appeal hearing will be chaired by an appropriate elected member of the Governing body. A different elected member of the Governing body who made the decision to dismiss, (if the Principal was the Line Manager).

7.69 The appeal hearing will also be attended by:

- the employee;
- a trade union representative or colleague of the employee (if they choose to be accompanied);
- an HR representative;
- the Line Manager who made the recommendation for a failed probationary period; and
- The Principal or if the Line Manager is the Principal an elected member of the Governing Body who made the decision to dismiss.

7.70 The meeting may be held in the absence of the employee (and their representative) if they fail to attend on more than one occasion.

7.71 The outcome of the appeal hearing can be one of the following:

- that the employee has, in fact, met the required standards for the role and should pass their probation and therefore be reinstated;
- that the panel feel there is a realistic prospect of the employee meeting the required standards, and, therefore, they should be reinstated with an extended probationary period; or
- that the employee failed the probationary period and the dismissal should stand.

7.72 If a person is reinstated following the appeal they will be paid and given continuity of service as if they had not been dismissed.

7.73 The outcome of the appeal will be confirmed in writing within 10 working days of the hearing. There is no further right of appeal under this procedure.

8. LIFE MODELS

Use of Life Models

8.0 Life models are employed on a casual 'as and when required' basis. Employees who required the use of a Life Model should make sure they:

- have an alternative session in mind in case their model is unable to work at short notice; and
- explain clearly to the model what they would like them to do. Their model may have never done such work and may be a little apprehensive.

8.1 A Life Model should never be left unsupervised at the FE site with a class or an individual student until the School has received their enhanced disclosure (DBS check) and references.

8.2 A member of HR will contact the employee requesting the Life Model once these documents have been received. It is advised to never leave a Life Model in a 1:2:1 situation with a student even when their DBS check and references have been returned.

Booking a Life Model

8.3 HR have a Life Model contact list which is updated as appropriate. If a Life Model is on the contact list the employee requesting the Life Model can contact them directly to book the session without having to complete any further paperwork.

8.4 Life Models are only to be used if they are on the contact list. If they are not on the list they are not employed by the School, meaning they will not have the relevant DBS check (at FE) and references. If the employee requesting the Life Model knows of a model who they would like to work at the School, they should contact HR with their details to ensure all relevant paperwork is completed before any employment can commence.

9. STAFF PAY, RECOGNITION AND REWARD

- 9.0 This procedure provides opportunities to recognise and acknowledge employees for their contribution and commitment to the School. Recognition is an important element to motivate and reward employees for exemplary work above and beyond their role.

Definition

- 9.1 RPMO = Redundancy Payment Modification Order. Under the Employment Rights Act 1996 (ERA), an employee can count service with an 'associated employer' towards the service requirement for a redundancy payment (i.e. 2 years) and, if appropriate, for calculating that payment.

Staff Pay Increases

Incremental Progression – Support Staff

- 9.2 Increments will be awarded to all support staff, including staff on fixed term contracts (who are not at the top of their scale) who have served 6 months' service as of 1st April.
- 9.3 Current staff who have obtained a new position within the School (who are not at the top of their scale) who have served 3 months' service as of 1st April in their new position will be awarded an increment. The Principal has the discretion to award this increment with less than 3 months' service if appropriate.

Incremental Progression – Teaching Staff and Senior Managers

- 9.4 Increments will be awarded to all teaching staff and senior managers, including staff on a fixed-term contract (who are not at the top of their scale) and who have served 6 months' service as of 1st September.
- 9.5 Current staff who have obtained a new position within the School (who are not at the top of their scale) and who have served 3 months' service as of 1st September in their new position will be awarded an increment. The Principal has the discretion to award this increment with less than 3 months' service if appropriate.
- 9.6 On occasion the Principal or a Vice Principal may request a member of staff to have an accelerated pay progression within a pay scale, e.g. additional increments awarded within the employee's current pay scale (i.e. in addition to the automatically awarded annual increment) and are, therefore, only applicable when the employee has not already reached the top of their scale.
- 9.7 The Principal/Vice Principal should submit their case to Principalship. Their case should be in writing and should include the reasons for an accelerated pay increase. The below points should be considered:
- current pay point;

- decision making – the difficulty involved, degree of individual judgement involved and degree of discretion required for the post;
- the knowledge and skills involved i.e. professional skills, people management, contact with others/influencing skills, communication skills, analytical ability;
- the level of responsibility and accountability of the applicant,
- manpower resources and level of responsibility involved; and
- nature of the problems faced by the School in as far as they impact upon the post in question.

9.8 An accelerated pay increase can only be awarded if the majority of Principalship agree.

9.9 The deadline for submitting any requests for accelerated pay progression to Principalship is April.

9.10 Any accelerated pay increase cannot go beyond 3 pay points at a time.

9.11 If an application for an accelerated pay increase has been successful, the new pay point will become effective from the first day of the month following the date of the application.

9.12 If awarded, HR will write to the employee informing them of their accelerated pay increase.

9.13 If, in situations, where an employee is at the top of their pay scale and has performed exceptionally in an unprecedented period the Principal has sole discretion to award an incremental progression to the next scale by a maximum of 3 points. The Principal may also seek the views of other members of the Principalship team.

Fixed Spot Points

9.14 Staff employed on a fixed spot point will not automatically be awarded an increment; instead, their performance will be assessed to determine whether they will receive an increment. Employees will know whether they are employed on a fixed spot point as it will be expressed in their contract of employment, (this also includes any variation to contract letters that an employee may have received that refer to this).

9.15 HR will inform Line Managers of any fixed spot points relating to their employees.

Annual inflationary Rise

9.16 An annual pay increase will be granted to all staff, subject to affordability and approval by Principalship and the Corporation Board.

Living Wage

9.17 All staff apart from Ancillary staff and Student Ambassadors will be paid no less than the current living wage rate. A review will take place every year to assess whether the School will increase pay to keep in line with the living wage rate.

9.18 Please note, the living wage is optional and the School does not have to pay this rate.

National Living Wage

9.19 All Ancillary staff and Student Ambassadors will be paid in line with the national living wage. Their wage will rise automatically when the national living wage rises.

9.20 Ancillary supervisors will be paid a higher rate of pay than the national living wage.

Changes to the Pay Framework

9.21 Changes may be made to the pay framework where it is considered necessary to pay a higher scale for a particular group of staff. This would normally be associated with a substantial planned increase in the level of responsibility for that group of staff.

Pay Protection Arrangements

9.22 Pay protection will not normally be paid by the School where an employee is redeployed to a lower-graded role. In exceptional circumstances, the Principal at their sole discretion may agree to pay protection arrangements.

Employee Recognition Programme – £15 Voucher

9.23 The Employee Recognition Programme is a peer to peer based formal recognition programme that encourages and empowers all employees to recognise the contributions of others in the workplace.

9.24 This programme is a corporate, monetary recognition programme that provides employees with the opportunity to acknowledge colleagues for their contributions and/or commitment to the School.

How the Recognition Programme Works

9.25 Any employee can complete a Formal Recognition Award Form - £15 Voucher, which can be accessed via the VLE or this link ([Formal Recognition Award Form - Peer - £15 Voucher](#)), to nominate an employee for a maximum of £15 Amazon gift voucher whom they feel has gone above and beyond within their role. The completed form must contain the nominating employee's justification for the request. The employee is prohibited from discussing the recognition request with the nominated employee until final approval of the award is secured. The

employee who is nominating should send the completed and signed award form to HR by emailing hr@northernart.ac.uk.

- 9.26 Once the award form has been forwarded to HR it will be assessed by a panel which will consist of a member of HR, the Vice Principal (Resources) and the Vice Principal (Higher Education).
- 9.27 Each Formal Recognition Reward Form will be assessed to clarify whether the requested award is part of the nominated employee's job description or whether they have gone above and beyond. If the reward request is in the scope of the employee's job description the request will be denied.
- 9.28 If the award request is denied the nominating employee will be informed by HR.
- 9.29 When a reward request is approved, the nominating employee will be informed by HR.

Informing the Employee that they are receiving a Reward

- 9.30 If the reward has been approved HR will send the nominated employee a thank you letter on behalf of the nominating employee including the £15 Amazon gift voucher.

Employee Recognition Programme – £200 Voucher

- 9.31 The Employee Recognition Programme is a formal recognition programme whereby a Vice Principal/Principal can nominate an employee who has gone far beyond what is expected of them for their role.

How the Recognition Programme Works

- 9.32 Any Vice Principal/Principal can complete a Formal Recognition Award Form - £200 Voucher, which can be accessed via the VLE or this link ([Formal Recognition Award Form - VP/Principal](#)), to nominate an employee for a maximum of £200 Amazon gift voucher. The completed form must contain the nominating Vice Principals/Principals justification for the request. The Vice Principal/Principal who is nominating should send the completed and signed award form to HR by emailing hr@northernart.ac.uk.
- 9.33 The form will then be forwarded to a panel which will consist of the remaining Vice Principals who have not nominated the employee.
- 9.34 Each Formal Recognition Reward Form will be assessed to clarify whether the requested award is part of the nominated employee's job description or whether they have gone far beyond what is expected for their role.
- 9.35 If the award request is denied the nominating Vice Principal/Principal will be informed by HR.

- 9.36 When a reward request is approved, the nominating Vice Principal/Principal will be informed by HR.

Informing the Employee that they are receiving a Reward

- 9.37 If the reward has been approved HR will send the nominated employee a thank you letter on behalf of the nominating Vice Principal/Principal including the £200 Amazon gift voucher.

Long Service Awards

- 9.38 HR will assess yearly (November) who is eligible to receive a long service award.
- 9.39 Employees entitled to an award will be notified automatically by HR. Any employee who believes they should have received an award should contact HR and may be required to show evidence of continuity of service before an award is made. Employees who are still not satisfied with the response should consult the School's Grievance Procedure.
- 9.40 Employees must indicate to HR the store of their choice by the deadline date on their letter informing them of their entitlement to an award (20 years' service). If no preference is given a gift voucher for Amazon will be issued.

Eligibility List

- 9.41 Employees who have completed 20 whole academic years of continuous service are entitled to receive a Long Service Award. Further awards will then be made at 5 yearly intervals.
- 9.42 Qualifying period. Previous continuous local government service or service with any organisation covered by RPMO will count as qualifying service. A minimum of 10 years of service must be completed with the School as part of the qualifying period.

Value of Award

- 9.43 The awards will be as follows:
- **20 years:** a gift up to the value of £100
(Under current taxation regulations this award is not taxable).
 - **Every following 5 years:** £135 will be paid directly into the employee's bank account. This payment is taxable.

10. OVERTIME AND TIME OFF IN LIEU (TOIL)

10.0 This procedure aims to provide guidance to employees on the operation of paid overtime and time off in lieu (TOIL), to ensure that it does not impact negatively on either the individual or the School.

10.1 This procedure aims to provide a clear and structured approach to the authorisation of TOIL and the payment of overtime.

10.2 It should be noted that there is no contractual entitlement to overtime working and that all overtime must be authorised in advance.

Definitions

10.3 For employees that have normal working hours, overtime usually means any time worked beyond these hours. Normal working hours are the hours fixed by an employment contract.

Can an Employee be Forced to Work more than their Normal Working Hours?

10.4 No, if this is required, then it should be a mutual agreement between the employee and their Line Manager.

Can an Employee be Stopped from Working more than their Normal Working Hours?

10.5 Any additional hours worked will be for business needs only. There is no guarantee that overtime/TOIL will be granted to an employee. The School will not discriminate against anyone, e.g. by stopping some employees from working overtime/accruing TOIL while letting others do so. In the case that overtime/TOIL is required in one department with more than one eligible employee, a rota system will be implemented and monitored by the Line Manager.

Time off in Lieu (TOIL)

10.6 In most cases, time off in lieu will be given instead of overtime. The following guidelines will apply; however, the School does understand that there are some circumstances where the below guidelines may not be feasible and, therefore, each case will be assessed on an individual basis by the Line Manager.

- time off in lieu should always be taken as 1 hour for 1 hour worked throughout the week. On a Saturday staff will accrue 1.5 hours for every hour worked and on a Sunday or Bank Holiday will accrue 2 hours for every hour worked;
- all staff should gain agreement from their Line Manager before working any additional hours. Failure to gain authorisation may result in losing the right to take the time back in lieu. In extenuating circumstances where prior approval may not be possible, a decision to claim the time back will be made by the Line Manager;
- employees requesting to take time off in lieu must have it approved by their Line Manager prior to the time taken and should give 3 days' notice;

- time off in lieu should be taken back at the earliest possible time and no later than 3 months from working the additional time. If this is not possible, permission should be sought from the appropriate Vice Principal/Principal. Failure to do so will result in losing the time;
- time off in lieu cannot be carried into the next academic year unless special permission is given by the appropriate Vice Principal/Principal. Failure to do so will result in losing the time; and
- all staff should record their additional hours on the TOIL Record, which is on the reverse of the Annual Leave Card for whole-time staff, and on the TOIL Record for term-time staff, which can be accessed via the VLE or this link ([TOIL Record](#)). This should then be sent to HR.

Examples of where Time off in Lieu Does and Does Not Apply

Does apply	Does not apply
UCAS Events see the TOIL Guidelines via the VLE or this link (TOIL Guidelines). Any travel time that exceeds 30 minutes each way to the destination will be included for TOIL purposes.	Where an employee decides to work over the contractual hours without pre-authorisation from their Line Manager.
On-Site Open Days (reclaiming travel time not eligible).	
Working from home, attending work early or leaving late should be pre-approved by the employee's Line Manager in order to accrue TOIL (reclaiming travel time not eligible).	Educational Visits. In exceptional circumstances the employee should speak to their Line Manager.
Staff Development (see the TOIL Guidelines via the VLE or this link (TOIL Guidelines). Any travel time that exceeds 30 minutes each way to the destination will be included for TOIL purposes.	
Miscellaneous – please speak to HR for guidance.	

10.7 Recording of this time is the responsibility of the employee.

10.8 It is the Line Manager's responsibility to monitor and ensure TOIL guidelines are adhered to at all times.

Weekly Flexi-time

10.9 Staff may take up to 1 hour and 30 minutes of flexi-time per week, subject to prior approval from their Line Manager.

10.10 This provision is designed to provide additional flexibility for staff with childcare or other personal responsibilities.

10.11 Part-time staff will receive a prorated allowance, calculated in proportion to their contracted hours.

Time Off in Lieu (TOIL)

10.12 Staff who are unable, or choose not, to use their flexi-time within the same week may carry these forward as TOIL, which should be used within the same academic year.

10.13 The maximum TOIL that may be accrued is;

- **22.5 hours** for staff on a 37-hour full time equivalent (FTE) contract, e.g. Business Support Staff; or
- **21 hours** for staff on a 35-hour full-time equivalent (FTE) contract, e.g. Academic Staff or Technician Demonstrators/Creative Technicians.

10.14 Part-time staff will receive a prorated allowance, calculated in proportion to their contracted hours.

Approval and Record-Keeping

10.15 All requests for flexi-time or TOIL must be authorised by the employee's Line Manager.

10.16 The approach to recording flexi-time and TOIL within the team will be determined by the Line Manager.

Overtime

10.17 Normally any additional hours worked will be addressed through TOIL, however, in some cases, this is not possible and overtime will be paid. For example; on occasion, additional cleaning hours/duties are required for open days, special events and canteen cleaning. Overtime is offered on a rota system and is not compulsory. As Cleaners cannot take the time back due to their working pattern/hours, an overtime payment will be made in these circumstances.

10.18 Any overtime must be approved by the Financial Controller and the appropriate Vice Principal/Principal. It is the Line Manager's responsibility to request this and send it to the Payroll and Pension Specialist. If prior authorisation has not been granted, the overtime must not be worked.

10.19 Failure to request approval may result in the employee not receiving payment, or payment being delayed.

10.20 When the overtime has been worked, the employee must complete an Overtime Claim Form which can be accessed via Finance, ensuring the Line Manager requesting the overtime has signed it. The employee must then send it to the Payroll and Pension Specialist before payroll cut-off dates in order for payment to be made. If the overtime form has not been completed correctly, the form will not be processed and it will be sent back to the employee.

10.21 If an employee regularly gets paid overtime, the School will include these payments in any holiday calculation. This will be reviewed on an individual basis.

Rate of Pay

- 10.22 Overtime will be paid at the employee's normal hourly rate of pay up to 40 hours per week (Monday – Friday), if an employee works in advance of 40 hours in one week (Monday – Friday), they will receive the rate of time and a half.
- 10.23 Any employee who works on a Saturday will be paid at a rate of time and a half, regardless of how many overall hours of overtime have been worked. This applies to staff who are paid overtime, or staff who take the time back.
- 10.24 If an employee is required to work on a Sunday or a Bank Holiday, they will be entitled to overtime for any hours worked at double time. This applies to staff who are paid overtime, or staff who take the time back.

Payment Conditions

- 10.25 The normal working week must be worked completely, by full-time and part-time staff, before an overtime payment is made.

11. SALARY ADVANCE

11.0 The School recognises that employees on occasion may need to ask for an advance in emergency situations.

Scope

11.1 This procedure covers all employees of The Northern School of Art, whether employed permanently, temporarily, full time, part time or hourly paid.

Definitions

11.2 Bankers' Automated Clearing System (Bacs) – This is when the figure of the advance requested is paid directly into the employee's bank account.

11.3 Honoraria payments – staff development fees, etc.

Procedure

11.4 Advances should be requested only when all other methods for obtaining goods/services have been exhausted and should be kept at a minimum level with a maximum an employee can borrow of £2,500.

11.5 The term of the advance will be agreed upon the time of borrowing and will be reconciled through payroll. If the outstanding advance cannot be repaid, the appropriate advance information will be forwarded to the Principal for review/approval.

11.6 If a history of non-payment is observed for an individual employee, advance privileges may be revoked by the Vice Principal (Resources).

11.7 Advances should not be used for Honoraria payments. See the Staff Development Procedure and the Payment of Professional Fees Procedure for more details.

11.8 The School will only approve an advance for emergency situations.

11.9 An employee can only apply for one advance in any 12-month period.

11.10 To request an advance, the Advance Request Form should be completed and forwarded to the Vice Principal (People Services). This form can be accessed via the VLE or by this link ([Advance Request Form](#)).

11.11 The Vice Principal (People Services) will assess whether the advance should be approved. The employee will be informed either way.

11.12 Whether the advance is cash or payment by Bacs the Payroll and Pension Specialist will inform the employee when they are likely to receive the advance.

12. PAYMENT OF PROFESSIONAL FEES

- 12.0 The reimbursement of professional fees is both an illustration of the School's commitment to the development of its staff and its provision of a professional service for its students.
- 12.1 Given this, the School will reimburse the professional fees of its employees, where this is essential to carry out their role or where their performance in the job would be enhanced by membership of an appropriate professional body.
- 12.2 The following procedure has been developed to set out a consistent framework for both what and how professional fees can be claimed.
- 12.3 The procedure applies to all employees, whether part-time or full-time, temporary or permanent, provided:
- that membership of a professional body is essential or appropriate to their post and will significantly enhance the performance of that individual in the execution of their duties; and
 - that the society/institution is recognised by the School as a professional body.
- 12.4 Where membership of a professional body or bodies is deemed to be essential for an employee to carry out their duties, they will be entitled to be reimbursed for the full amount of the subscription(s).
- 12.5 Where the membership of a professional body is not deemed to be an essential requirement of the post, but the appropriate Vice Principal/Principal feels that it would enhance the performance of an employee in their role, then individuals will be entitled to be reimbursed the cost of the professional fees of one or more approved organisations up to a maximum of £250 per annum. In the instance of claims above £250, the post holder will be expected to pay the balance.

Applying for Reimbursement

- 12.6 Applications for reimbursement of professional fees must be submitted on the Application for Reimbursement of Professional Fees, available from the VLE or this link ([Application for Reimbursement of Professional Fees](#)), to the appropriate Vice Principal/Principal, who should sign this document and pass it to the Vice Principal (People Services) for approval. Arrangements will then be made for reimbursement within the employee's next salary payment.
- 12.7 Supporting evidence of professional fees having been paid should accompany the application form. If the subscription is paid in monthly instalments, the fees will not be reimbursed until the subscription has been paid in full.
- 12.8 Applications should be submitted as soon as possible after the due date as only claims for the current academic year will be reimbursed.

Where it is not possible for an Employee to Pay their Subscription Fee

- 12.9 Where it is not possible for an employee to pay their subscription fee, the School can pay this directly to the professional body on their behalf. The employee must complete the Application for Payment of Professional Fees which can be accessed via the VLE or this link ([Application for Payment of Professional Fees](#)). The employee must submit any information relating to their subscription, including the cost.
- 12.10 This form should then be sent to the Vice Principal (People Services) for approval.
- 12.11 The employee should also state how payment should be made, e.g. purchase order/School credit card. If a purchase order is required, the employee must check with Finance if the organisation for the subscription fee is in the School's system. If not, a New Supplier Form must be completed by the organisation before a purchase order can be raised, this can be accessed via Finance. It is the employee's responsibility to send the New Supplier Form to the organisation and then to Finance. If a credit card payment is requested, the employee should get in contact with Finance to arrange a time to make the payment with them.

Student Membership

- 12.12 As a demonstration of the School's commitment to self-development, student memberships are included within the scope of the scheme.

Recovery

- 12.13 Should an employee leave the School having had their professional subscriptions paid, no recovery action will be taken.

Challenging the Process/Decision

- 12.14 If an employee feels that their request for the payment of professional fees has been dealt with unfairly or unreasonably, they will have the right to pursue the matter further through the School's Grievance Procedure.

Records

- 12.15 All correspondence and associated documentary evidence will be held on the employee's HR file and be available for inspection by the employee on request.

13. STAFF REGRADE

- 13.0 This procedure sets out the main principles that the School has adopted for regrading posts.
- 13.1 The School recognises the importance of optimising opportunities for reviewing and developing the roles of its employees and developing each individual's contribution towards achieving business success.
- 13.2 Occasionally it may be necessary to review grades of staff to increase or decrease the grading of their posts. Decreasing of grades will not be taken lightly and will be accompanied by appropriate consultation.
- 13.3 The Regrade Procedure covers all support staff at the School whether employed permanently, temporarily, full time or part time.

General Notes

- 13.4 A regrading review request must be based on significant and permanent changes to the role.
- 13.5 A request for a regrading review should not be based on how the responsibilities or activities might or will change in the future.
- 13.6 New appointees to a role should usually have been in post for at least 12 months prior to seeking a review of their grading.
- 13.7 An increase in volume of work will not necessarily result in an increase in job size sufficient to merit a change in grade. Evidence would need to be provided that this increase in volume has resulted in a significant increase in responsibility/accountability.
- 13.8 Where operational changes/restructuring could result in a role being downgraded, the appropriate Vice Principal/Principal must consult with and seek the necessary guidance from HR before any changes are implemented and the grading review process is initiated.

Request of Regrading of Posts from an Employee

- 13.9 The following procedure identifies the process whereby such requests for regrading should be submitted and how they will be considered.
- 13.10 Where a group of employees with identical job descriptions request a salary regrade, this procedure will apply. In such cases hereafter read employee or applicant to mean group.

Application for Regrading of Posts from an Employee

- 13.11 A Regrading Process Map and Timescales can be accessed via the VLE or this link ([Process Map and Timescales \(Application from an Employee\)](#)).
- 13.12 The Application for Regrading of Posts from an Employee should be completed for any regrading application, accessed via the VLE or this link ([Application for Regrading of Posts from an Employee](#)).

Stage 1: Completion/Submission of Documentation

- 13.13 Applications for regrading should be made by the employee to their Line Manager and Vice Principal/Principal responsible for the post. The Line Manager and Vice Principal/Principal should specify whether they support the application.
- 13.14 If the application is supported, completed forms together with an up to date and signed job description should be electronically submitted to HR@northernart.ac.uk by the employee. Please note, all forms should be signed, either using an electronic signature or signed, scanned and submitted from the employee's email account. If an employee is unable to scan a signed copy of the documents, the employee should send the documents electronically and post a signed hard copy to HR.
- 13.15 Whilst electronically completed documents are preferred, the form can also be handwritten. Employees should ensure that any handwritten submissions are easy to read and are completed in black ink.
- 13.16 The Line Manager and/or the Vice Principal/Principal has the right to reject the application. The applicant should be informed in writing of this decision by the Vice Principal/Principal, outlining the reasons for the rejection. If the application is that of rejection the form should be scanned to HR@northernart.ac.uk by the employee with the reasons for rejection attached. Please note, all forms should be signed, either using an electronic signature or signed, scanned and submitted from the employee's email account. If an employee is unable to scan a signed copy of the documents, the employee should send the documents electronically and post a signed hard copy to HR.
- 13.17 Regardless of whether an application has been supported or rejected by the Line Manager and/or the Vice Principal/Principal, a review panel will still need to be held to review the application as outlined in Stages 2 & 3 below.
- 13.18 Prior to the review panel, HR to notify finance that an application has been received and outline the details of the request.

Stage 2

- 13.19 A member of HR will arrange a review panel normally within 20 working days of notification of receiving the completed form whether supported or rejected. The review panel will consist of a member of HR and 2 Vice Principals who have not

been involved in stage 1. The panel may also seek to involve external consultation for expert skills advice if necessary.

13.20 The employee will be informed by HR when the panel meeting will take place.

13.21 If further information/clarification is needed this will be obtained before the panel meeting takes place.

Stage 3

13.22 To reach an outcome and revised grade (if appropriate) the panel should take an objective and analytical view of the following criteria:

- job ranking;
- decision making – the difficulty involved, degree of individual judgement involved and degree of discretion required for the post;
- the complexity of the post – range of tasks and problems to be faced;
- the knowledge and skills involved i.e. professional skills, people management, contact with others/influencing skills, communication skills, analytical ability;
- the level of responsibility and accountability of the applicant;
- financial and budgetary resources controlled;
- manpower resources and level of responsibility involved;
- the degree of changes within the post;
- qualifications of the post holder;
- nature of the problems faced by the School in as far as they impact upon the post in question; and
- whether there has been a significant increase in the level of duties and responsibilities.

13.23 The panel may also seek to invite either the employee or the Vice Principal/Principal from stage 1 to the panel meeting in order for the panel to ask relevant outstanding questions which are pertinent to the outcome of the review panel's findings and recommendations.

13.24 The panel will report their findings and recommendations in writing to the Principal or Vice Principal not yet involved in the process if the Principal accepted/rejected the original application, within 5 working days. The decision will be one of the following:

- to endorse the request assigning a new grade to the post;
- to propose an alternative arrangement; or
- to reject the request.

13.25 The Panel Review Form will be used by the panel to complete the above necessary requirements which can be accessed via the VLE or this link ([Panel Review Form - Regrade Application](#)).

Stage 4

- 13.26 The final decision on the regrading of the post will be the responsibility of the Principal/Vice Principal, based on the report of the review panel, and should consider other factors including financial, budgetary costs, public opinion and ethical grounds. The Principal/Vice Principal reserves the right to reject the recommendations of the review panel on the above grounds. The Principal/Vice Principal should make their final decision normally within 10 working days of receiving the review panel's recommendations.
- 13.27 A member of HR will ensure that the post holder receives written confirmation of the final decision within 10 working days. If the confirmation is that of rejection a reason will be given.
- 13.28 HR to notify finance the outcome of the panel hearing.

Vice Principals

- 13.29 Applications from Vice Principals for regrading of their post will be undertaken by the Principal with advice from the Vice Principal (People Services) and a member of the Remuneration Committee. The Principal's decision will be final.

Appeals

- 13.30 A Process Map and Timescales regarding appeals can be accessed via the VLE or this link ([Process Map and Timescales \(Appeals\) - Regrade Procedure](#)).
- 13.31 Notification that an appeal is being brought must be submitted, in writing, to the Vice Principal (People Services), within 10 working days of the date specified on the regrading review outcome letter.
- 13.32 Once notification of the appeal is received, an Appeal Form will be issued to the appellant for completion which can be accessed on the VLE or this link ([Appeals Form - Regrade Application](#)). The appellant will be asked to state the grounds on which the appeal is being made and provide information to support this. The appeal form must be completed and returned to the Vice Principal (People Services) within 15 working days of the date of issue.
- 13.33 Normally within 15 working days of receipt of the completed Appeal Form, an appeal panel will be convened. The panel will comprise of the Principal (Chair) or Vice Principal not yet involved in the process if the Principal was involved in the original application, and a Head of Department/Vice Principal (unconnected with the appellant).
- 13.34 In considering the appeal, the appeal panel will review the written submission from the appellant and may request further/supplementary information from the appellant and/or the regrading panel. The appeal panel may also request relevant parties to attend a hearing. (Appellants have the right to be accompanied by a representative of the appropriate trade union or a work colleague, and may request to appear before the appeal panel). The appeal

panel may also allow adjournments of the hearing if further information is required.

- 13.35 The appeal panel cannot alter the grade assigned, but it can refer the post back for re-evaluation by another freshly constituted regrading panel, chaired by the Vice Principal (People Services), if it is considered that the process leading to the grading of the post has been flawed and, as such, may have impacted upon the grading of the post.
- 13.36 The panel will write to the appellant within 10 working days of the final meeting to advise them of the outcome of the appeal.

Subsequent Regrading

- 13.37 If the regrading request is not approved the employee will not be permitted a further regrading request for 6 months from the date of the notification unless it is deemed by the Line Manager that there are significant new factors introduced since the previous application was considered.

Time Scales

- 13.38 Time scales identified in this procedure may be varied by mutual agreement of management and the applicant.
- 13.39 When an application for regrading has been successful, the new grade will become effective from the first day of the month following the date of the application.

Request of Regrading of Posts for an Employee from a Vice Principal/Principal for Support Staff only

- 13.40 On occasion a Vice Principal/Principal may make a request for an employee's post to be regraded, by completing the Application for Regrading of Posts for an Employee from a Vice Principal/Principal, which can be accessed via the VLE or this link ([Application for Regrade of Posts for an Employee from a Vice Principal/Principal](#)). Applications for a regrading of an employee's post can be made if organisational changes have taken place, major developments have occurred in job related areas or if the post holder's job description has significantly changed.
- 13.41 The following procedure identifies the process whereby such requests for regrading by a Vice Principal/Principal should be submitted and how they will be considered.
- 13.42 Where a group of employees have identical job descriptions and a regrading request has been submitted, this procedure will apply. In such cases hereafter read employee or applicant to mean group.

Requests by a Vice Principal/Principal

13.43 See below table that shows how each stage will be dealt with when requests are made by a Vice Principal/Principal.

Stage 1
Requests by a Vice Principal/Principal should be made to an alternative Vice Principal.
An alternative Vice Principal will investigate the request.
The investigating Vice Principal has the right to reject a request.
Regardless of whether the request is supported by the alternative Vice Principal, the request should be forwarded to the Vice Principal (People Services).
Stage 2
HR will arrange a panel meeting which will consist of the Vice Principal (People Services) and two Vice Principals who have not already been involved in the process. HR will also notify finance of the request.
Stage 3
The panel will assess the employee's job against an analytical set of criteria.
The Vice Principal/Principal who submitted the original request may be invited to attend part of the review panel if necessary.
The panel will report its findings to the Principal or Vice Principal not yet involved in the process if the Principal made the application.
Stage 4
The final decision will be made by the Principal or Vice Principal not yet involved in the process if the Principal made the application.

13.44 A Process Map and Timescales – Request from a Vice Principal/Principal can be accessed via the VLE or this link ([Process Map and Timeline \(Application from VP or Principal\)](#)).

Application for Regrading of Posts

13.45 The following stages support the previous table in more detail.

Stage 1

13.46 Applications for regrading of posts should be made by a Vice Principal/Principal to an alternative Vice Principal. Applications should be in writing by completing the School's Application for Regrading of Posts for an Employee from a Vice Principal/Principal and should include as much information as possible.

13.47 An alternative Vice Principal will investigate the request which will include seeking the views and comments of the relevant Line Manager to the post and/or the relevant Vice Principal/Principal. If the application is supported by the Vice Principal, they should put forward the case in writing to the Vice Principal (People Services) within 10 working days, together with a signed and agreed job description. The completed form should be scanned to HR@northernart.ac.uk. The Vice Principal (People Services) will then execute Stages 2 & 3 below.

- 13.48 The alternative Vice Principal has the right to reject the application and the Vice Principal/Principal who submitted the request should be informed of this in writing, outlining the reasons for the rejection. The Vice Principal (People Services) should also be informed of this accordingly by forwarding the documents pertaining to the application and the reasons for rejection.
- 13.49 Regardless of whether an application has been supported or rejected, a review panel will still need to review the application as outlined in Stages 2 & 3 below.
- 13.50 Prior to the review panel, HR to notify finance that an application has been received and outline the details of the request.

Stage 2

- 13.51 A member of HR will arrange a review panel normally within 20 working days of notification of the decision. The review panel will consist of the Vice Principal (People Services), and two Vice Principals who have not been involved in stage 1. The panel may also seek to involve external consultation for expert skills advice if necessary.

Stage 3

- 13.52 To reach an outcome and revised grade (if appropriate) the panel should take an objective and analytical view of the following criteria:
- job ranking;
 - decision making – the difficulty involved, degree of individual judgement involved and degree of discretion required for the post;
 - the complexity of the post – range of tasks and problems to be faced;
 - the knowledge and skills involved i.e. professional skills, people management, contact with others/influencing skills, communication skills, analytical ability;
 - the level of responsibility and accountability of the applicant,
 - financial and budgetary resources controlled;
 - manpower resources and level of responsibility involved;
 - the degree of changes within the post;
 - qualifications of the post holder;
 - nature of the problems faced by the School in as far as they impact upon the post in question; and
 - whether there has been a significant increase in the level of duties and responsibilities.
- 13.53 The panel reserves the right to request that the Vice Principal/Principal from stage 1 attend part of the review panel meeting in order that the panel can ask relevant outstanding questions which are pertinent to the outcome of the review panel's findings and recommendations.
- 13.54 The panel will report their findings and recommendations in writing to the Principal or Vice Principal not yet involved in the process if the Principal made

the original application within 5 working days. The decision will be one of the following:

- to endorse the request assigning a new grade to the post;
- to propose an alternative arrangement; or
- to reject the request.

13.55 A standardised form will be used by the panel to complete the above necessary requirements.

Stage 4

13.56 The final decision on regrading of the post will be made by the Principal/Vice Principal, based on the report of the review panel, and should consider other factors including financial, budgetary costs, public opinion and ethical grounds. The Principal/Vice Principal reserves the right to reject the recommendations of the review panel on the above grounds. The Principal/Vice Principal should make the final decision normally within 10 working days of receiving the review panel's recommendations.

13.57 The Vice Principal (People Services) will ensure that the post holder receives written confirmation, if appropriate, of the final decision within 10 working days. If the confirmation is that of rejection a reason will be given.

13.58 HR to notify finance the outcome of the panel hearing.

Time Scales

13.59 Time scales identified in this procedure may be varied by mutual agreement of management and the applicant.

13.60 When an application for regrading has been successful, the new grade will become effective from the first day of the month following the date of the application.

14. PERSONAL USE OF SCHOOL FACILITIES

- 14.0 The School believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best and utilising all the talent and experience available. The School also recognises that it has a number of items and facilities which staff may wish to make use of. To help retain and support its staff the School is happy to permit incidental personal use of its equipment and facilities by staff, subject to Health and Safety considerations.
- 14.1 The aim of this procedure is to help staff understand the guidelines around incidental use and to make it clear where such use is not permitted.
- 14.2 This procedure does not cover every facility that staff may wish to use and guidance should be sought from HR over the personal use of School facilities if an area is not addressed within this procedure.
- 14.3 When using the School's equipment and facilities employees should note that they are responsible for any property belonging to the School that is under their control or in their possession and must take proper care of any such items. Any deliberate or negligent failure to take proper care of company property may be viewed as misconduct and will lead to disciplinary action up to and including dismissal.

Personal use of Email

- 14.4 Although the e-mail system is primarily for business use, the School understands that employees may on occasion need to send or receive personal e-mails using their work address. When sending personal e-mails, employees should show the same care as when sending work-related e-mails.

Personal use of the Internet

- 14.5 Although the Internet system is primarily for business use, the School understands that employees may on occasion need to use the Internet for personal purposes.
- 14.6 Employees may access the Internet at work for personal purposes provided that:
- such use is occasional or takes place during lunch breaks or before/after the recorded start of work;
 - the Internet is not used to access offensive or illegal material, such as material containing racist terminology or nudity; and
 - they do not enter into any contracts or commitments in the name of or on behalf of the School unless authorised to do so for work reasons.
- 14.7 If an employee needs to use blocked sites for the purpose of research or teaching topics they should contact the IT department. Please see the IT Acceptable Use Procedure for more details.

Personal use of Telephones

14.8 The School provides its employees with access to the telephone for work-related purposes. However, because it is accepted that employees may sometimes need to attend to personal matters during working hours, limited personal use is permitted, provided that this does not interfere with employees' work, nor take up an unreasonable amount of time.

14.9 It is important to note that employees may not at any time use School telephones to:

- carry out freelance work, or work for another employer;
- contact recruitment agencies or other employers with a view to seeking alternative employment;
- buy or sell goods, other than when authorised to do so in the course of their job;
- gamble;
- communicate information that is confidential to the School outside the School, unless authorised to do so in the course of their job;
- chat for lengthy periods of time to friends or relatives;
- make overseas telephone calls; or
- waste working time using the telephone for purposes not associated with their job or the School's business.

Personal use of Mobile Phones

14.10 School mobile phones are provided at the discretion of the School on the basis of business need, and must be returned to the School on the last day of employment. Failure to return the mobile phone may result in the employee being liable to repay the full costs of the device.

14.11 Staff who have been issued with mobile phones should remember that using a hand-held mobile phone, or other hand-held devices that perform an interactive communication function by transmitting or receiving data, while driving is dangerous and, since 1 December 2003, against the law. For this reason, no employee shall use a hand-held mobile phone or other hand-held devices while driving on School business. The exception to this restriction is where the use of the hand-held mobile phone or other device is to contact the emergency services on 999 or 112 in the case of a genuine emergency and in circumstances in which it is unsafe or impracticable for the employee to stop driving in order to make the telephone call. Staff are, however, permitted to use any hands-free facilities.

Personal use of Laptops/Tablets

14.12 School laptops/tablets are provided at the discretion of the School on the basis of business needs and must be returned to the School on the last day of employment. Failure to return the laptop/tablet may result in the employee being liable to repay the full costs of the device.

14.13 It is the School's aim to provide its staff with sufficient and proper access to equipment to enable them to achieve their aims and professional requirements.

It is its further aim to ensure that this equipment is made readily available at the times and for the durations that suit the needs of the authorised individual users. For this reason, many staff are issued with laptops, tablets and similar equipment.

- 14.14 Whilst this equipment is not loaned out for personal usage, the School accepts that at times it is permissible to use this equipment for incidental personal use.
- 14.15 Employees should note that the restrictions on acceptable Internet use outlined above apply to laptops even in an employee's own home.
- 14.16 Employees should also not use such equipment to carry out freelance work or work for another employer without the specific consent of the School.

Personal use of the Postal System

- 14.17 The School has in place arrangements for the posting of work-related correspondence to students, staff and external bodies. The School does not permit the personal use of this facility for its staff under any circumstances.

Loss or Damage

- 14.18 Staff should be aware that they are liable for any loss or damage to items or equipment when it is used for personal use (regardless of whether it is actually in use by them).
- 14.19 Once it is reported that the item has been lost, stolen or damaged the employee will immediately be reminded of their liability and may be required to pay for the cost of the equipment's replacement or repair. The Vice Principal (People Services) and the Financial Controller should be notified of this occurrence.
- 14.20 In all such cases evidence must be provided to avoid culpability (for example a police crime number), where losses or damages are deemed to be due to negligence on the part of the employee the School may recover the full cost of a new replacement item. The decision of whether the employee is culpable for the loss sits with the Vice Principal (Resources) who may seek advice from the Vice Principal (People Services).

Breach of this Procedure

- 14.21 Any employee who disregards this procedure may be subject to disciplinary action.
- 14.22 Employees should be aware that a breach of this procedure may be considered to be gross misconduct.

15. INTELLECTUAL PROPERTY

What is Intellectual Property (IP)?

- 15.0 Intellectual Property (IP) is the output of creative endeavour which has value and originality. It is created through the development of new ideas, innovative new products, artworks, designs, processes, publications, creative content or output. Thus, the outputs routinely generated by staff through research or scholarly activity might be IP. IP can be protected, for example, by registering patents, trademarks and designs. 'Intellectual Property Rights' (IPR) refers to rights of ownership of Intellectual Property.

Ownership of IP

- 15.1 The generator of IP is identified as the 'inventor' or 'creator'. However, this must be distinguished from "ownership", which is the right to use or exploit IP.
- 15.2 In accordance with law, IP created or developed through the course of employment belongs to the employer.
- 15.3 Therefore, Intellectual Property which is created by employees of the School, whether full or part-time, shall be considered to be owned by the School, where this IP is related to the work, duties or directed activity of the individual concerned, or where School resources have been used during development. This applies to all staff with a contract with the School.
- 15.4 The IP in teaching materials produced for use with School students (including, but not limited to, those designed for distance or e-learning) is the property of the School.
- 15.5 The School waives its rights in respect of some items which are subject to copyright, such as:
- books and articles;
 - seminar papers;
 - service on public, governmental and charitable bodies;
 - journal editorships;
 - external examination duties;
 - invited Lectures; and
 - publications of research outcomes including exhibitions of work not financially supported from School funds.
- 15.6 However, the School retains an irrevocable non-exclusive royalty-free right to use, reproduce, modify and distribute such works for the purposes of marketing, publicity and otherwise enhancing the reputation of the School. (Any royalties owed to third parties for the use of their IP would still have to be paid.)

15.7 The School further acknowledges the rights of employees to retain ownership of IP and obtain benefit from all personal works and/or publications arising from activities undertaken outside employment duties with the School.

15.8 Staff should obtain consent from the School before entering into a contract with a publisher or producer of works in other media in relation to copyright in a work produced by that staff member but where the IP belongs to the School.

Protecting and Exploiting IP

15.9 Staff who believe they may have produced any new IP which has value and originality should in the first instance contact their Vice Principal/Principal responsible for the role.

15.10 The profit-sharing arrangements will be negotiated on an individual basis with each instance of IP, but in general the inventor will be expected to receive up to 90% of the first £10,000 revenue generated. Where revenue exceeds £75,000, the School would expect to receive the majority proportion, although it would be unusual for the School to secure more than 75% of revenue generated.

15.11 There may be occasions where a spin-out company would be the chosen route for exploitation of IP. In these instances, the School claims an equity share in the company in return for detailed support for the company which will be negotiated by the Vice Principal (Resources). The arrangements for companies will be negotiated on an individual basis.

15.12 If the School decides not to exploit the IP, it will sign an agreement with the staff member which clarifies its position (this may include assigning the IP and any benefits to the member of staff in perpetuity). In cases where the IP is assigned to the member of staff, the School may, at its discretion, offer some advice and support, but this will be on a case by case basis and cannot be guaranteed.

Contracts with Sponsoring or Funding Bodies

15.13 Where commercial bodies provide sponsorship, the School will seek to retain the IP but will usually agree to give the sponsor a licence to exploit the rights on a commercial or other negotiated basis. On occasions, retention of the rights in IP may not be feasible or commercially acceptable to the sponsor. Contracts with the sponsors clearly setting out the position will be negotiated before the start of the work in order to avoid subsequent disputes.

15.14 The School will take the lead in negotiations with sponsoring or funding bodies. Staff should not negotiate directly without the explicit approval of the Vice Principal/Principal responsible for the post.

Collaboration

15.15 Where work which generates IP is the product of collaboration between staff, the staff inventors should agree the way in which their status should be recorded,

and any profits shared. The School will not seek to impose any specific structure (but, failing clear advice to the contrary, will assume that all partners are equal).

- 15.16 In the event of collaboration between staff and students leading to work which generates IP, it will normally be for the collaborating group to determine the attribution of rights, and revenue-sharing arrangements. These arrangements should reflect the nature of the collaboration, and the significance of each input.
- 15.17 The School is conscious of the need to ensure that all those genuinely involved in a collaboration should have their work recognised and acknowledged. It wishes to ensure that no partner controls the assignment of rights and revenue by virtue simply of seniority. In the event of disputes between the collaborating partners, representation should be made to the Vice Principal/Principal responsible for the post, who will establish a panel to determine the most appropriate assignment of rights. The panel will be chaired by a member of staff at Vice Principal level or above, and will include at least one staff member who is more senior than any involved in the dispute.
- 15.18 It is the responsibility of the generator of the IP to ensure that the School, through the Vice Principal/Principal responsible for the post is aware of any collaborative partner in producing work, and/or any third-party IPR. Failure to do so may result in a loss of commercial opportunity; and in serious cases, may lead to disciplinary action.

Student IP Procedure

- 15.19 There are separate arrangements for students. All members of staff are required to ensure that the student procedure is adhered to and should consult that document before advising students. This includes occasions where third parties agree to sponsor student projects.
- 15.20 Where a member of staff is also registered as a student, the staff arrangements will apply unless it can be demonstrated clearly that the work which generates IP was undertaken as part of the course of study.

Advice and Guidance

Maintain Confidentiality

- 15.21 It is crucial to maintain confidentiality over the IP. Commercially sensitive documents should be marked as 'Confidential' and kept securely. Staff are not authorised to enter into confidentiality agreements with third parties on behalf of the School.

Support the Protection of IP

- 15.22 Staff should ensure that all IP is properly documented in a form that would enable the date of creation to be clearly established. This may be through regular writing-up and filing as appropriate. Copyright in a work should be properly

asserted; advice can be given by the relevant Vice Principal/Principal.

Only Sign Contracts if Authorised

15.23 All contracts with external bodies must be signed by an authorised signatory. Authorised signatories for such contracts include the:

- Principal; and
- Vice Principal (Resources).

15.24 Any other individuals signing contracts may be personally liable for contracts which go wrong.

16. VISITORS

16.0 This guidance is intended to help the School manage visitors in a way that ensures the safety of children and adults on site. The responsibility for this lies with the Principal, the Principalship Team and the Governing Body.

16.1 This procedure applies to:

- all external visitors entering the School site during the day or for after School activities (including suppliers and ex-students);
- all parents and volunteers; and
- building & maintenance and all other independent contractors visiting the School premises.

Definitions

16.2 Enhanced DBS check with a barred list – This is carried out by the Disclosure and Barring Service in which a certificate is produced that contains details of both spent and unspent convictions, cautions, reprimands and warnings that are held on the Police National Computer, which are not subject to filtering. The certificate may also contain non-conviction information supplied by a Chief Officer if they feel it is relevant and ought to be contained in the certificate.

16.3 The DBS barred lists are maintained by the Disclosure and Barring Service. There are two of them – One is a list of people who have been barred from working with children, and the other is a list of people who have been barred from working with vulnerable adults.

16.4 The barred lists allow the DBS to keep a record of people who aren't permitted to engage in 'regulated activity' with children and/or vulnerable adults to prevent those people from doing jobs they're unsuitable for.

16.5 The School is only permitted to access the working with children list.

Guidance and Responsibilities

16.6 The day-to-day arrangements of this procedure needs to be understood and appropriately implemented by all staff. All staff have a responsibility to ensure that visitors to the School are properly welcomed and managed safely within the School.

16.7 All staff should be made aware of this guidance and that it applies to all visitors equally.

Types of Visitors

16.8 There are several different types of legitimate visitors to the School. All visitors should either be:

- supervised by a member of staff if they have not had a DBS check; or
- unsupervised if they have had the appropriate DBS check.

All Visitors

- wherever possible, visits to the School must be pre-arranged and the relevant personnel made aware, e.g. Reception;
- at Reception, all visitors should explain the purpose of their visit and who has invited them. **Visitors apart from parents will be asked to produce formal identification, e.g. a passport, driving licence, birth certificate or work ID. If a visitor does not display the appropriate ID, the School should use their professional judgment about letting the visitor enter the School;**
- all visitors will be asked to sign the visitors' record book;
- all visitors will be informed of the safeguarding arrangements when on-site, i.e., issued with a leaflet; and
- a visitor badge should be worn and displayed prominently at all times whilst in the School. This visitors' badge will be attached to a yellow visitor's lanyard if the visitor has not been DBS checked or a teal lanyard if the visitor has been DBS checked. Please note, this lanyard is different to the staff's teal lanyard.

If the Visitor has not been DBS Checked

- visitors should wait in the Reception area until they are met by an appropriate member of staff to be escorted to their destination;
- all visitors should be accompanied/supervised at all times by a member of staff. Visitors will be required to wear a yellow lanyard;
- if visitors find they are alone with students, they should report to a member of staff or Reception. This should be explained to visitors at the point of arrival;
- if a member of staff finds a visitor (displaying a yellow visitor's lanyard) alone they should escort them back to Reception;
- staff should report any unauthorised visitors (not displaying a lanyard) to a senior member of staff as soon as possible. Staff should not put themselves at risk challenging intruders, but should ensure that a senior member of staff is contacted to investigate; and
- on departing the School, visitors should leave via Reception, sign out of the building, return their visitor badge and be seen to leave the premises. School Reception staff should check the 'in-out' records regularly to monitor compliance with this procedure.

Supervision is defined as:

- there must be supervised by a person who is in regulated activity (someone who has had an enhanced DBS check with barred list);
- the supervision must be regular and day-to-day; and
- the supervision must be "reasonable in all the circumstances to ensure the protection of children".

Parents

- 16.9 Parents may accompany children to interviews, student shows, etc. In these circumstances, the School should use their professional judgment about the need to escort or supervise these visitors.

Visitors Requiring a DBS Check

- 16.10 Whilst, not an exhaustive list, this will include invigilators, enrichment providers, supply staff, PGCE students, volunteers and contractors. Visitors who have a DBS check will be required to wear a teal lanyard.
- 16.11 Staff organising a visit must never assume that someone has a DBS check.
- 16.12 These visitors will not be able to commence responsibilities with the School until the School has confirmed that the visitor has the appropriate DBS check.
- 16.13 Disclosure details will be held by HR as part of the single central record.
- 16.14 Some of these visitors may be required to obtain a staff ID badge but must still wear the teal visitor lanyard.
- 16.15 DBS checked visitors will be required to sign the visitor's in-out book at Reception daily.

Visitors in School for whom DBS Check is not Required

- 16.16 Whether or not visitors should be DBS checked should be determined by an assessment of whether their visits to the School site will be regular or not.
- 16.17 Regular work is defined in the Department for Education's Safeguarding Guidance as teaching, training or instruction of children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight. Day-to-day management or supervision on a regular basis of a person providing this activity is also regulated activity.

Contractors

- 16.18 Contractors include people engaged to perform work who are not directly employed by the School. In many instances, work processes will be carried out near classrooms or other areas occupied by students or staff while the School is in operation.
- 16.19 Contractors without a DBS will be appropriately supervised at all times whilst on the premises - this includes contractors who have not completed all background checks as required by the School.
- 16.20 When contractors are carrying out a regulated activity they will require a DBS check. Contractors will not be able to commence work with the School until the

DBS check has been submitted either by their place of work or, if they are self-employed, by the School to the Disclosure and Barring Service.

16.21 A contractor can commence work with the School if the DBS check has been submitted but the certificate is still to be received as long as they are supervised at all times by another member of staff.

16.22 Disclosure details will be held by HR as part of the single central record.

16.23 Supervision outside of term time will not be required as there will be no students on site.

HE Site

16.24 All visitors who attend the HE site will be required to wear a yellow visitor's lanyard. There is no requirement for DBS checks to be carried out at this site. It is, however, mandatory for visitors to sign in and out at Reception.

16.25 There is also no requirement for supervision at this site.

17. CHILD VISITORS

Definitions

17.0 Health and Safety law defines people by age:

- a young person is anyone under 18 years of age (young people); and
- a child is anyone who has not yet reached the official age at which they may leave school.

Formal Visits

17.1 Visits formally agreed upon and organised by the School with schools, departments or other recognised bodies.

17.2 These visits may be for future school leavers to see the School and the activities, programmes that take place etc.

17.3 Organised work experience or work placement periods with specific departments.

Informal Visits

17.4 Visits within the following categories:

- brief social visits by parents with new born babies or young children;
- accompanying parent to specific ceremonies or events, whether public or private, not involving hazardous activities, areas or equipment; or
- accompanying parent (School employee) to work on a brief visit, e.g. when visiting for short periods to pick up work or carry out a short-term low-risk activity.

Procedure	Role/Responsibility of	How
<u>Formal Visits</u> Risk assess the areas of the School the children will visit. If the children will be undertaking any tasks, risk assess the tasks and equipment the child may use/come into contact with. Ensure that visitors sign in upon arrival. Ensure that the children are supervised and accompanied at all times. Ensure that all children are aware of the evacuation procedures, including escape routes and assembly points.	The member of staff who is organising the visit. The member of staff who will be supervising the activity. The member of staff who will be supervising the young person.	Where significant risks and foreseeable incidents associated with planned activities are identified. Carry out a risk assessment, and introduce appropriate safe working procedures. Request that the visitors sign the visitors' book (for large numbers of visitors a list of the names of the children from the School could be kept in the visitors' book). Inform individuals accompanying children that they should ensure that children do not stray away from the person with them. Inform the children and their supervisor(s) of the evacuation procedures upon arrival at the School.
<u>Organised work experience or work placement</u> Carry out a "young persons" risk assessment for each individual.	The member of staff who will be supervising the young person.	This is a legal requirement and should consider the tasks the individual will undertake, the equipment they will use and their level of maturity, experience, physical size (for very physical tasks), and ability to understand and follow instructions.
Ensure the young person is adequately supervised.	The member of staff who will be supervising the young person.	This will probably be 1:2:1 for most of the time at first, however, as the young person becomes more competent the amount of time may be reduced.
Provide the individual with appropriate induction, information,	The member of staff who will be	Induction should be carried out by the young person's supervisor at the School.

Procedure	Role/Responsibility of	How
instruction and training for the role they are to undertake.	supervising the young person.	
Procedure	Role / Responsibility	How
<u>Informal Visits</u> Before visiting the School obtain approval from the Line Manager. Supervise and accompany children at all times. Ensure that children do not enter rooms/areas where dangerous machinery and/or substances are used. Consider their level of maturity, physical size, inquisitiveness and inexperience.	The member of staff involved.	• Contact the Line Manager to obtain agreement for the visit. • Arrange for the visit/meeting to take place in a common area away from hazardous equipment/substances. • Due to a child's level of knowledge, lack of experience, understanding and perception of danger ensure that they do not wander off into hazardous areas. • Keep the length of the visit down to as short a time as possible.

18. TEMPORARY WORKERS

18.0 Temporary workers are personnel who will be employed by the School for a limited period. The School may, from time to time, employ temporary workers in any capacity, to deal with peak workload, changes in work, staff absences and other reasons. The School will ensure that the temporary workers are protected in terms of their Health and Safety to the same high standards which apply to permanently employed workers.

18.1 A summary of necessary actions and responsibilities is set out below:

Action	Role/Responsibility	When/How
Advise the agency of the School's approach to H&S and that they will be required to brief potential workers on this.	HR	When arranging the recruitment of temporary workers.
Provide H&S induction to the temporary worker(s)	The Line Manager responsible for the temporary worker.	Provide each temporary worker with an induction on the general H&S arrangements within the School (e.g. fire protection/1 st aid) and the specifics of the work they are to carry out.
Ensure that temporary workers are made fully aware of high-risk activities.	The Line Manager responsible for the temporary worker.	Highlight any high-risk activities during the H&S induction and ensure that the temporary worker is aware of the hazards, risks and precautions to be followed.
Ensure that the temporary worker receives all H&S updates; briefings; PPE.	The Line Manager responsible for the temporary worker.	As and when updates and briefings are provided. PPE requirements should be determined by undertaking a risk assessment of the work to be done.
Ensure that when a safety audit is carried out the safety arrangements for temporary workers are included.	Health & Safety Advisor	The Line Manager responsible for the temporary worker shall ensure that, whenever a safety audit is carried out within the department or of the type of work concerned, the safety arrangements for temporary workers are included in the review of working practices and precautions.

19. CLOSE PERSONAL OR SEXUAL RELATIONSHIPS BETWEEN STAFF AND STUDENTS, AND BETWEEN STAFF AND STAFF

- 19.0 This procedure aims to outline what is acceptable behaviour concerning the development of close personal relationships at work. It covers relationships with students under age 18, relationships with students over age 18 and relationships between members of staff.
- 19.1 Underpinning these guidelines are issues of legality, common sense, student welfare, staff welfare and School reputation. Such considerations will always be considered in dealing with relationships that may become the subject of comment or complaint.
- 19.2 The School believes that the professional relationship between a student and a member of staff is an essential part of the student's educational development. It is vital that trust and confidence exist between staff and students to ensure that all students maximise their learning experience.
- 19.3 Staff have a professional duty to develop their students' abilities and a responsibility to safeguard the students' welfare. Given the natural imbalance of power between staff and students, any abuse by staff of this relationship will be viewed with concern by School management.
- 19.4 Staff are very strongly advised not to enter into a relationship with any student. The impact of a relationship on other colleagues and other students should neither be discounted nor minimised.

Definitions

- 19.5 Sexual relationship – For the purposes of this procedure, a relationship is defined as one that involves physical, sexual or emotional intimacy beyond that normally required by a professional at work.
- 19.6 Close personal relationship – this may include sexual relationships as defined above, but may also include family relationships or business/financial/commercial relationships.

Sexual Relationships with Students who are Under Age 18

- 19.7 Entering into or attempting to enter into a sexual relationship with a student who is under the age of 18 is strictly forbidden and will be subject to disciplinary procedures. The actions may constitute gross misconduct, which could lead to summary dismissal. The matter would also be referred to the Independent Safeguarding Authority for their consideration for the Vetting and Barring Scheme, and where appropriate, other agencies such as the Police and Social Services would also be informed.

19.8 Colleges act in loco parentis for students under age 18. **No member of staff should enter into a sexual relationship with any student who is under the age of 18.**

19.9 Staff should be aware that having a sexual relationship with a student who is under age 18 could be treated as a criminal offence that may result in imprisonment. The Sexual Offences Act 2003 specifically prohibits such relationships where the member of staff is in a position of trust.

Sexual Relationships with Students aged 18 or Over

19.10 Sexual relationships with students who are age 18 or over where the staff member has direct responsibility for, or involvement in that student's academic studies and/or personal welfare is prohibited. The normal professional relationship between staff and students is not equal. All students are entitled to equality of treatment and it is important that this is maintained and is seen to be maintained.

19.11 Direct responsibility includes direct management, direct supervision, assessing students' work, welfare or pastoral roles.

19.12 Staff must declare an intimate or close personal relationship with any other student, for whom they do not have direct supervision, (whether new or existing), to enable the School to assess whether any potential or actual conflict of interest exists.

19.13 Staff should disclose this information to the employee's Line Manager who will then discuss the matter with the Principal. If the Principal is the Line Manager, they should discuss this with the Chair of Governors. This requirement applies equally to relationships that existed before employment or enrolment and to relationships that develop once at the School.

19.14 Failure to bring any relationship to the attention of the employee's Line Manager could result in School procedures being followed, e.g. disciplinary. Failure of a Line Manager to bring this to the Principal's attention could also result in School procedures being followed, e.g. disciplinary.

19.15 Where a relationship is entered into by the Principal, all references should read Chair of Governors.

Relationships with Students who are Vulnerable Adults

19.16 Where the student may be deemed to be a vulnerable adult, the guidance for relationships with students who are under age 18 would apply.

Dealing with Unwanted Sexual Attention from a Student

19.17 All staff need to recognise that it is not uncommon for students to be strongly attracted to a member of staff and/or develop a 'crush' or infatuation. An employee should make every effort to ensure that their behaviour cannot be

brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of their words or actions being misinterpreted.

19.18 Any member of staff who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a young person has become or maybe becoming infatuated with either themselves or a colleague, should immediately report this to their Line Manager and the Designated Safeguarding Lead (DSL) or Deputy DSL. In this way, appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.

19.19 The DSL or Deputy DSL should give careful thought to those circumstances where the staff member, student and their parents/carers should be spoken to and should ensure a plan to manage the situation is put in place. This plan should respond sensitively to the child and staff member and maintain the dignity of all. This plan should involve all parties and be robust and regularly monitored and reviewed.

19.20 This means that staff should:

- report any indications (verbal, written or physical) that suggest a student may be infatuated with a member of staff; and
- always maintain professional boundaries.

19.21 This means that the DSL or Deputy DSL should:

- put action plans in place where concerns are brought to their attention.

Relationships between Members of Staff

19.22 It is recognised that it is not uncommon for people who work for the same organisation may have or develop a close personal relationship on either a permanent or short-term basis. Where this develops between an employee and someone with line management responsibility for them (either directly or indirectly) this should be declared to the employee's Line Manager. The information will be dealt with as confidentially as possible unless both members of staff are happy for the relationship to be widely known about.

19.23 The School aims to provide an open and equitable workplace free from bias, and where employees can perform their roles without unnecessary distraction from colleagues. Where a close personal relationship is declared, the Principal and the employee's Line Manager will undertake a short risk assessment to assess the potential impact of the relationship on this ethos, and any appropriate action to mitigate the risk. For example, one may be the Line Manager of the other and this could affect the perception of bias amongst other team members, or the team dynamics.

19.24 All personal relationships should be conducted entirely off campus and not through School official communication channels such as email.

- 19.25 Where an employee is involved in decisions such as recruitment and they have a close personal relationship with an applicant they should declare this to the HR representative involved in the process so appropriate amendments can be made.
- 19.26 Different risks arise in circumstances of relationship breakdown. Again, this should be declared to the employee's Line Manager who will discuss the risks and any appropriate mitigating action with the Principal.
- 19.27 Failure to bring any relationship to the attention of the employee's Line Manager could result in School procedures being followed, e.g. disciplinary. Failure of a Line Manager to bring this to the Principals attention could also result in School procedures being followed, e.g. disciplinary.
- 19.28 Where a relationship is entered into by the Principal, all references should read Chair of Governors.

20. CODE OF CONDUCT

- 20.0 This procedure intends to provide guidance on expectations and standards in relation to working within the School. As well as understanding this code, employees should also make themselves familiar with the terms of their contract of employment.
- 20.1 The School is justifiably proud of the quality and commitment of its employees and expects the highest standards of conduct from them. All employees are expected to promote and protect the interests of the School in day-to-day business. This code aims to reflect the values of the School and outlines key principles about the way employees should carry out their responsibilities.
- 20.2 If an employee's working standards and/or behaviour do not comply with the requirements outlined within this code the School will consider whether the employee's conduct warrants the application of the School's Disciplinary Procedure.
- 20.3 The code will be provided to all staff (either electronically or by providing a paper copy) to read at their induction. Before having any contact with students, staff and volunteers.

Scope

- 20.4 The code covers all employees of The Northern School of Art, whether employed permanently, temporarily, full time or part time.
- 20.5 This code also applies to supply staff, contractors and volunteers.

Definitions

- 20.6 Supply Staff – a teacher from a supply agency who covers a permanent teacher who is absent.
- 20.7 Contractors – provide goods or services to the School.
- 20.8 Volunteer – a person who freely offers to undertake a task within the School, e.g. someone who supports Academic staff with School trips.

Code

Standards of Work and Behaviour

- 20.9 No matter what type of work employees undertake, it is a requirement of employment that School regulations, systems and procedures are adhered to ensure good practice. In many instances, these are designed to prevent fraud and corruption and to protect employees themselves from suspicion of malpractice.

- 20.10 All employees have a duty to use the funds and resources entrusted to them in a responsible and lawful manner and should ensure that the School receives value for money in all transactions.
- 20.11 Employees are ambassadors of the School and their behaviour both internally and externally can have a direct impact on the School's reputation. Behaviour that is likely to bring the School into disrepute or adversely affect the work or well-being of colleagues or students will not be tolerated.

Responsibilities

- 20.12 Staff are accountable for the way in which they: exercise authority; manage risk, use resources; and safeguard children.
- 20.13 All staff have a responsibility to keep students safe and to protect them from abuse (sexual, physical and emotional), neglect and safeguarding concerns. Students have a right to be safe and to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure their safety and well-being. Failure to do so may be regarded as professional misconduct.
- 20.14 The safeguarding culture of this School is, in part, exercised through the development of respectful, caring and professional relationships between adults and students and behaviour by the adult that demonstrates integrity, maturity and good judgement.
- 20.15 The public, local authorities, employers and parents/carers will have expectations about the nature of professional involvement in the lives of students. When individuals accept a role working in an education setting they should understand and acknowledge the responsibilities and trust involved in that role.
- 20.16 The School has duties towards their employees and others under Health and Safety legislation which requires the School to take steps to provide a safe working environment for staff.
- 20.17 Legislation also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer's Health and Safety duties and the adults' responsibilities towards children should not conflict. Safe practice can be demonstrated through the use and implementation of these guidelines.
- 20.18 This means that staff should:
- understand the responsibilities which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached;
 - always act, and be seen to act, in the student's best interests;
 - avoid any conduct which would lead any reasonable person to question their motivation and intentions; and
 - take responsibility for their own actions and behaviour.

20.19 This means that the School should:

- promote a culture of openness and support;
- ensure that systems are in place for concerns to be raised;
- ensure that adults are not placed in situations which render them particularly vulnerable; and
- ensure that all adults are aware of expectations, policies and procedures.

20.20 This means that Senior Management/the Governing Body should:

- ensure that appropriate safeguarding and child protection policies and procedures are distributed, adopted, implemented and monitored.

Making Professional Judgements

20.21 This code cannot provide a complete checklist of what is, or is not, appropriate behaviour for staff. It does highlight, however, behaviour which is illegal, inappropriate or inadvisable. There will be rare occasions and circumstances in which staff have to make decisions or act in the best interest of a student which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the students in their charge and, in so doing, will be seen to be acting reasonably. These judgements should always be recorded and shared with a manager.

20.22 Staff should always consider whether their actions are warranted, proportionate, safe and applied equitably.

20.23 This means that where no specific guidance exists staff should:

- discuss the circumstances of their proposed action, with HR and the Designated Safeguarding Lead (DSL)/Deputy DSL. This will help to ensure that the safest practices are employed and reduce the risk of actions being misinterpreted; and
- always discuss any misunderstanding, accidents or threats with HR and the DSL/Deputy DSL.

Behavioural Descriptors

20.24 The School believes that the working environment for our staff should be a positive and rewarding place to work.

20.25 The below behavioural descriptors have been developed by the School to ensure all employees have a positive working experience and enable staff to voice their concerns if they feel they witness behaviour that does not match the School's behavioural descriptors. These behavioural descriptors are not to be used as a checklist but should provide helpful indications of the types of behaviour that the School values and encourages in the promotion of excellence. The descriptors should also be shared with employees at the start of the performance management process so they know what is expected of them.

20.26 The behavioural descriptors include:

- operating a fair, respectful, helpful & honest culture;
- working together to demonstrate ethical professional behaviour's at all times;
- courtesy and politeness;
- no inappropriate language e.g. swearing in front of students;
- positivity towards supporting School policies and procedures and no trivial fault-finding or making excuses;
- respect for colleagues e.g. if an employee has a problem with someone talk to them instead of talking to someone about them;
- communicating with clarity;
- problem-solving and initiative;
- accountability – taking responsibility for own actions;
- make the best use of time;
- embracing change;
- challenging culture – feeling able to challenge inappropriate behaviour; and
- support the School's strategic plan.

20.27 Line Managers will discuss with staff who are not seen to be adhering to the above behavioural descriptors within the annual performance management process.

Safeguarding Principles

- the welfare of the students is paramount;
- staff should understand their responsibilities to safeguard and promote the welfare of students;
- staff are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions;
- staff should work, and be seen to work, in an open and transparent way;
- staff should acknowledge that deliberately invented/malicious allegations are extremely rare and that all concerns should be reported and recorded;
- staff should discuss and/or take advice promptly from their Line Manager if they have acted in a way which may give rise to concern;
- staff should apply the same professional standards regardless of culture, disability, gender, language, racial origin, religious belief and sexual orientation;
- staff should not consume or be under the influence of alcohol or any substance, including prescribed medication, which may affect their ability to care for students;
- staff should be aware that breaches of the law and other professional guidelines could result in disciplinary action being taken against them, criminal action and/or other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or for acts of serious misconduct prohibition from teaching by the Teaching Regulation Agency (TRA);
- staff and managers should continually monitor and review practices to ensure this guidance is followed;
- staff should be aware of and understand the School's Safeguarding Policy and Procedure.

Standards of Behaviour

- 20.28 All staff have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of students. They should adopt high standards of personal conduct in order to maintain the confidence and respect of the general public and those with whom they work.
- 20.29 There may be times when an individual's actions in their personal life come under scrutiny from the community, the media or public authorities, including with regard to their own children, or children or adults in the community. Staff should be aware that their behaviour, either in or out of the workplace, could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, or bringing the employer into disrepute. Such behaviour may also result in, prohibition from teaching by the Teaching Regulation Agency (TRA), a bar from engaging in regulated activity, or action by another relevant regulatory body. This activity could be classed as gross misconduct which could lead to summary dismissal.
- 20.30 This means that staff should not:
- behave in a manner which would lead any reasonable person to question their suitability to work with children or to act as an appropriate role model;
 - make, or encourage others to make sexual remarks to, or about, a student;
 - use inappropriate language to or in the presence of students;
 - discuss their personal or sexual relationships with or in the presence of students; and
 - make (or encourage others to make) unprofessional personal comments that scapegoat, demean or humiliate, or might be interpreted as such.

Personal Relationships

- 20.31 The School values rely upon the professional integrity of relationships between employees and in the employee/student relationship. In order that School business is conducted in a professional manner it is necessary to distinguish between and take account of, personal relationships which overlap with professional ones.
- 20.32 Standards relating to personal relationships are to ensure that employees do not commit acts of impropriety, bias, and abuse of authority or conflict of interest and do not lay themselves open to allegations that they have done so.
- 20.33 In the context of this code, a personal relationship is defined as:
- immediate family relationships;
 - a business/commercial/financial relationship; or
 - a sexual/romantic/intimate relationship.

Power and Positions of Trust and Authority

- 20.34 As a result of their knowledge, position and/or the authority invested in their role, all those working within the FE provision of the School are in a position of trust in relation to all students.
- 20.35 The relationship between a person working with children is one in which the adult has a position of power or influence. It is vital for adults to understand this power; that the relationship cannot be one between equals and the responsibility they must exercise as a consequence.
- 20.36 The potential for exploitation and harm of vulnerable students means that adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.
- 20.37 Staff should always maintain appropriate professional boundaries, avoid behaviour which could be misinterpreted by others and report and record any such incident.
- 20.38 This means that staff should not:
- use their position to gain access to information for their own advantage and/or a student's or family's detriment;
 - use their power to intimidate, threaten, coerce or undermine students; or
 - use their status and standing to form or promote relationships with students which are of a sexual nature, or which may become so.

Relationships between Employees and Students

Sexual Relationships with Students who are under Age 18

- 20.39 Entering into or attempting to enter into a sexual relationship with a student who is under the age of 18 is strictly forbidden and would be considered gross misconduct which could lead to summary dismissal. The School acts in loco parentis for students under age 18. No member of staff (support or academic) should enter into a sexual relationship with any student who is under the age of 18. The matter would be referred to the Disclosure and Barring Service (DBS) for consideration of whether inclusion on the barred lists is required, and where appropriate, other agencies such as the police or children's social care would also be informed. In the case of a member of teaching staff at the School, consideration will be made as to whether to refer the matter to the Teacher Regulation Agency (TRA) to consider prohibiting the individual from teaching.
- 20.40 Staff should be aware that having a sexual relationship with a student who is under age 18 could be treated as a criminal offence that may result in imprisonment. The Sexual Offences Act 2003 specifically prohibits such relationships where the member of staff is in a position of trust.

Infatuation and 'Crushes'

- 20.41 All staff (support or academic) need to recognise that it is not uncommon for students to be strongly attracted to a member of staff and/or develop a 'crush' or infatuation. An employee should make every effort to ensure that their own behaviour cannot be brought into question, does not appear to encourage this and be aware that such infatuations may carry a risk of their words or actions being misinterpreted.
- 20.42 Any member of staff who receives a report, overhears something, or otherwise notices any sign, however small or seemingly insignificant, that a young person has become or maybe becoming infatuated with either themselves or a colleague, should immediately report this to HR and the Designated Safeguarding Lead (DSL)/Deputy DSL. Thus, ensuring appropriate early intervention can be taken which can prevent escalation and avoid hurt, embarrassment or distress for those concerned.
- 20.43 HR and the DSL/Deputy DSL should give careful thought to those circumstances where the staff member, student and their parents/carers should be spoken to and should ensure a plan to manage the situation is put in place. This plan should respond sensitively to the child and staff member and maintain the dignity of all. This plan should involve all parties and be robust and regularly monitored and reviewed.
- 20.44 This means that staff should:
- report any indications (verbal, written or physical) that suggest a student may be infatuated with a member of staff; and
 - always maintain professional boundaries.
- 20.45 This means that HR and the DSL/Deputy DSL should:
- put action plans in place where concerns are brought to their attention.

Sexual Relationships with Students Aged 18 or Over

- 20.46 Sexual relationships with students who are age 18 or over where the staff member has direct responsibility for, or involvement in that student's academic studies and/or personal welfare are prohibited. The normal professional relationship between staff and students is not equal. All students are entitled to equality of treatment and it is important that this is maintained and is seen to be maintained.
- 20.47 Direct responsibility includes direct management, direct supervision, assessing students' work, welfare or pastoral roles.
- 20.48 Staff must declare an intimate or close personal relationship with any other student, for whom they do not have direct supervision, (whether new or existing), to enable the School to assess whether any potential or actual conflict of interest exists.

- 20.49 Staff should disclose this information to the employee's Line Manager who will then discuss the matter with the Principal. If the Principal is the Line Manager, they should discuss this with the Chair of Governors. This requirement applies equally to relationships that existed before employment or enrolment and to relationships that develop once at the School.
- 20.50 Failure to bring any relationship to the attention of the employee's Line Manager could result in School procedures being followed, e.g. disciplinary. Failure of a Line Manager to bring this to the Principal's attention could also result in School procedures being followed, e.g. disciplinary.
- 20.51 Where a relationship is entered into by the Principal, all references should read Chair of Governors.

The use of Personal Living Space

- 20.52 No student should be in or invited into the home of an employee unless the reason for that has been firmly established and agreed with parents/carers and the Principal.
- 20.53 The School does not expect or require that employees use their home or private living space for work with students.
- 20.54 Under no circumstances should students assist with chores or tasks in the home of an employee. Neither should they be asked to do so by friends or family of any employee.
- 20.55 This means that employees should:
- be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations;
 - challenge any request for their accommodation to be used as an additional resource for the School;
 - be mindful of the need to maintain professional boundaries; and
 - refrain from asking students to undertake personal jobs or errands.

Social Contact

- 20.56 Members of staff and volunteers should not establish or seek to establish social contact with students or their families for the purpose of securing a friendship or to pursue or strengthen a relationship.
- 20.57 There will be situations and occasions when there are social contacts between students and/or their parents/carers and staff, such as when a parent and Lecturer are part of the same family/personal network or social/recreational circle. Those circumstances will usually be easily recognised, openly acknowledged and should be explicitly declared in writing by staff to HR and the DSL/Deputy DSL. Care should always be taken to maintain appropriate personal and professional boundaries.

- 20.58 If a student or parent seeks to establish social contact, or if this occurs coincidentally, the member of staff should exercise their professional judgement in making a response but should always discuss the situation with HR and the DSL/Deputy DSL.
- 20.59 Staff should be aware that social contact in certain situations can be misconstrued as grooming.
- 20.60 It is recognised that some members of staff may support a parent who may be in particular difficulty, for instance supporting a parent who experiences difficulties in managing their child's behaviour or a personal crisis such as bereavement, domestic abuse or a relationship breakdown.
- 20.61 Care needs to be exercised in those situations where the parent comes to depend upon the member of staff for support outside their professional role. This situation should be discussed with HR and the DSL/Deputy DSL and where necessary referrals made to the appropriate support agency.

Physical Contact

- 20.62 There are occasions when it is entirely appropriate for staff to have some physical contact with students with whom they are working. However, it is crucial that staff should only touch students in ways which are necessary and appropriate to their professional or agreed role and responsibilities.
- 20.63 Not all students feel comfortable about physical contact and staff should not assume that it is acceptable practice to use touch as a means of communication. Permission should be sought from a student before physical contact is made.
- 20.64 Physical contact which occurs frequently with an individual student is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed and written plan or within the parameters of established, agreed and legal professional protocols on physical contact, e.g. medical procedures. Any such arrangements should be understood and agreed by all concerned, justified in terms of the student's needs, consistently applied and open to scrutiny.
- 20.65 Physical contact should never be secretive, or for the gratification of the member of staff, or represent a misuse of authority. If a member of staff believes that their action could be misinterpreted, or if an action is observed by another member of staff as being inappropriate or possibly abusive, the incident and circumstances should be reported to HR and the DSL/Deputy DSL.
- 20.66 Where a student seeks or initiates inappropriate physical contact with a member of staff, the situation should be handled sensitively and care taken to ensure that contact is not exploited in any way. Careful consideration must be given to the needs of the student and advice and support given to the member of staff concerned.

Social Networking/Media

- 20.67 The School is committed to making the best use of all available technology and innovation to improve the way the School does business. This includes using all reasonable and cost-effective means to improve the way we communicate, reach out and interact with the different communities we serve.
- 20.68 'Social media' is the term commonly given to web-based tools which allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests online. As the name implies, social media involves the building of online communities or networks to encourage participation and engagement.
- 20.69 These platforms open up many new and exciting opportunities. However, the practical application of such technology by the School is continually developing and there are many potential issues to consider – both as individual employees and as a School.
- 20.70 To avoid major mistakes which could result in reputational, legal and ethical issues, and misuse/abuse of a well-functioning social media relationship, it is important that we manage any potential risks through a common-sense approach and framework as well as proactively monitoring the development of such applications.
- 20.71 See the staff Social Networking Procedure and the IT Acceptable Use Policy for full information regarding this.

Transporting Students

- 20.72 See the Transporting Student's Procedure (use of staff vehicles) for full information regarding this.

Low-Level Concerns

- 20.73 As part of the whole School approach to safeguarding, the School will ensure that it promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the School (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.
- 20.74 Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:
- enable the School to identify inappropriate, problematic or concerning behaviour early;
 - minimise the risk of abuse; and
 - ensure that adults working in or on behalf of the School are clear about professional boundaries and act within these boundaries and in accordance with the ethos and values of the institution.

What is a Low-Level Concern?

20.75 The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working in or on behalf of the School may have acted in a way that:

- is inconsistent with the staff Code of Conduct, including inappropriate conduct outside of work; and
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the Local Authority Designated Officer (LADO).

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

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone, contrary to school policy;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or
- humiliating children.

20.77 Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

20.78 Low-level concerns may arise in several ways and from a number of sources. For example, suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the School; or as a result of vetting checks undertaken.

20.79 It is crucial that all low-level concerns are shared responsibly with the right person and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of the School from becoming the subject of potential false low-level concerns or misunderstandings.

Sharing Low-Level Concerns

20.80 Low-level concerns about a member of staff should be reported to HR and the DSL/Deputy DSL.

20.81 HR and/or the DSL should inform the Principal of all low-level concerns in a timely fashion according to the nature of each particular low-level concern. The Principal should be the ultimate decision maker in respect of all low-level concerns, although it is recognised that depending on the nature of some low-level concerns the Principal may wish to consult with HR and the DSL/Deputy DSL and take a more collaborative decision-making approach.

20.82 Low-level concerns which are shared about supply staff and contractors should be notified to their employers so that any potential patterns of inappropriate behaviour can be identified.

- 20.83 The School will ensure a safe environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

Relationships between Employees

- 20.84 It is recognised that it is not uncommon for people who work for the same School may have or develop a close personal relationship on either a permanent or short-term basis. Where this develops between an employee and someone with line management responsibility for them (either directly or indirectly) this should be declared to the employee's Line Manager. See the Close Personal or Sexual Relationships between Staff and Students, and between Staff and Staff Procedure for full details.

Declaration of Personal Relationships where they Overlap with Professional Roles

- 20.85 Employees who are uncertain about whether they should act regarding a personal relationship are invited to seek guidance in confidence, from HR or their trade union representative.
- 20.86 A case whereby any personal relationship as defined within this code, is not declared and results in an unfair advantage or disadvantage to either of the parties to the relationship (be they an employee or a student), will be considered a serious matter and may lead to disciplinary action.
- 20.87 Where an employee is involved in decisions such as recruitment and they have a close personal relationship with an applicant they should declare this to the HR representative involved in the process so appropriate amendments can be made.

Dignity at Work

- 20.88 The School will not tolerate harassment or bullying at work. The Harassment and Bullying Procedure is a statement of current policy and the School's on-going commitment to aim to provide and promote a working environment where everyone is treated with respect and dignity, where no one feels threatened or intimidated and where everyone can do their work free from harassment and/or bullying.
- 20.89 Harassment occurs when an individual is subjected to unwanted conduct which has the purpose (intentional) or effect (unintentional) of:
- violating a person's dignity; or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

20.90 Bullying, although not defined legally, is described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient and or their colleague(s).

20.91 Where an employee is found to have committed a serious act of bullying or harassment this will be dealt with under the staff Disciplinary Procedure and may be viewed as gross misconduct, which could result in summary dismissal. Where a student is found to have harassed or bullied an employee, the School will deal with this under the student Disciplinary Procedure, which could result in expulsion. Where an employee reports an incident of harassment or bullying by a third party, the School will take appropriate action.

20.92 If an employee experiences or witnesses harassment or bullying at work the School advises that the employee seeks guidance from HR.

Bribery Act 2010

20.93 The School is committed to complying with the Bribery Act 2010 in its business activities both in the UK and overseas.

20.94 In the following paragraphs of this section where a reference is made to employees it will also include temporary workers, consultants, agents, contractors, suppliers and subsidiaries of the School.

20.95 In line with the Act, employees of the School must not offer, promise, give, request, agree to receive, or accept any bribes:

- in the course of their employment;
- when conducting School business; or
- when representing the School in any capacity.

20.96 A bribe is defined as a financial payment or another form of reward or advantage that is intended to influence an individual, company or public body to perform their functions improperly. Improper performance includes:

- not acting in good faith;
- not acting impartially; and
- not acting in accordance with a position of trust.

20.97 It is also an offence for employees to bribe a foreign public official in order to obtain or retain business or an advantage in the conduct of business.

20.98 Employees are required to take particular care to ensure that all School records are accurately maintained in relation to any contracts, business activities, including financial invoices and all payment transactions with clients, suppliers and public officials. Furthermore, employees should ensure that where a third party is involved in representing the School, the third party also has an adequate bribery policy/procedure in place to prevent bribery.

- 20.99 Due diligence should be undertaken by employees and associated persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative. Where the type of contract, arrangement or relationship is outside of the School's core activities, a separate risk assessment should be conducted and recorded.
- 20.100 Employees should be aware that an offence is committed even where the bribe has not been given; an offer or promise is sufficient for liability to arise.
- 20.101 Any employee who commits an offence under the Bribery Act may be subject to a legal penalty, which could include an unlimited fine or up to 10 years imprisonment, as well as action under the staff Disciplinary Procedure.
- 20.102 Employees should report any suspicious conduct that they believe may constitute bribery following the procedures laid out in the School's Whistleblowing Policy.
- 20.103 Corporate entertainment, gifts, hospitality and promotional expenditure are not included in the scope of the Bribery Act and are considered in the section below.

Acceptance of Gifts or Hospitality

- 20.104 Employees are not permitted to accept gifts or any rewards for the carrying out of their duties or for the showing of favour, or disfavour to any student, supplier or other person associated with the School.
- 20.105 Likewise, hospitality should only be accepted where the employee is representing the School in a corporate rather than personal capacity.
- 20.106 When it is not easy to decide between what is and is not acceptable in terms of gifts or hospitality, the offer should be declined or advice sought from a Vice Principal. Guidance on acceptable hospitality is contained in the detailed financial procedures. For the protection of those involved, the Vice Principal (Resources) will maintain a register of gifts and hospitality received where the value is in excess of £5. Members of staff in receipt of such gifts or hospitality are obliged to notify the Vice Principal (Resources) promptly.
- 20.107 See the Financial Regulations for full details.

Dress and Appearance

- 20.108 A person's dress and appearance are matters of personal choice and self-expression. However, employees should dress in ways that are appropriate to their role and those may need to be different to how they dress when not at work.
- 20.109 Employees should ensure they take care to ensure they have dressed appropriately for the tasks and the work they undertake.
- 20.110 Those who dress in a manner which could be considered inappropriate could render themselves vulnerable to criticism or allegations. This means that employees should wear clothing that:

- is appropriate to their role;
- is not likely to be viewed as offensive, revealing, or sexually provocative;
- does not distract, cause embarrassment or give rise to misunderstanding;
- is absent of any political or otherwise contentious slogans;
- is not considered to be discriminatory; and
- is culturally sensitive.

Conduct outside of Work

20.111 Employees should ensure that they do not behave in a way outside of work that may potentially damage the School's image.

Financial Interests

20.112 Employees must declare in writing to the Principal any financial or non-financial interests which could bring about conflict with the School's interests. It is a further requirement that employees declare any financial interest that they or their spouse or partner may have in an existing or proposed contract with the School.

Responsibilities of Employees involved in Tendering Processes

20.113 Employees involved in tendering processes and contracts must, at all times, act in a professional and open manner in their dealings with contractors and suppliers of services. Fairness and impartiality must be exercised on all occasions with due regard being given to ensuring the School receives value for money. Employees who are privy to confidential information on tenders or costs for contractors should not disclose information to any unauthorised party or organisation. No special favour should be shown to former employees or relatives thereof, in awarding contracts to businesses run by them.

Reporting of Bad Practice, Misconduct, Suspicion of Fraud or Corruption

20.114 The School is committed to the elimination of fraud and corruption and is determined to protect itself from such unlawful activities whether they are attempted by internal or external parties or individuals.

20.115 Employees are expected, without fear of recrimination, to bring to the attention of their Line Manager any instances of bad practice or misconduct that may bring the School into disrepute. Further to this, employees must report to their Line Manager any suspicion of fraud, corruption or malpractice. In some instances, it may be more appropriate to report any concerns to the Principal.

Whistleblowing

20.116 Whistleblowing is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. The School has a Whistleblowing Policy that meets the terms of the Public Interest Disclosure Act 1998. Staff who use the Whistleblowing Policy should have their employment rights protected.

20.117 Staff should recognise their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies and that to not do so may result in charges of serious neglect on their part where the welfare of children may be at risk.

20.118 This means that staff should:

- report any behaviour by colleagues that raises concern.

Professional Behaviour

20.119 Employees must not misuse or misrepresent their position, qualifications or experience or bring the reputation of the School into disrepute. Such behaviour may lead to disciplinary action.

Criminal Actions

20.120 Employees must inform HR immediately if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution. A member of HR will discuss the situation with the employee in the context of their role and responsibilities in order to help safeguard children, other employees at the School and the School's reputation. The HR representative will inform the Vice Principal (People Services) and the appropriate Vice Principal/Principal responsible for the role of all information who will make a decision on whether any action needs to be taken. See the Disclosure and Barring Service Checks (DBS) Procedure for more information.

Supply Teachers and all Contracted Staff

20.121 Any concerns relating to supply teachers and contractors should also be discussed with HR and the DSL/Deputy DSL.

Summary

20.122 This code is not designed to cover every eventuality. Its purpose is to outline the standards expected of employees; it does not replace statutory or contractual requirements. It also confirms that the School will deal with any instances of misconduct or fraudulent behaviour. If any employee is uncertain of the conduct expected of them they should consult their Line Manager or HR.

20.123 Employees should note that failure to follow and adhere to the descriptors set out in this code may lead to disciplinary action, including dismissal. Full details can be found within the School's staff Disciplinary Procedure.

20.124 If employees have any concerns related to matters outlined in this code they should follow the guidance here within but may also wish to refer to the School's Grievance Procedure.

21. SOCIAL NETWORKING

- 21.0 The Northern School of Art is committed to making the best use of all available technology and innovation. This includes using all reasonable and cost-effective means to improve communication and reach out and interact with different communities.
- 21.1 'Social media' is the term commonly given to web-based tools which allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests online. As the name implies, social media involves the building of online communities or networks to encourage participation and engagement.
- 21.2 These platforms open up many new and exciting opportunities. However, the practical application of such technology by the School is continually developing and there are many potential issues to consider – both as individual employees and as a School.
- 21.3 To avoid major mistakes which could result in reputational, legal and ethical issues, and misuse/abuse of a well-functioning social media relationship, it is important that the School **manages** any potential risks through a common-sense approach and framework as well as proactively monitoring the development of such applications.
- 21.4 This procedure aims to provide managers and individual employees with information concerning the use of, or the development of, any social media application, and to help them get the best out of the tools available whilst maintaining a safe professional environment and protecting themselves, as well as the School.

Scope

- 21.5 This procedure covers all employees, whether accessing social media through School IT facilities or not. This procedure also covers any person who is not a student who is accessing social media through School IT facilities; this includes contractors and visitors. Separate guidelines are available for students.

Definition

- 21.6 What is social media – For the purposes of this procedure, social media is a type of interactive online media that allows parties to communicate instantly with each other or to share data in a public forum. Social media includes blogs, forums, micro-blogging, social networking, social network aggregation, wikis, social bookmarking and tagging, photo sharing, video sharing and virtual worlds. Some examples are Facebook, Twitter, Instagram, LinkedIn, TikTok, etc. although new sites and media are evolving all the time.
- 21.7 Employees should be aware that there are many more examples of social media than can be listed here and this is a constantly changing area. Employees should follow this procedure in relation to any social media that they use.

Roles and Responsibilities

What is the Purpose of Social Media Activity for the School?

21.8 The priorities for the School's social media activity can be categorised into the following areas, however, this is not exhaustive:

- sharing student and staff success and achievements;
- supporting creative collaboration;
- exhibiting work;
- consolidating the School's branding experience and corporate identity;
- creating and supporting a sense of community;
- sharing helpful and relevant information to support staff & student wellbeing;
- sharing useful information about activities on campus;
- promoting School events;
- contributing to thoughtful discussion in relation to creative education & careers;
- supporting active recruitment of new students; and
- supporting the community of School alumni.

How is the School's Approach to Social Media Managed?

21.9 The School's direct investment is in its online identity @TheNorthernArt.

21.10 This social media channel is maintained across a range of ever-growing social media channels and formats (including stories, reels, etc.) currently including Facebook, Instagram, Twitter, YouTube, Pinterest and LinkedIn with new content being developed for a range of new channels.

21.11 @TheNorthernArt is fully integrated into the School's corporate planning and strategy with performance targets and targeted investment. Therefore, this is the primary social media channel for use by the School and should be the default channel publicised/tagged in all School activity.

In addition:

- academic leaders are supported if they wish to adopt social media channels for use by their programme area – creating a sense of community for their course/programme. This may be one particular channel, such as Instagram or Facebook. The preface for the academic areas is @TheNorthernArt [name of course/programme area];
- the student services business function provides online information specific to the range of issues and requirements of students including health and wellbeing, finance and education;
- Student Union – this is a separate online identity managed by student-elected representatives and employees of the Student Union/Student Liaison Team;
- the recruitment business function maintains an annual members-only Facebook group for new starters – providing support with finance, wellbeing, practical issues, accommodation, etc; and

- the alumni business function maintains a members-only Facebook group for alumni.

21.12 It is not expected that any additional online areas are required, this is because diversifying the School's online presence can limit its visibility and ability to deliver a coordinated, positive and consistent experience of the personality of the School. Diversification also increases the likelihood for 'ad-hoc' channels to be created for one-off events or projects which then become abandoned which, again, is not encouraged.

21.13 Social media channels should be considered very seriously as a powerful communication tool and should be given proper thought and consideration into what is genuinely supportive in terms of achieving the School's corporate objectives.

Procedure

21.14 Staff should be aware that current UK law applies to the use of social media as it does to other channels of communication. This includes but is not limited to the law of defamation, the Copyright Design and Patents Act 1988, the Malicious Communications Act 1998 (which states it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person), the Telecommunications Act 1984 (which states it is an offence to send a telephone message which is indecent, offensive or threatening), the Protection from Harassment Act 1997, and the Crime and Disorder Act 1998 (which outlines the offence of racially or religiously aggravated harassment).

21.15 This procedure covers two kinds of social media activity:

- an employee's own personal activity, done for their friends and contacts, and not in the name of The Northern School of Art; and
- activity as a result of the employee's employment at the School, including marketing and recruitment activity, communicating with current students, alumni and employers/industrial contacts, etc.

Employee's Personal Activity

21.16 An employee has the right to a private and personal life that may be considered separate from their role as a member of staff at the School. However, social media can blur the distinction between personal and professional lives.

21.17 Employees are not discouraged from using social networking in their personal life but there are general considerations to bear in mind. These can be summarised as: "don't do anything stupid" or "think before you post".

21.18 If an employee is concerned about maintaining a clear and risk-free boundary between work and their private life – the School recommends an employee's personal channel does not include content about the School and do not engage or communicate with staff or students on any matters relating to the School (this includes accepting friend requests).

- 21.19 Employees should not use their School email account to create personal social media accounts. Employees should not be communicating with students on anything other than 'fan' pages, which require students to 'like' the page rather than 'add as a friend'.
- 21.20 Employees should not write anything on a social media network that could impact negatively the image of the School. Remember that nothing shared via social media is 100% private and anything that is said may reflect on the School. Employees must be mindful that what is published will be in the public domain for many years. Despite privacy settings, the School may be able to monitor any mentions of the School on the web.
- 21.21 Employees can say on social media that they work for the School and can discuss the School and the work they do publicly, providing this meets reasonable concepts of maintaining appropriate confidentiality and presenting a reasonable view of the School. However, an employee's name/title should not contain the School in any form and they should make it clear that the views expressed are the employee's own and not those of the School. The easiest way of maintaining a difference between private and work life is to not say where they work and to remove any reference to the School from their personal accounts. Facebook gives the option to add job titles and workplaces. It is recommended that employees do not complete this.
- 21.22 Employees should remember that even though they are acting in their own personal capacity, they are on show to friends and anyone else who sees what they write, as a member of the School community. By an employee identifying themselves as a member of staff at the School, they have the potential to create perceptions about the School to a range of external audiences, and also among colleagues and managers.
- 21.23 If an employee wants to start a blog that they feel might conflict with the interests of the School they should discuss this with their Line Manager, Marketing and PR Manager or Principal.
- 21.24 Under no circumstances should an employee accept invitations from current students or invite students to be 'friends' on personal social media accounts. This would contravene an employee's right to a private life. This could also bring an employee's professional standing into question if students or their parents see photos or other information about an employee on social media sites and complain to the School about it.
- 21.25 It is recommended that employees always make their personal social media accounts private wherever this is possible, enabling only those that are accepted as 'friends' to see any information. For advice on how to do this, see a member of staff in IT.
- 21.26 Regardless of whether an employee's personal account is private or not, other users could post a photo or a comment on their profile in which they are named. Remember that students and parents may see these photos or comments. If an

employee appears in any photo or in any comment that might be inappropriate in the view of parents or students or School management they should ask for it to be removed. If an employee does find inappropriate references in relation to themselves and/or images posted by a 'friend' online, the employee should contact them and the site to have the material removed as soon as possible.

21.27 Employees should always make sure they log out of all sites/accounts to maintain security – this is particularly important on a shared computer.

21.28 If an employee has any concerns about information on their social networking site or if they are the victim of cyberbullying, HR should be contacted immediately.

21.29 Employees should stop Facebook from publishing their Facebook account to Google, just in case any students or parents use search engines to find an employee's contact details. For help on how to do this please see a member of IT.

21.30 Ensure that any comments and/or images could not be deemed defamatory or in breach of copyright legislation.

21.31 Any communications that employees make in a personal capacity through social media must not:

a) breach confidentiality, for example by:

- revealing confidential intellectual property or information owned by the School;
- giving away confidential information about an individual (such as a colleague or contact) or organisation (such as a partner institution); or
- discussing the School's internal workings (such as agreements that it is reaching future business plans that have not been communicated to the public).

b) Do anything that could be considered discriminatory against, or bullying or harassment of, any individual, for example by:

- making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age;
- using social media to bully another individual (such as an employee of the School); or
- posting images that are discriminatory or offensive or links to such content.

c) Bring the School into disrepute, for example by:

- criticising or arguing with students, customers, colleagues' partners or competitors;
- making defamatory comments about individuals, management processes, School processes, internal emails or other organisations or groups;
- posting images that are inappropriate or links to inappropriate content; or

- criticising the School in any way whilst an employee is at risk of redundancies.

d) Breach copyright, for example by:

- using someone else's images or written content without permission; or
- failing to give acknowledgement where permission has been given to reproduce something.

School Activity

21.32 Where the School encourages employees to make reasonable and appropriate use of social media websites as part of their work, it is recognised that it is an important part of how the School communicates with its audience and allows communication and networking between staff and students.

21.33 Employees may contribute to the School's social media activities, for example by writing for blogs, managing a social media account and running an official social communications account for the School.

21.34 The School understands that employees may wish to use their own computers or devices, such as laptops, tablets and mobile phones, to access social media websites while they are at work. Such use should nonetheless be in accordance with this procedure.

21.35 Employees must be aware at all times that, while contributing to the School's social media activities, they are representing the School. Staff who use social media as part of their job must adhere to the following safeguards.

21.36 Employees should use the same safeguards as they would with any other form of communication about the School in the public sphere. These safeguards include:

- making sure that the communication has a purpose and a benefit for the School;
- obtaining permission from a manager before embarking on a public campaign using social media;
- getting a colleague to check the content before it is published; and
- ensuring the content does not breach the School's Prevent Duty.

21.37 The School maintains its primary social media feed @TheNorthernArt. This is the default feed, content and identifier and should be shared frequently on all social media feeds that relate to the School and its activities.

21.38 Remember that any School activity on a social media platform is an extension of the School's infrastructure and is, therefore, governed by existing School policies, procedures and guidelines.

Excessive use of Social Media at Work

- 21.39 Employees are allowed to make reasonable and appropriate use of social media websites from the School's computers or devices, provided that this does not interfere with their duties.
- 21.40 Employees should not spend an excessive amount of time while at work using social media websites and should ensure that the use of social media does not interfere with their other duties. School work will take priority over personal use of social media sites.

Monitoring the use of Social Media During Work Time

- 21.41 The School reserves the right to monitor employees' internet usage in accordance with the IT Acceptable Use Procedure. The School considers that valid reasons for checking an employee's Internet usage include suspicions that the employee has:
- been spending an excessive amount of time using social media websites for non-work-related activity; or
 - acted in a way that is in breach of the rules set out in this procedure.
- 21.42 The School reserves the right to monitor and, within specific guidelines as defined within the IT Acceptable Use Procedure, retain information that it has gathered on employees' use of the Internet.
- 21.43 Access to particular social media websites may be withdrawn in any case of misuse.
- 21.44 Employees should not use social media to disclose privileged information; the normal requirements of confidentiality, data protection and copyright apply.
- 21.45 Employees should not discuss competitor colleges/universities, students, suppliers or other partners without their prior consent.
- 21.46 Employees should think carefully about the practicalities of managing it – who will do it, how much time will it take, can it be fitted into normal working schedules, etc. An unused Facebook account, Twitter account or blog can look worse than none at all.
- 21.47 Employees should research the form of social media they have chosen before diving straight in. Find out exactly how to use it to avoid making mistakes in the beginning.
- 21.48 Social media, unlike other forms of promotional activity, allows others to publicly interact with employees. This can mean that a very small number of people may be extremely rude or offensive and say negative things about the School or its staff. Thankfully, this is quite rare, but do be prepared for this to happen and don't take it personally.

- 21.49 Employees should keep calm at all times when posting on social media. Never contribute when they are angry. Don't get involved in an escalating heated debate but be conciliatory and respectful, calm and rational.
- 21.50 Employees should before creating a page discuss it with their Line Manager.
- 21.51 Employees should make a note of any login names and passwords, and any other service they set up to automate the activity. They should make sure these are stored safely and, in a place, or method that other staff may be able to access if they move jobs or are absent. Employees should make sure they hand over ownership of any accounts to another member of staff if they leave the School or decide not to post on the account anymore.
- 21.52 If an employee is unsure of anything, please contact either HR or Marketing for advice before taking any action.

Disciplinary Action over Social Media Use

- 21.53 All employees are required to adhere to this procedure.
- 21.54 Employees should be aware that the use of social media in a way that may be deemed as deliberate or inadvertent misuse which could be a breach of this procedure, may lead to disciplinary action under the School's Disciplinary Procedure.
- 21.55 Serious breaches of this procedure, for example, incidents of bullying of colleagues or social media activity causing serious damage to the School, may constitute gross misconduct and may lead to action under the School's Disciplinary Procedure up to and including dismissal.

Use of Social Media whilst at Risk of Redundancy

- 21.56 Serious breaches of this procedure, for example, incidents of bullying of colleagues or social media activity causing serious damage to the School, whilst at risk of redundancy may constitute gross misconduct and may lead to action under the School's Disciplinary Procedure up to and including dismissal. Therefore, there would be no entitlement to redundancy pay.

Public Interest Disclosure (Whistleblowing)

- 21.57 Where an employee releases information through social media that may be considered a Public Interest Disclosure (Whistleblowing), the School's Whistleblowing Policy/Procedure must be initiated in the first instance before any further action is taken.

22. GRIEVANCE

- 22.0 This procedure aims to help to resolve individual grievances in a manner which is as fair and prompt as possible. It is the School's policy to attempt to find a solution to individual grievances as early in the procedure as possible.
- 22.1 This procedure will be applied in accordance with the Articles of Government of the Corporation and in accordance with the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice, Disciplinary and Grievance Procedures, dated March 2015.
- 22.2 A grievance procedure is used to deal with a problem or complaint that an employee raises. A disciplinary procedure is used by an employer to address an employee's conduct or performance.

General Principles

- 22.3 An employee has the statutory right to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. The School must agree to an employee's request to be accompanied by any companion from one of these categories. Employees may also alter their choice of companion if they wish. As a matter of good practice, in making their choice employees should bear in mind the practicalities of the arrangements. Recognised trade unions are defined within the School's Employment Policy. Please refer to the VLE to access Guidance on the Role of the Companion or this link ([The Role of the Companion - Grievance Procedure](#)).
- 22.4 Managers are required to familiarise themselves with the Grievance Procedure. Every effort will be made to resolve the grievance at the informal stage.
- 22.5 In the interest of ensuring that grievances are resolved as speedily as possible, time limits are given for appropriate stages in this procedure.
- 22.6 These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.
- 22.7 If the grievance is against the immediate Line Manager, then the person to whom the grievance should be sent should be senior to the Line Manager.

Complaints against the Principal or other Senior Post-Holders

- 22.8 Where the complaint is against the Principal or another senior post-holder, the same steps should be taken to investigate the matter.
- 22.9 The Chair of the Corporation will appoint an appropriate Investigating Officer (IO) to investigate the complaint. This may be the Principal, a member of the Corporation Board, or an external investigator, depending on the circumstances.

- 22.10 If the complaint is upheld and disciplinary action may be required, the matter must be referred to the Corporation who should follow the School's Disciplinary Procedure.

Definitions

- 22.11 Grievances are concerns, problems or complaints that employees raise with their employers (as defined by www.acas.org.uk).

Stage 1 - Informal Procedure

- 22.12 If an employee has a grievance relating to their employment, the matter should be raised initially with the employee's Line Manager. There is a limit of 90 days minus one day from the date that the issue the complainant is complaining about last happened in which an employee needs to raise their grievance. The grievance should be raised orally in the first instance. In the event that the grievance relates to the manager who would normally deal with a grievance at this stage, the grievance should be referred to the Line Manager's immediate manager.
- 22.13 The Line Manager will take appropriate steps to resolve the grievance as quickly as possible on an informal basis. They shall enquire into the grievance and will discuss it with the employee. A written record of the discussion and the outcome will be provided within 10 working days after the complaint is received. It is anticipated that most grievances will be resolved at this stage.
- 22.14 If the matter is very serious or in other circumstances where the employee does not wish to raise the matter informally, the employee may proceed straight to the formal stage of this procedure.

If the Grievance Involves another Employee

- 22.15 In many cases it will be sufficient for the complainant to raise the problem with the employee as soon after the incident as possible, stating clearly that the behaviour is unacceptable. A note should be made of the action taken.
- 22.16 In most cases, it is preferable to deal with grievances informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. Solutions can be reached quickly with minimum risks of embarrassment, suffering and disruption to work and working relationships. If, at the informal meeting the employee who the grievance is against does not feel they have done anything wrong the complainant should raise this with HR. A member of HR will then speak to the employee to discuss that the complainant is unhappy with how the informal meeting went but does not want to proceed straight to stage 2 of the procedure. Possible staff development will be discussed with the employee who the grievance is against. For example, it may be necessary for them to undertake some staff development on their communication style and how it is perceived by others.

- 22.17 If the complainant does not feel able to approach the employee alone, they could seek support from a colleague, trade union representative, Line Manager or appropriate member of HR. Where both parties agree, the School may consider addressing the unacceptable behaviour through a recognised mediator.
- 22.18 If the matter is very serious, the employee feels the matter has not been resolved at this stage, or in other circumstances where the employee does not wish to raise the matter informally, the employee may proceed to the formal stage of the procedure (Stage 2).

Stage 2 – Formal Procedure

- 22.19 If the employee feels that the matter has not been resolved through informal discussion, the grievance should be put in writing.
- 22.20 The grievance should provide full details of the complaint and should be addressed to the employee's Line Manager.
- 22.21 The School will as soon as possible (ideally within 5 working days, but no longer than 10, of receipt of the written grievance) arrange a grievance meeting.
- 22.22 The employee may be accompanied at the meeting by a fellow worker, a trade union representative, or an official employed by a trade union. The School should remind the employee of the right to be accompanied prior to a grievance meeting. Before the meeting, the employee should tell the School who they have chosen to be a companion.

If the Grievance Involves another Employee

- 22.23 The investigation of the formal grievance where another employee is involved should be conducted in a sensitive manner and without undue delay. It is recommended that no more than 28 days should elapse from the School's receipt of an employee's written grievance to the resolution of the formal procedure; unless a different timescale is agreed by both parties.
- 22.24 The grievance should be submitted in writing to the employee's Line Manager. If the grievance is about the employee's Line Manager, it should be given to the next level of management or HR.
- 22.25 The School will appoint an appropriate manager to investigate the grievance (the IO). The investigation should be carried out in an impartial and objective manner. The IO should not be involved with the case in any way.
- 22.26 In cases which appear to involve serious misconduct, and there is reason to separate the parties, a short period of suspension of the employee who the grievance is against may need to be considered while the investigation is carried out. Suspension should be with pay. Alternatively, the School may consider temporarily relocating either party during the investigation; the School should only relocate the complainant with their agreement.

- 22.27 The IO must, as soon as possible, invite the complainant to a grievance hearing to investigate their complaint. The complainant has the right to be accompanied at this meeting by a fellow worker, a trade union representative, or an official employed by a trade union. At the meeting, the complainant will have the opportunity to fully explain what has happened and the IO will have the opportunity to ask any questions and discuss any points that require further discussion.
- 22.28 The IO should also invite the employee who the grievance is against to an investigation meeting where they will have the opportunity to respond to the grievance and the allegations against them. Prior to this meeting, the employee should be provided with a copy of the written grievance and any evidence raised, e.g. witness statements taken including dates; times; places; the name of the person involved; what actually happened; how the person felt at the time; the names of any witnesses; action taken at the time and whether the incident was reported to management. The employee should be given the opportunity to be accompanied at this meeting by a fellow worker, a trade union representative, or an official employed by a trade union. Reasonable notice of this meeting should be given.
- 22.29 The IO should meet with any witnesses cited by either the complainant or the employee who the grievance is against. Notes of these meetings should be taken and the IO may take statements from the individuals.
- 22.30 Where there is conflicting evidence the IO may wish to meet with any of the parties again to clarify and complete the investigation.
- 22.31 The IO should assess the evidence and write a report summarising the findings of the investigation. The IO's decision in relation to the grievance should be communicated in writing to the complainant and the employee who the grievance is against without undue delay, explaining the outcome of the grievance and the reasons. The letter to the complainant will also inform them of the right to appeal.
- 22.32 The report will state whether any unacceptable behaviour occurred and will outline any recommendations for action. For example:
- unacceptable behaviour did not occur – no or limited action required. In such circumstances, the IO may, if necessary, recommend steps to improve the working relationship between the parties following the complaint.
 - unacceptable behaviour did occur – recommendations for action short of disciplinary action. It may be concluded in light of the facts that disciplinary action is unnecessary. In such circumstances, the IO may recommend other appropriate action to address the behaviour, such as:
 - training/coaching/mentoring;
 - re-arrangement of working conditions;
 - redeployment of one or both parties on a temporary or permanent basis on terms and conditions that are no less favourable than existing terms and conditions of employment; and/or
 - monitoring of the situation.

- unacceptable behaviour did occur – disciplinary action required. In such circumstances, the employee who the grievance is against will be asked to attend a disciplinary hearing (refer to the School's Disciplinary Procedure). All evidence that was collected in order to address the grievance will be used for the disciplinary process. A further investigation is not required.

22.33 Both the person submitting a grievance and the person who the grievance is against, if applicable, will receive appropriate support from the School, e.g. counselling.

Stage 3 - Appeal by the Complainant

22.34 If the grievance is not resolved to the satisfaction of the employee at Stage 2, they may appeal. Any such appeal must be submitted in writing, setting out the full grounds for the appeal, and sent to the Vice Principal (People Services) within 10 working days of receipt of the decision reached at Stage 2.

22.35 The School will, as soon as possible and in any event, within 10 working days of receipt of the written appeal, invite the employee to an appeal meeting, which will be chaired by an appropriate senior manager, who has not been involved in the grievance process in question so far and who is senior to the manager who heard the original grievance. The employee will be entitled to be accompanied at the appeal meeting by a fellow worker, a trade union representative, or an official employed by a trade union.

22.36 The senior manager will consider the appeal and may be supplied with all of the documentation submitted in relation to the earlier stages of the procedure. If the grievance involves another employee, the senior manager may require the attendance of that employee at the appeal meeting or any other employees who may be able to provide relevant information.

22.37 The appeal decision will be provided in writing within 10 working days of the appeal meeting. Any other parties involved in the grievance will also be appropriately informed of the appeal decision. Such decision will be final.

Stage 3 – Appeal by the Employee who the Grievance is Against

22.38 An employee who wishes to appeal against a written warning or a final written warning or a disciplinary suspension should inform the Head of Governance in writing. An employee cannot appeal before a formal disciplinary has taken place, (e.g. an employee cannot appeal at the investigation stage). The appeal must be received in writing within 10 working days of the date of the decision that forms the subject of the appeal. The appeal will be heard by one of the following depending on the characteristics of the appeal:

- a Vice Principal;
- the Principal; or
- An appropriate elected member of the Governing body

- 22.39 The Vice Principal, Principal or an appropriate elected member of the Governing body, will conduct an appeal hearing as soon as possible after the notice to appeal has been received. At the hearing of the appeal, the employee will be given an opportunity to state their case and will be entitled to be accompanied and represented by a fellow worker, a trade union representative, or an official employed by a trade union.
- 22.40 However, if the employee's representative is unavailable on the date of the initial appeal, the employee may delay the date of the appeal once by up to 10 working days to enable the chosen representative to attend.
- 22.41 At the appeal, the disciplinary penalty imposed will be reviewed, but it cannot be increased. The decision of the Vice Principal, Principal or an elected member of the Governing body, as appropriate, will be notified to the employee in writing within 10 working days of the appeal hearing and will be final and binding.

Overlapping Grievance and Disciplinary Cases

- 22.42 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Records of complaints

- 22.43 The School will keep a confidential record of complaints and investigations, which will include the names of the people involved, dates, the nature of the incident(s), the action taken, and any follow-up and monitoring information. The School will keep such records for up to 6 years from the end of employment. Where a complaint was unsubstantiated, this will be clearly stated in the School's record. All sensitive information will be treated confidentially and in compliance with the requirements of the Data Protection Act 2018.

23. DISCIPLINARY

23.0 The Northern School of Art takes its responsibilities as an employer seriously. Ultimately the School aims to adhere to all current employment legislation and strive towards best practice in all respects. The purpose of this procedure is to state clearly how the School intends to deal with staff disciplinary issues.

Scope

23.1 The procedure applies to all members of staff.

23.2 The procedure will be applied in accordance with the Instruments and Articles of Government of the Corporation, the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice on Disciplinary Procedures (March 2015), Keeping Children Safe in Education, the School's Code of Conduct and the Students Complaints Policy and Procedure.

23.3 The purpose of the procedure is:

- to help and encourage employees to achieve and monitor acceptable standards of conduct and work performance. Therefore, the procedure seeks to be corrective rather than punitive; and
- to ensure consistent and fair treatment for all concerning disciplinary action taken in response to allegations of unacceptable conduct or work performance.

23.4 The School will ensure that:

- it deals with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions;
- it and its employees act consistently;
- necessary investigations are carried out, to establish the facts of the case;
- it informs the employee of the basis of the problem and enables them to put their case in response before any decisions are made;
- it allows employees to be accompanied at any formal disciplinary meeting; and
- it allows an employee to appeal against any formal decision made.

Definitions

23.5 An employee is a person who is in the paid employment at the School who is paid via monthly payroll, not someone who is a contractor or consultant providing a contract for service.

23.6 Members of the Principalship Team include the:

- Principal;
- Vice Principal (Further Education).
- Vice Principal (Higher Education);
- Vice Principal (People Services);

- Vice Principal (Resources); and
- Vice Principal (Planning & Strategy Implementation).

23.7 Investigation Officer (IO) – The IO's role is to ascertain the facts relating to a situation by undertaking an investigation in a fair and thorough manner. This will include interviewing and obtaining statements from the employee(s) against whom the allegation(s) of misconduct has been made and other relevant people. Please refer to the VLE to access The Role of the Investigating Officer or this link ([The Role of the Investigating Officer](#)). The IO will be informed of any past allegations relating to the employee/case being investigated.

23.8 LADO – Every local authority has a statutory responsibility to have a Local Authority Designated Officer (LADO) who is responsible for coordinating the response to concerns that an adult who works with children may have caused them or could cause them harm.

General Principles

23.9 Every effort will be made to avoid the use of disciplinary action where alternatives are appropriate. A separate capability procedure will be used to address issues of professional capability and competence.

23.10 Special consideration should be given to disciplinary action concerning unacceptable work performance. In such cases, the School's Performance Management Procedure and other more informal guidance and support mechanisms must be fully utilised by the Line Manager before the formal disciplinary procedure is used. Such informal guidance and support may include 1-2-1s, coaching, further training and encouragement to seek professional help where appropriate et cetera.

23.11 An employee has the statutory right to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. The School must agree to an employee's request to be accompanied by any companion from one of these categories. Employees may also alter their choice of companion if they wish. As a matter of good practice, in making their choice employees should bear in mind the practicalities of the arrangements. Recognised Trade Unions are defined within the School's Employment Policy.

23.12 No formal disciplinary action will be taken against an employee until the circumstances have been fully investigated. If appropriate, the School may suspend the employee, following the provisions of this procedure (below) whilst the investigation is carried out.

23.13 An investigatory meeting should not by itself result in any disciplinary action. No formal disciplinary penalty will be imposed without a disciplinary hearing. Other than in cases of gross misconduct, or gross negligence, when the penalty may be dismissal without notice or payment in lieu of notice. An employee will have the right to appeal against any disciplinary penalty imposed.

- 23.14 In the interest of ensuring that disciplinary matters are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.
- 23.15 In cases where a period of suspension for any employee with pay is considered necessary, this period should be as brief as possible, should be kept under review and it should be made clear that this suspension is not considered a disciplinary action.

Special Cases

- 23.16 Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.
- 23.17 If an employee is charged with, or convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration needs to be given as to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with the School, work colleagues and students.
- 23.18 Normally, the procedure will be followed in the order of the stages set out in the sections below. However, offences of a serious nature may be brought into the procedure at any stage, if any earlier stage would not be severe enough or appropriate to deal with it. For example, there may be occasions when misconduct is considered not to be so serious as to justify dismissal, but serious enough to warrant only one written warning which will be both the first and final written warning. At every stage of the procedure, the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.

Informal Process

- 23.19 Before taking formal disciplinary action, every effort will be made by the Line Manager to resolve the matter by informal discussions with the employee, if appropriate.
- 23.20 Minor lapses from acceptable standards of conduct or work performance will usually be dealt with by the employee's Line Manager giving informal oral warnings or reprimands, which will not be recorded on the employee's personal file.

Letter of Management Advice

- 23.21 Depending upon the nature of the misconduct, a letter of management advice may be issued as part of the informal process, which will be kept on the

employee's personal file. The letter will remain "live" for 6 months after which time it will be removed. Letters of management advice inform employees of where their conduct has fallen short of the School's standards/expectations, the change or improvement that is expected of them and that a failure to achieve and maintain the standards set out may result in the formal disciplinary procedure being invoked. As the letter is outside of the formal disciplinary procedure it is not a formal disciplinary warning and there is, therefore, no right of appeal. The letter should:

- include a clear statement of what was discussed regarding the employee's conduct and the required improvement;
- define clear support and remedial action provided by management;
- confirm any timescales and review dates if applicable; and
- make it clear that any further incidents of the same or a similar nature may result in formal disciplinary action being considered which could ultimately lead to dismissal.

23.22 If the required improvement is not achieved and/or sustained or there are further incidents of a similar nature the formal disciplinary procedure may be invoked and the letter of management advice referred to. Where there are no further areas of concern during the 6-month time limit the letter of management advice should be disregarded for disciplinary purposes. This timescale may be increased or decreased according to the circumstances.

23.23 If, however, the informal process has been tried unsuccessfully, or the circumstances of the case make the informal route inappropriate, the School will seek to address the matter under the formal process.

Safeguarding Concerns or Allegations made about Staff, including Supply Teachers, Volunteers and Contractors

23.24 There are two levels of concern relating to safeguarding, which are:

- Concerns/allegations that **may** meet the harm threshold; and
- Concerns/allegations that **do not** meet the harm threshold – referred to for the purposes of this procedure as 'low-level concerns'.

Concerns or Allegations that may meet the Harm Threshold

23.25 Cases of concerns/allegations that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children. This should be followed where it is alleged that anyone working in the School with children under 18 years of age, including supply teachers, volunteers and contractors has:

- behaved in a way that has harmed a child, or may have harmed a child; and/or
- possibly committed a criminal offence against or related to a child; and/or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or

- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

23.26 The last bullet point above includes behaviour that may have happened outside of the School, that might make an individual unsuitable to work with children, this is known as transferable risk.

Concerns or Allegations that do not meet the Harm Threshold

23.27 Where a concern or allegation does not meet the harm threshold it is also referred to as a low-level concern.

What is a Low-Level Concern?

23.28 The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the School may have acted in a way that:

- is inconsistent with the Staff Code of Conduct, including inappropriate conduct outside of work; and
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the Local Authority Designated Officer (LADO).

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

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone, contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or
- humiliating children.

23.30 Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

23.31 Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the School; or as a result of vetting checks undertaken.

23.32 It is crucial that all low-level concerns are shared responsibly with the right person and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of the School from becoming the subject of potential false low-level concerns or misunderstandings.

23.33 All safeguarding concerns regarding a member of staff should be reported to HR and the DSL/Deputy DSL.

23.34 HR and/or the DSL should inform the Principal of all concerns in a timely fashion according to the nature of each particular concern.

Suspension Pending Disciplinary Hearing

23.35 When the Principal is of the view that an employee may have been guilty of gross misconduct, or that because of some other good and urgent cause, the continuing attendance of the employee at the School cannot be permitted, the Principal may suspend the employee from duty pending an investigation and the holding of a formal disciplinary hearing.

23.36 Exceptionally, if the Principal is unavailable through illness or other absence then they may designate a member of the Principalship Team in their absence to consider the issue of suspension provided that the staff member who is the subject of the suspension is not a member of the Principalship Team. In the Principal's absence, the suspension of a member of the Principalship Team may be undertaken by an appropriate elected member of the Governing body acting on the advice of the Vice Principal (People Services) and Head of Governance.

23.37 Such a suspension will only be imposed after careful consideration and it should be made clear to the employee that it is not considered a disciplinary act.

23.38 If the Principal (or designated alternate) decides to suspend an employee from duty, they shall:

- confirm the suspension in writing to the employee within one working day, giving as much detail as appropriate for the reasons for the suspension.

23.39 An employee who is suspended from duty shall, throughout the period of suspension, continue to be entitled to their full pay.

23.40 An employee who has been under suspension for 4 weeks or more may appeal in writing to the School against the suspension. Notice of such appeal shall be given in writing by the employee to the Head of Governance and the appeal shall be heard as soon as practicable by a committee consisting of three members of the Corporation, excluding the Principal.

23.41 A suspension against which an appeal by an employee is made shall continue to operate pending the determination of the appeal.

23.42 Where an appeal against suspension is made by an employee, the employee shall be given at least 5 working days' notice of the date, time and place fixed for the hearing, unless an earlier date has been mutually agreed.

23.43 At the hearing of an appeal against suspension the employee has the statutory right to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union.

- 23.44 Following the hearing of an appeal against the suspension, the Corporation's Committee appointed to hear the appeal may either confirm or lift the suspension. The decision of the Corporation and the reasons for the same shall be confirmed by the Head of Governance in writing to the employee within 10 working days of the hearing of the appeal.
- 23.45 Any employee who has been suspended from duty will be offered appropriate support from the School, e.g. counselling.

Suspension – Safeguarding Concerns

- 23.46 The School will ensure that support is provided for anyone facing a safeguarding allegation. The employee will be provided with a named contact if they are suspended. It is essential that any allegation of abuse made in relation to staff, including supply teachers, volunteers and contractors is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time supports the employee who is the subject of the allegation.
- 23.47 Where it has been deemed appropriate to suspend the person, written confirmation should be given within one working day, giving as much detail as appropriate for the reasons for the suspension.

Formal Process

Investigation – Safeguarding Concerns

- 23.48 A “case manager” will lead on any allegations made against/concerns raised in relation to staff. This will be the Principal, or, where the Principal is the subject of an allegation, the Chair of Governors. The Principal and, if appropriate, the LADO will decide who within the School will carry out the investigation, which should normally be undertaken by a senior member of the School's staff.
- 23.49 Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The Designated Safeguarding Lead (DSL) should be informed of all allegations that come to the School's attention so they can consult police and children's social care services as appropriate.
- 23.50 For further information on allegations/concerns against staff can be found in Part Four: Safeguarding Concerns or Allegations made about Staff, Including Supply Teachers, Volunteers and Contractors from KCSIE which can be accessed via the VLE or this link ([Part Four - Concerns or Allegations made about Staff](#)).
- 23.51 Any employee under investigation for a safeguarding concern/allegation will be offered appropriate support from the School, e.g. counselling.

Investigation

- 23.52 An Investigating Officer (IO) will be appointed to conduct an initial investigation to establish the facts of the alleged misconduct or unacceptable performance.

This may include collecting relevant documentation/evidence, and taking statements from witnesses and the employee concerned. Additionally, the IO may request a written explanation of the alleged misconduct by the employee concerned.

- 23.53 The employee concerned will be given at least 2 working days' notice to prepare for their investigatory interview unless they state they are willing to forego this notice.
- 23.54 The IO will make every attempt to conclude the investigation within 4 weeks of receiving notification of the alleged offence. Exceptionally, this may not be possible or desirable if the investigatory period is interrupted by staff holidays.
- 23.55 Any employee under any investigation will be offered appropriate support from the School, e.g. counselling.

Disciplinary Hearing

- 23.56 If the School decides to hold a disciplinary meeting relating to the matter complained of, the employee will be advised of the nature of the complaint against them at least 10 working days before such hearing, allowing the employee reasonable time to prepare their case. Possible consequences will also be detailed to enable the employee to prepare to answer the case at the disciplinary hearing. It will normally be appropriate to provide copies of any written evidence, which may include any witness statements, with the notification. The identity of witnesses who submit statements may be withheld from the employee where the witnesses consider that the safety of themselves or their family is at risk if the IO concurs this is reasonable. In such cases, statements will be exchanged anonymously.
- 23.57 The notification will also give details of the time and venue for the disciplinary hearing and advise the employee of their right to be accompanied at the hearing.
- 23.58 At the hearing, the complaint against the employee will be explained and the evidence that has been gathered will be clarified.
- 23.59 The employee has the statutory right to be accompanied by a fellow employee, a trade union representative, or an official employed by a trade union.
- 23.60 To exercise the statutory right to be accompanied the employee must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. A request to be accompanied does not have to be in writing or within a certain timeframe. However, the employee should provide enough time for the School to deal with the companion's attendance at the hearing.
- 23.61 If an employee's chosen companion will not be available at the time proposed for the hearing by the School, the School will postpone the hearing to a time proposed by the employee provided that the alternative time is both reasonable and not more than 5 working days after the date originally proposed.

23.62 The companion will be given the opportunity to address the hearing and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish to or prevent the School from explaining their case.

23.63 If the employee fails, without good reason, to attend a disciplinary hearing, which the School has instructed him or her to attend, the hearing will take place, and a decision will be made, in his or her absence.

23.64 The Vice Principal (People Services) will normally be present at all disciplinary hearings to advise the School on procedural matters.

Disciplinary Hearing

23.65 Management responsibility for conducting disciplinary action will be as follows:

Employee subject to a disciplinary hearing	Member of staff responsible for Charing the hearing
All employees excluding the Principal and Principalship Team	Suitable member of the Principalship Team/designated alternate
Principalship Team (excluding the Principal)	The Principal/designated alternate
The Principal	The Chair of Governors/designated alternate

23.66 It is important to ensure that the employee's direct Line Manager will not conduct a disciplinary hearing.

23.67 If a Principalship member is unavailable due to illness or other absence to conduct a hearing, then they may designate another appropriate Principalship member acting on the advice of the Vice Principal (People Services).

23.68 If the Principal is unavailable due to illness or other absence to conduct a hearing then they may designate an appropriate elected member of the Governing body acting on the advice of the Head of Governance. Staff and student governors will be ineligible for such designation.

Procedure for Disciplinary Hearing

23.69 During the hearing, adjournments may be requested by either party; where such a request is denied, an explanation will be given.

23.70 The Chair of the hearing will ask whether any new evidence has been made available that could not be circulated before the hearing and will make a judgement as to whether an adjournment is necessary to allow consideration of such evidence.

23.71 The Chair of the hearing will introduce all those present.

Order of Hearing

23.72 The order of the hearing is shown below:

- The IO will present the details of the allegation and a report on the investigation undertaken.
- The employee and their representative may question the IO.
- The Chair conducting the hearing or panel members may question the IO.
- The IO may call witness(es) and ask questions of them.
- The employee or representative may call witness(es) and ask questions of them.
- The Chair conducting the hearing or panel members may question the witness(es).
- The employee and/or representative will present the case against the allegations and explain any special circumstances that may exist and the precise nature of the remedy sought.
- The IO may question the employee.
- The Chair conducting the hearing or panel members may question the employee.
- Should the Chair conducting the hearing or panel members wish to clarify any issue with either the employee, the IO, or of the witness(es), should do so at this point.
- The IO will summarise the case against the employee without introducing any new factors.
- The employee and/or representative will summarise the case against the allegation.
- The employee, representative, IO and any other management representative will withdraw and the Chair conducting the hearing will decide whether or not an offence has been committed. They may seek guidance from the Vice Principal (People Services) on procedural matters.

23.73 If, in the opinion of the Chair conducting the hearing, an offence has been committed, they will consider the following before deciding upon an appropriate disciplinary sanction:

- any mitigating factors, e.g. health, domestic, bereavement;
- current disciplinary record of the employee;
- length of service at the School;
- nature of the offence;
- evidence produced by either party at the hearing;
- statements and answers provided by the witness(es); and
- any sanctions imposed in the past for similar offences.

Decide on Appropriate Action

23.74 After a brief adjournment of the hearing, the employee will be recalled and informed verbally whether or not disciplinary or any other action is justified and will be confirmed in writing within 10 working days.

Allegation Outcomes

The definitions below should be used when the School determines the outcome of an allegation:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence; or
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

Penalties

23.75 Possible penalties given to a substantiated allegation at a disciplinary hearing are as follows:

Penalty	Length of time penalty recorded on personal file
Written warning	18 months
Final written warning	24 months
Dismissal	N/A

Stage 1 - Written Warning

23.76 A written warning will be given to the employee by the Chair conducting the hearing.

23.77 Where misconduct is confirmed or the employee is found to be performing unsatisfactorily it is usual to give the employee a written warning.

23.78 The written warning will give details of the complaint against the employee, the improvement required and the time limit within which such improvement must be achieved. In the case of misconduct, the warning will state that, if the employee commits a further offence of misconduct during the period specified in the warning, action under Stage 2 will be considered. In the case of unsatisfactory work performance, the warning will advise the employee as to what steps they should take to improve and will state that, unless such improvement is achieved within the period specified in the warning, action under Stage 2 will be considered.

23.79 The written warning will also advise the employee of the right of appeal in accordance with the provisions of this document, set out below. A copy of the written warning will be placed on the employee's personal file. The warning will be spent, and will be removed from the employee's file, after 18 months, subject

to the employee's conduct and work performance having been satisfactory throughout that period.

Stage 2 – Final Written Warning

23.80 A final written warning will normally be given to the employee by the Chair conducting the hearing, if:

- an employee's first misconduct or unsatisfactory performance is sufficiently serious; it may be appropriate to move directly to a final written warning. This might occur where the employee's actions have had, or are liable to have, a serious or harmful impact on the School;
- the employee fails to comply with a first written warning given under Stage 1;
- despite having been given, under Stage 1, a first written warning as the result of either misconduct or unsatisfactory work performance, the employee commits a further offence of misconduct, or his or her work performance continues to be unsatisfactory; or
- the employee's misconduct or unsatisfactory work performance, although not considered to be serious enough to justify summary dismissal, is sufficiently serious to warrant only one written warning (in effect both the first and a final written warning).

23.81 The final written warning will give details of the complaint, the improvement required and the time limit within which such improvement must be achieved. In the case of misconduct, the warning will state that, if the employee commits a further offence of misconduct, during the time limit specified in the warning, his or her employment will be terminated. In the case of unsatisfactory work performance, the warning will advise the employee as to what steps they should take to improve and state that, if such improvement is not achieved within the period specified in the warning, his or her employment will be terminated.

23.82 The final written warning will also advise the employee of the right of appeal in accordance with the provisions of this document, set out below. A copy of the final written warning will be placed on the employee's personal file. The warning will be spent and will be removed from the employee's file after 24 months (although, in exceptional cases, the period may be longer) subject to the employee's conduct and work performance having been satisfactory throughout that period.

Stage 3 – Dismissal

23.83 Notice of dismissal – Having had due regard for mitigating factors presented by the employee and their representatives, the Chair conducting the hearing may give notice of dismissal to the employee, if:

- despite having been given, under Stage 2, a final written warning as the result of either misconduct or unsatisfactory work performance, the employee commits a

further offence of misconduct or his or her work performance continues to be unsatisfactory.

23.84 The notice of dismissal will be in writing and will specify the reasons for dismissal, the date on which the employment will end and the right of appeal against the dismissal or the notice of dismissal in accordance with the provisions of this document, set out below. If the employee appeals against the notice of dismissal, the dismissal shall not take effect until the appeal has been determined.

23.85 Summary dismissal – An employee who is accused of gross misconduct, or gross negligence may be suspended from work, in accordance with the provisions of this document, whilst the School investigates the alleged offence. The Chair conducting the hearing may summarily dismiss the employee if, on completion of the investigation and a disciplinary hearing it is established that the employee has been guilty of gross misconduct or gross negligence. Such dismissal will be without notice or payment in lieu of notice and will be confirmed to the employee in writing, specifying the reasons for the dismissal and the right of appeal against it in accordance with the provisions of this document, set out below.

23.86 The following are examples of offences which are normally regarded as grounds for summary dismissal:

- theft or unauthorised possession of any property or facilities belonging to the School, or any employee or student;
- serious damage deliberately sustained to School property;
- deliberate falsification of School registers, reports, accounts, expense claims or self-certification forms;
- bribery or corruption;
- refusal to carry out duties or reasonable instructions or to comply with School rules;
- serious acts of insubordination;
- serious negligence/incompetence, which causes unacceptable loss, damage or injury;
- serious incapability as a result of being intoxicated because of alcohol or illegal drugs;
- violent, dangerous or intimidatory conduct;
- violation of the School's rules and procedures concerning health and safety at work;
- sexual, racial or other harassment of another employee or a student;
- providing dishonest or misleading information during the recruitment process, when applying for any post internally or during any internal procedure;
- serious, repeated or gross non-compliance with rules and procedures;
- a criminal offence, which may (whether it is committed during or outside the employee's hours of work for the School) adversely affect the School's reputation, the employee's suitability for the type of work they are employed by the School to perform or their acceptability to other employees or to students;
- misuse of the School IT systems e.g. viewing or downloading information from the Internet that could reasonably be deemed as grossly sexually or racially offensive; and

- misuse of Social Media for example incidents of bullying of colleagues or social media activity causing serious damage to the School.

23.87 The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

23.88 Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the School should make a decision on the evidence available.

Following a Substantiated Allegation – Safeguarding Concerns

23.89 If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide their services; or
- the School ceases to use the person's services.

23.90 In the case of a member of teaching staff the case manager must consider whether to refer the matter to the Teaching Regulation Agency (TRA) to consider whether the individual should be prohibited from teaching.

23.91 There is a legal requirement for the School to make a referral to the DBS where it is considered an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

Managing the Situation and Exit Arrangements

Resignations and 'Settlement Agreements'

23.92 'Settlement agreements', by which a person agrees to resign if the employer agrees not to pursue disciplinary action and both parties agree on a form of words to be used in any future reference, should not be used, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Such an agreement will not prevent a thorough police and/or School investigation where that is appropriate.

23.93 The School should not cease their investigations if the person leaves, resigns or ceases to provide their services. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate.

23.94 Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, should continue even if the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record an outcome wherever

possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

- 23.95 Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers. This is particularly important when the person moves into another position involving working with children.

Appeals Against Disciplinary Penalties other than Dismissal

23.96 Management responsibility for carrying out an appeal will be as follows:

Employee appealing	Member of staff responsible for carrying out an appeal
All employees excluding the Principal and Principalship members	Suitable member of the Principalship Team/designated alternate
Principalship members (excluding the Principal)	The Chair of Governors/designated alternate
The Principal	An appropriate elected member of the Governing body

- 23.97 An employee who wishes to appeal against a written warning or a final written warning or a disciplinary suspension should inform the above appropriate member of staff in writing. The appeal must be received within 10 working days of the date of the decision that forms the subject of the appeal.

- 23.98 The Chair conducting the appeal will conduct an appeal hearing as soon as possible after the notice to appeal has been received. At the hearing of the appeal, the employee will be given an opportunity to state their case and will be entitled to be accompanied and represented by a fellow employee, a trade union representative, or an official employed by a trade union.

- 23.99 However, if the employee's representative is unavailable on the date of the initial appeal, the employee may delay the date of the appeal once by up to 10 working days to enable the chosen representative to attend.

- 23.100 At the appeal, the disciplinary penalty imposed will be reviewed, but it cannot be increased. The decision of the Chair conducting the appeal will notify the employee in writing within 10 working days of the appeal hearing and will be final and binding.

Appeals Against Dismissal or Notice of Dismissal

- 23.101 An employee who wishes to appeal against dismissal or notice of dismissal should inform the Head of Governance in writing within 10 working days of the date of the decision that forms the subject of the appeal.

- 23.102 The appeal will be heard by an appropriate elected member of the Governing body.
- 23.103 The appeal hearing will take place as soon as possible after the notice to appeal has been received by the Head of Governance. The employee will be given at least 10 working days' notice of the date, time and place fixed for the appeal hearing (unless an earlier date has been mutually agreed). At the appeal hearing, the employee will be given an opportunity to state his or her case and will be entitled to be accompanied and represented by a fellow employee, a trade union representative, or an official employed by a trade union.
- 23.104 The decision heard by an appropriate elected member of the Governing body appointed to hear the appeal will confirm to the employee in writing within 10 working days of the appeal hearing and will be final and binding.
- 23.105 In the case of an appeal against a notice of dismissal, the dismissal shall not take effect before the appeal has been determined.

24. PERFORMANCE MANAGEMENT

24.0 The School recognises the need for a procedure to help, encourage and enable all employees to achieve and sustain high work standards.

24.1 This procedure focuses on the support and continual professional development of employees to assist them to develop their professional practice on a personal level and to ensure their contribution to improving the educational provision and performance of the School in accordance with the School's Strategic Objectives, which can be accessed via the VLE or this link ([The Schools Strategic Objectives](#)).

24.2 The purpose of the procedure is to:

- ensure fair and consistent treatment for all employees;
- provide managers with a framework and guidance that will enable them to communicate the standard of work expected and to ensure the standards are met;
- identify and implement support mechanisms to enable the employee to reach the required standard of performance

24.3 This procedure should be read in conjunction with the Capability Procedure and the School's Strategic Objectives (2025-2028).

Scope

24.4 This procedure applies to all staff of The Northern School of Art, whether employed permanently, temporarily, full or part time.

Principles

24.5 The following principles will underpin performance management arrangements:

- trust, confidentiality and professional dialogue between the Line Manager and employee;
- consistency so that all staff are treated fairly;
- recognition of strengths and a commitment to share effective practice;
- a commitment to provide constructive feedback on performance;
- rigorous and evidence-based monitoring and assessment of performance; and
- a shared commitment to meeting the School's Strategic Objectives.

Definitions

24.6 None

Responsibilities

24.7 The School's Principal/Chief Executive and management are responsible for ensuring that:

- they are familiar with the performance management procedure, and that it is followed correctly; and
- they are aware of the School's legal responsibilities as an employer in relation to performance management.

24.8 HR are responsible for ensuring that:

- monitoring of the procedure is carried out and the procedure is reviewed accordingly; and
- appropriate training and development is provided, if required, to support managers' and employees' understanding of the performance management procedure.

24.9 Employees are responsible for ensuring that:

- they familiarise themselves with this procedure and participate in the performance management cycle.

24.10 The Line Manager is responsible for:

- carrying out the performance management cycle with their staff.

24.11 Performance management should focus on continuous development and performance improvement throughout the year. It should ensure that all staff have the opportunity to discuss their performance and development needs in relation to their job role on a regular basis with their Line Manager. A summary of the Performance Management Process can be accessed via the VLE or this link ([Performance Management Process Timescales](#)).

24.12 Performance management should not simply include a performance evaluation and a performance improvement plan. Instead, performance management should be a system of integrated programmes and activities that are consistently carried out at the School as outlined below:

- The School's overall long-term and short-term objectives will be discussed at Principalship. **This should take place in September each year.**
- Principalship members will then feedback on long-term and short-term objectives to the staff they directly line manage. Principalship members and individual staff/Line Managers will discuss how these objectives can be translated into personal/team objectives. **This should take place in September each year.**
- Once agreed between Principalship members and Line Managers, Line Managers and their team will meet to discuss the possible team objectives and obtain the team's feedback and views. **This should be done in October each year.**

Target Setting

24.13 Once objectives are agreed upon, Line Managers will meet with individual employees to carry out their target setting meeting. **This should be done in October each year.**

- 24.14 Employees should have already had a meeting with their Line Manager regarding their personal/team objectives for the year and how they feed into the School's overall objectives, thus, aiding the employee to set their targets.
- 24.15 As a guide there should be a minimum of 3 targets set and usually no more than 6. However, this may vary depending on the employee's role and performance. Further information on target setting can be accessed via the VLE or this link ([Performance Management and Targets](#)).
- 24.16 The Line Manager and employee should also discuss the following at their target setting meeting:
- School Management Standards (Management) which can be accessed via the VLE or this link ([The School Management Standards \(Management\)](#));
 - School Management Standards (Non-Management) which can be accessed via the VLE or this link ([The School Management Standards \(Non-Management\)](#)); and
 - Behavioural Descriptors which can be accessed via the VLE or this link ([Behavioural Descriptors](#)).
- 24.17 Where possible employees should set their own targets and complete the Target Setting Form which can be accessed via the VLE or this link ([Initial Target Setting Form](#)) before the meeting takes place with their Line Manager. However, if an employee is having difficulty setting their targets before the meeting they can do this at the meeting with their manager.
- 24.18 Employees are asked to map their targets against 1 of the 6 School's strategic objectives to ensure all employees are working towards the same overall goals. The target setting meeting is an opportunity for the employee and Line Manager to agree on the set targets and complete the target setting form.
- 24.19 The target meeting is also an opportunity for the Line Manager to discuss development needs, the employee's wellbeing at work, the employee's workload and any additional support the employee needs from their Line Manager to achieve the set targets.
- 24.20 The Line Manager should forward a copy of the initial target setting form to HR by scanning it to HR@northernart.ac.uk and the appropriate Vice Principal/Principal to the role.

Mid-Year Review

- 24.21 All staff will have a six-monthly mid-year review meeting with their Line Manager which should be undertaken to formally assess if the employee is achieving their targets. This mid-year review is to establish whether the employee is on track with their initial set targets or if any further assistance/training/coaching is required before the end-of-year review takes place.

24.22 The mid-year review is also an opportunity to discuss what training has taken place so far, e.g. safeguarding training and how this has been incorporated into their everyday practice.

24.23 The mid-year review should be recorded on the Mid-Year Review Form which can be accessed via the VLE or this link ([Mid Year Review](#)). Where possible, the employee should complete this form before the mid-year review meeting with their Line Manager. If an employee is having difficulty completing the form before the meeting they can do this at the meeting with their manager.

24.24 At the mid-year review meeting the employee and manager will:

- review progress against the agreed targets and ensure targets are still relevant;
- discuss overall performance against the relevant management and behavioural standards;
- ensure that identified training/development and support required are being provided, accessed and are effective; and
- identify if any additional training/development and support is required and agree how this will be provided.

24.25 The mid-year review is an opportunity for the employee and the Line Manager to discuss the progress made to date and actions needed before the end-of-year review.

24.26 If improvements in performance are needed the meeting will aid the Line Manager to work with the employee to achieve higher performance before the end-of-year review.

24.27 The Line Manager should forward a copy of the mid-year review form to HR by scanning it to HR@northernart.ac.uk and the appropriate Vice Principal/Principal to the role.

End of Year Review

24.28 All staff will have an end of year review meeting with their Line Manager. The purpose of conducting an end-of-year review is to discuss whether the employee has achieved their set targets and has demonstrated an appropriate level of overall performance, thus, establishing whether their review can be classed as either complete or incomplete.

24.29 The end-of-year review is an opportunity for the employee and the Line Manager to discuss the progress made throughout the year and to agree any further action or support that may be needed. It is also an opportunity for the employee to comment on how they feel they have been managed during the academic year.

24.30 At the end of year review meeting the Line Manager will:

- assess the extent to which the employee has met their targets;
- determine whether the employee's performance has been satisfactory overall;

- identify the need for additional support, training or development and how this will be met; and
 - assess whether any increase in salary should be awarded or not for Business Support employees employed on a spot salary (further information is provided later in this procedure).
- 24.31 Where an employee has achieved their set targets and has demonstrated an appropriate level of overall performance which meets expectations their performance review will be classed as complete.
- 24.32 Where an employee has not achieved all their targets and their performance is deemed to require improvement their performance review will be classed as incomplete. Please refer to the section below for further information on incomplete performance management reviews.
- 24.33 The end of year meeting should be recorded on the End of Year Review Form which can be accessed via the VLE or this link ([End of Year Review](#)). Where possible the employee should complete Part A of this form before the end-of-year review meeting with their Line Manager. If an employee is having difficulty completing the form before the meeting they can do this at the meeting with their manager.
- 24.34 The Line Manager should complete Part B of the form and forward the whole form to HR by scanning it to hr@northernart.ac.uk and the appropriate Vice Principal/Principal to the role.
- 24.35 It is the Line Manager's responsibility to ensure that all relevant paperwork is finalised and forwarded to HR.

Incomplete Performance Review

- 24.36 A performance review may be deemed as incomplete if the employee has not met all their targets or has some training/development outstanding. If an employee's end-of-year review is classed as incomplete, a review will take place by the Principal/Vice Principal/Head of Department responsible for the role.
- 24.37 If it was a Vice Principal/Head of Department who made the original decision a Vice Principal/Head of Department not responsible for the role will carry out the review. If it was the Principal who made the original decision a Vice Principal will carry out the review.
- 24.38 The reviewer will assess all the evidence and information to ensure the employee has been put into the correct category. After full consideration, the reviewer can deem the review to be complete.
- 24.39 If the reviewer agrees that the employee's performance review is incomplete but believes that significant improvement can be made in the next performance management period then they should notify HR who will confirm this in writing to the employee. The letter will specify the improvement required, the timescale to achieve the improvement and any additional help and support needed to assist

the employee in making this improvement. The letter will also state that if the required improvement is not achieved the employee's performance may be managed under the Capability Procedure.

24.40 If following a review of all the information/evidence the reviewer agrees that the performance review is incomplete but believes that significant improvement will not be able to be achieved in the next performance development cycle a decision may be made that the employee's performance is managed under the Capability Procedure. The reviewer will inform HR who will confirm this in writing, stating the reasons and that the employee will be given the right to appeal. Further information on appeals is provided later in this procedure.

24.41 Effective line management arrangements, including the effective use of this procedure, will help prevent underperformance through early identification, support and intervention.

Capability Procedure

24.42 If concerns around the employee's capability to reach the required standard of performance cannot be resolved through the Performance Management Procedure as outlined above, an employee may proceed to be managed via the Capability Procedure. Advice from HR should be sought before moving to the Capability Procedure.

Disciplinary Procedure

24.43 Any issues identified through the performance management process that relates to an employee's unsatisfactory conduct will be dealt with under the School's Disciplinary Procedure. Advice from HR should be sought before moving to the Disciplinary Procedure.

Salary Review for Business Support Staff on Spot Salaries

24.44 The end of year review meeting should also include a review of salary for Business Support Staff who are employed on a spot salary. Unlike employees employed on a scale that allows movement up a pay scale by annual incremental progression (until the maximum of the pay scale is reached) employees employed on spot salaries will not automatically progress to a higher salary within their pay scale.

24.45 When reviewing salary progression managers should consider the employee's overall performance and progress against their targets. In order to be eligible for salary progression an employee should have:

- met all their targets;
- be meeting expectations across all areas of their role; and
- demonstrate the attitudes and behaviour specified in the School Management Standards and Behavioural Descriptors.

- 24.46 Where the employee has met **all** the above criteria the Line Manager will inform the employee at the end of year review meeting that a recommendation will be made to the Principal that the employee moves to the next spinal column point within their pay scale if they are not already on the maximum pay point. All recommendations for pay progression should be confirmed by the Principal. If a Line Manager or employee is unsure if they are on a spot salary then they can contact HR for clarification.
- 24.47 On receipt of a completed end of year review form which recommends a salary increase HR will arrange for the recommendation to be considered by the Principal. HR will then notify the employee if the pay increase has been confirmed and make the necessary arrangements with payroll for the increase to be actioned. If the increase has not been approved by the Principal then HR will notify the employee of this and make them aware of their right to appeal.
- 24.48 Where a Line Manager does not recommend that an employee should receive a salary increase they should be informed of this at their end of year review meeting by their manager and informed of their right to appeal. Information on the appeal process is provided later in this procedure.

Pay Increments – Academic Staff

HE Academic Staff – Pay Increments (With Teaching Qualification)

- 24.49 Employees or new staff members who hold an HEA or PGCE/PGCE are eligible to progress through the academic staff salary scale up to pay point 14.

HE Academic Staff – Pay Increment (Without a Teaching Qualification)

- 24.49 Employees or new members of staff who do not hold an HEA or PGCE/PGCE or possess significant industry experience or have contributed to research in a relevant subject area are eligible to progress through the academic staff salary scale up to pay point 11. The timescale for achieving an HEA or PGCE/PGCE is within three years of appointment, except where funding cannot be provided by the School.

- 24.50 Advancement to pay points 12-14 is achieved by either:

- obtaining an HEA;
- obtaining a PGCE/PGCE; or
- gaining significant industry experience or contributing to research in relevant subject area.

HE Academic Staff – Pay Increments (Without Teaching Qualification but has Significant Industrial Experience/Research in Relevant Area)

- 24.51 Employees or new members of staff who possess significant industry experience or have contributed to research in a relevant subject area may be considered for progression beyond pay point 11, even if they do not hold an HEA or PGCE/PGCE. Significant industry experience or relevant research may include:

- Significant experience of working in a relevant industry as demonstrated through a high-quality portfolio and/or evidence of projects undertaken or contributed to research in relevant subject area that helps/will help the School achieve its strategic and academic objectives.

24.52 Significant should be defined as creative industry practice or research with national or international reach and/or credibility over a sustained period.

24.53 If the employee/new member of staff meets these requirements they will be placed on an appropriate pay point (up to pay point 14). Progression will be reviewed on an annual basis within their end-of-year performance review. Progression will be based on:

- Continued significant experience of working in a relevant industry as demonstrated through a high-quality portfolio and/or evidence of projects undertaken or contributed to research in relevant subject area that helps/will help the School achieve its strategic and academic objectives whilst employed at the School.

24.54 Significant should be defined as creative industry practice or research with national or international reach and/or credibility over a sustained period.

24.55 The completed end-of-year performance review will be submitted to Principalship for consideration regarding pay progression.

FE Academic Staff – Pay Increments (With Teaching Qualification)

24.56 Employees or new staff members who hold a PGCE are eligible to progress through the academic staff salary scale up to pay point 14.

FE Academic Staff – Pay Increment (Without a Teaching Qualification)

24.57 Employees or new members of staff who do not hold a PGCE or possess significant industry experience or have contributed to research in a relevant subject area are eligible to progress through the academic staff salary scale up to pay point 11. The timescale for achieving a PGCE is within three years of appointment, except where funding cannot be provided by the School

24.58 Advancement to pay points 12-14 is achieved by either:

- obtaining a PGCE; or
- gaining significant industry experience or contributing to research in relevant subject area.

FE Academic Staff – Pay Increments (Without Teaching Qualification but has Significant Industrial Experience/Research in Relevant Area)

24.59 Employees or new members of staff who possess significant industry experience or have contributed to research in a relevant subject area may be considered for

progression beyond pay point 11, even if they do not hold a PGCE. Significant industry experience or relevant research may include:

- Significant experience of working in a relevant industry as demonstrated through a high-quality portfolio and/or evidence of projects undertaken or contributed to research in relevant subject area that helps/will help the School achieve its strategic and academic objectives.

24.60 Significant should be defined as creative industry practice or research with national or international reach and/or credibility over a sustained period.

24.61 If the employee/new member of staff meets these requirements they will be placed on an appropriate pay point (up to pay point 14). Progression will be reviewed on an annual basis within their end-of-year performance review. Progression will be based on:

- Continued significant experience of working in a relevant industry as demonstrated through a high-quality portfolio and/or evidence of projects undertaken or contributed to research in relevant subject area that helps/will help the School achieve its strategic and academic objectives whilst employed at the School.

24.62 Significant should be defined as creative industry practice or research with national or international reach and/or credibility over a sustained period.

24.63 The completed end-of-year performance review will be submitted to Principalship for consideration regarding pay progression.

24.64 The following table provides an overview:

Category	Pay Point
HE Staff Holds HEA recognition or PGCHE/PGCE.	Progression to pay point 14
HE Staff Does not have an HEA or PGCHE/PGCE or significant industry experience or contributed to research in relevant subject area.	Progression to pay point 11 Advancement to pay points 12-14 is achieved by either: • obtaining an HEA; • obtaining a PGCHE/PGCE; or • gaining significant industry experience or contributing to research in relevant subject area.
HE Staff Does not have an HEA or PGCHE/PGCE but has significant industry experience or contributed to research in relevant subject area.	Progression to pay point 14

Consideration of pay progression should be referred to Principalship.	
FE Staff Holds a PGCE.	Progression to pay point 14
FE Staff Does not have a PGCE or significant industry experience or contributed to research in relevant subject area.	Progression to pay point 11 Advancement to pay points 12-14 is achieved by either: • obtaining a PGCE; or • gaining significant industry experience or contributing to research in relevant subject area.
FE Staff Does not have a PGCE but has significant industry experience or contributed to research in relevant subject area. Consideration of pay progression should be referred to Principalship.	Progression to pay point 14

Team Meetings

24.65 In addition to the performance review cycle, Line Managers will hold regular team meetings, ideally at least once a month, with their team(s). Team meetings should be held face to face but may also be held remotely via Teams if necessary e.g. staff are at different sites.

24.66 Team meetings are a simple way of keeping staff up to date with key decisions, progress and information on issues which affect the whole School and more specific issues that affect particular teams. They are a quick and effective way of keeping staff informed, can help to reduce misunderstandings/rumours and give staff a voice and an opportunity to raise issues and ask questions.

24.67 Line Managers should, as far as is reasonably practicable, ensure that any staff who are unable to attend the team meeting due to sickness, holidays, working pattern etc receive the information which was discussed. This may be done in a 1:2:1 meeting when the employee is next at work/on-site.

24.68 Principalship will monitor that team meetings are held regularly within their area and ensure that they are given a high priority.

1:2:1 Meetings

24.69 In addition to team meetings staff will have regular 1:2:1 meetings with their Line Manager. A form to record 1:2:1 meetings should be used as a guide for these discussions which can be accessed via the VLE or this link ([1 2 1 Record Form](#)).

24.70 1:2:1 meetings are essential so performance can be discussed openly and freely on an ongoing basis, not just at performance review meetings. This will allow for any problems or issues to be identified at an early opportunity and appropriate support to be put in place, where needed. In addition, it is an opportunity for the employee to air any concerns they may have about achieving specific targets or workload. Mentoring and feedback from the Line Manager should also be given at these meetings regarding performance and standards of behaviour.

24.71 1:2:1 meetings are also an important opportunity for the Line Manager and employee to have a two-way discussion about the employee's general wellbeing and workload and whether there is any additional support that the employee requires.

24.72 Ideally 1:2:1 meetings should take place at least once a month, however, this may not be practicable if a manager has a large team and managers may choose to hold them less frequently. If an employee needs some additional support to help them meet their targets or improve performance, 1:2:1's should be held on a regular basis e.g. fortnightly/monthly.

24.73 Principalship members should feedback to Principalship regarding their teams' 1:2:1s and progress/areas for concern.

Appeals

24.74 An employee will have the right to appeal against:

- a decision to move them to the Capability Procedure; and
- when a decision is made not to increase the salary of a member of Business Support Staff who is on a spot salary.

24.75 Employee's wishing to appeal should inform the Vice Principal (People Services) in writing, providing reasons/evidence as to why they disagree with the decision made.

24.76 The appeal must be received within 10 working days of the date of the decision that forms the subject of the appeal.

24.77 The table below outlines the management responsibility for carrying out an appeal will be as follows:

Employee appealing	Member of staff responsible for carrying out an appeal
All employees excluding the Principal and Principalship members	Suitable member of the Principalship Team/designated alternate
Principalship members (excluding the Principal)	The Chair of Governors/designated alternate

24.78 At the hearing of the appeal, the decision to move to the Capability Procedure or not to increase an employee's salary will be reviewed and the employee will be given an opportunity to state their case.

24.79 At the appeal hearing the employee will be entitled to be accompanied and represented by a trade union representative or workplace colleague. However, if the employee's representative is unavailable on the date of the initial appeal, the employee may delay the date of the appeal once by up to 10 working days to enable the chosen representative to attend.

24.80 The appeal decision will be notified to the employee in writing within 10 working days of the appeal hearing and will be final and binding.

Performance Management Paperwork

24.81 It is the Line Manager's responsibility to ensure that all performance management meetings are carried out and that the appropriate paperwork is finalised and forwarded to HR in a timely fashion.

24.82 All paperwork received by HR will be filed on the employee's personal file.

24.83 HR will keep a log of the completed paperwork received and will prompt a Line Manager **once** if any performance reviews in their area remain outstanding. If performance management reviews continue to remain outstanding then the process for outstanding paperwork will be followed, which can be accessed via the VLE or this link ([Process for Outstanding Performance Management Paperwork](#)).

Data Protection

24.84 Any employee information held by the School relating to performance management will be used and stored in accordance with the General Data Protection Regulations (GDPR).

25. TRAVEL AND SUBSISTENCE

Introduction

- 25.0 The aims and objectives of this procedure are to make it clear to all staff at the School what is deemed as an “expense”, which is reimbursable. It also specifies the process involved in claiming such business expenses, mileage, the authorisation required and the process for reimbursement.

Scope

- 25.1 This procedure applies to any member of staff employed directly by the School who may incur business expenses in undertaking their role. Separate arrangements may take place for Governors.

Definitions

- 25.2 None

Procedure

Expenses Reimbursement

- 25.3 It is the intention of the School that staff do not incur additional expenses in undertaking work on behalf of the School. All reasonable expenses properly incurred whilst on School business will be reimbursed providing receipts are submitted within the specified limits. However, it should be stressed that it is the employee’s responsibility to ensure that costs are reasonable. The School reserves the right not to reimburse expenses where the employee has not complied with this procedure. Any attempt to falsely claim or to claim expenses in breach of this procedure may result in disciplinary action.

Approval

- 25.4 All expense claims must be on the appropriate form and approved by the budget holder and/or Line Manager as appropriate. These forms can be accessed by emailing pay@northernart.ac.uk.

Shared Expenses

- 25.5 Where expenses are paid for a group of employees the most senior employee should pay and claim the expenses. The claim should note the names of other employees in attendance.

Income Tax

- 25.6 In some exceptional circumstances expenses payable under this procedure may not satisfy HMRC (Her Majesty’s Revenue and Customs) rules, and hence may be taxable.

Travel Expenses

- 25.7 The School will pay the reasonable costs of necessary travel on School business. When claiming for business mileage staff must make a declaration as to what their “normal” daily mileage would be, i.e. from home to their usual place of work.
- 25.8 For this purpose the following do not count as travel on School business:
- travel between home and main workplace; and
 - other travel which is primarily for private purposes.
- 25.9 Travel on School business should be made by the most cost-effective mode of transport, considering journey time as well as monetary cost and the most direct route.
- 25.10 For those journeys in excess of 150 miles (return) the equivalent of the standard class rail fare will be reimbursed unless prior approval has been obtained from the relevant approving signatory for the full mileage rate to be paid.
- 25.11 In times when a member of staff needs to work across sites then staff should be left to make their own arrangements and claim accordingly. Claims cannot be made by a third party (e.g. not a member of staff) or another member of staff for the same journey when incurring extra mileage.
- 25.12 Where a member of staff agrees to carry another member of staff as a passenger the normal daily mileage rule will still apply, i.e. travel from their normal workplace to destination will be incurred as per the rates table in the Mileage section of this procedure.

Examples of Business Travel

- 25.13 An employee lives just outside Middlesbrough, their normal place of work is the Hartlepool site, and they drive to work each day. They attend a meeting in Newcastle before driving to work at the Hartlepool site. Most of this is business travel. The difference in mileage between their normal commute to work and this journey will be eligible as business mileage.
- 25.14 An employee lives and works in Middlesbrough and walks to work each day. The employee drives their own car to attend a meeting in Hartlepool before returning to their normal workplace. This is business travel. The employee would claim all their mileage, as they would not normally incur expenses in travelling to work but have taken their car on this occasion.
- 25.15 An employee lives outside Middlesbrough and works at the Middlesbrough site. They drive to work each day. After a short time at work at the Middlesbrough site, they then drive their own car to attend a meeting at the Hartlepool site and return to the Middlesbrough site. The journey to Hartlepool and back is business mileage and is eligible for reimbursement. Equally, if they caught a bus or train to the Hartlepool site and back, their bus or train fare would be considered a business expense.

25.16 An employee drives to work at the Middlesbrough site each day. However, instead of driving to Middlesbrough, they are required to work all day at Hartlepool and then return home (without visiting the Middlesbrough site). Most of this is business mileage – the difference between their normal daily commute and the miles undertaken this day would be eligible as business expenses.

25.17 An employee drives to work in Middlesbrough each day. They attend Staff Development in London and drive to Darlington train station in order to catch an early train. Most of this is business mileage and the difference between their normal daily commute and the miles undertaken this day would be eligible as business expenses.

Standard Distances between School Sites

25.18 The following standard distance will be reimbursed for travel between sites.

From Middlesbrough Campus	To Hartlepool Campus	15 miles each way
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Taxis

25.19 An employee is generally expected to use public transport or their own vehicles. They should only use taxis where it is cost-effective to do so or where their own vehicle or public transport is unavailable.

Trains

25.20 An employee should travel using the most cost-effective ticket; generally, this will be by standard class. Where a higher-class ticket is purchased evidence that this is more cost effective than standard class must be provided. Where it is not more cost-effective than a standard class ticket they will be expected to pay all of the price difference themselves. The Principal has discretion to approve fully funded first-class tickets where they deem it appropriate.

Air Travel

25.21 In line with the School's overall policies and procedures, air travel should only be used when it is the most economical and practicable method of travel. Flights should, whenever possible, be booked well in advance in order to obtain discounted rates. The most cost-effective ticketing arrangements should be used. Air travel outside Europe must be specifically authorised by the Principal or in the case of the Principal by the Chair of the Board of Governors.

Mileage

25.22 To claim business mileage expenses for an employee using their own car/van they must provide the Payroll & Pensions Specialist with a copy of their current vehicle insurance, valid driving license and, if appropriate for their vehicle, MOT certificate.

Their vehicle insurance must cover them for business use beyond normal travel to work.

25.23 Where it is cost-effective to make a business journey by the employee's own vehicle, they may claim a mileage allowance as follows:

Car/van: First 10,000 business miles in tax year	45p
Car/van: Each mile over 10,000 business miles in tax year	25p
Passenger rate per passenger in a car/van (must also be employed by the School)	5p
Electric Car	7p
Motorcycle	24p
Bicycle	20p

25.24 These rates are reviewed annually, and updated in accordance with the HMRC Statutory Mileage Rates.

Car Parking

25.25 Reasonable parking costs on business visits and journeys away from the School will be reimbursed. This includes actual parking costs at hotels where they are charged separately.

25.26 Parking fines/clamping will not be reimbursed in any circumstances.

Tolls/Congestion Charges

25.27 Tolls/congestion charges should be avoided wherever possible, but where they cannot be avoided they will be reimbursed. An employee should provide the name of the toll bridge/congestion charge in the expense claim, particularly where no invoices/vouchers are supplied.

25.28 Any fines/penalties for late or non-payment are the responsibility of the employee and will not be reimbursed by the School under any circumstance.

Driving Fines

25.29 Any fines incurred whilst going about School business will not be reimbursed under any circumstances.

Accommodation

25.30 All accommodation should be booked in advance through the School Purchasing Procedure.

25.31 When booking accommodation, the following will apply:

- a) The maximum cost for overnight accommodation, including VAT but excluding breakfast is (The School policy of ensuring that costs are reasonable are still applicable and best value should be sought):

£225 a night	UK within London
£125 a night	UK outside of London

25.32 If reasonable accommodation is not available within these limits, the employee should seek specific authority from the budget holder for an increase in the limit **BEFORE** they are committed to booking more expensive accommodation and supply the authorisation to the Finance department together with the authorised internal requisition. Any expenditure in excess of the guidelines should be fully explained and separately initialled as approved by the budget holder.

25.33 Should an employee wish to be accompanied on the trip by someone who is not a member of staff the employee must pay the excess cost of a double/triple room over a single room themselves. They may only claim a single room rate from the School unless they are sharing it with another member of staff who is required by the School to attend.

Subsistence

25.34 Staff may claim for receipted expenditure as follows:

25.35 Where they are away from work for a minimum of 12 hours they may claim a maximum of up to £50 per day for meals, proportioned amongst the meals as they wish.

25.36 Reimbursement will be for actual expenditure to the maximum amount shown (receipts must be provided and authorised by the budget holder):

Duration of trip	Allowance
Daily Rate (up to 10 hours)	up to £25.00
Overnight Rate (10+ hours)	up to £50.00

25.37 No reimbursement is allowable for personal incidental expenses such as service tips, private telephone calls, newspapers, laundry, etc.

Staying with Friends

25.38 If an employee has to stay away from home overnight in connection with School business and stay with relatives or friends instead of at a hotel, an accommodation allowance of £25 is payable.

Overseas Accommodation and Subsistence

25.39 All overseas travel must be approved by the Principal in advance. Overseas travel by the Principal must be approved by the Chair of the Board of Governors in advance.

25.40 The above rates apply to overseas travel as well as travel within the UK.

- 25.41 For travel to overseas locations where hotel accommodation and meals are particularly expensive, the Vice Principal (Resources) has discretion to agree higher cost limits than those for UK travel, in conjunction with the budget holder. This will allow the employee when travelling overseas on School business to obtain accommodation and meals of an equivalent standard to that available in the UK.
- 25.42 Expenses paid in foreign currency should be converted to sterling at the rate used at the time of conversion.
- 25.43 All employees should ensure that they take the appropriate medical precautions for the countries to which they are travelling. The School will pay for the cost of any immunisations required.
- 25.44 Staff are covered by School Travel Insurance when travelling abroad.

Entertaining Visitors

- 25.45 An employee should undertake entertaining of visitors and guests only where it is within budgetary limits, receipts can be produced and it is likely to assist the School to further its business objectives. The School's in-house facilities should be used wherever possible.
- 25.46 Subject to these constraints and the prior approval of the budget holder, an employee may claim reasonable and appropriate entertaining expenses with receipts.

Entertaining Staff

- 25.47 The cost of entertaining other School staff is not normally reimbursable.
- 25.48 Reimbursement may only be claimed where exceptional business purposes justify the expense. Advance approval from a member of the Principalship Team is required.
- 25.49 When approval is given, such entertaining will result in a taxable benefit on the staff entertained.

Mobile Phones

- 25.50 Mobile phones are supplied to certain staff primarily for business purposes. If an employee has been supplied with a mobile phone, they should identify and pay for all personal calls, texts etc that are not included in the tariff provided.

Business Telephone Calls from Home

- 25.51 If an employee makes business telephone calls from home they may claim the VAT inclusive cost of the call. Their claim should give details of the call, identify the business reason for making it and be accompanied by a copy of the

appropriate page of an itemised telephone bill, on which the business call is highlighted.

Eye Tests

25.52 The School will reimburse the cost of eye tests if the employee has to use a Visual Display Unit (VDU) in the course of their duties and they are classed as a VDU user. In the exceptional circumstance that they have to wear spectacles specifically for VDU use, then the School may make a contribution of up to £50.00 towards the cost of the employee's spectacles.

25.53 To claim towards the cost of spectacles the employee should attach a written report from their optician that they are for VDU use only and not for distances.

25.54 To claim for the cost of an eye test the employee should attach their receipt.

Inadmissible Expenses

25.55 The following are examples of items which the School will not pay for:

- excessive bar bills;
- alcohol;
- hospitality/entertainment of other employees without advance approval from a member of the Principalship Team;
- parking fines, speeding fines, congestion charge fines or bus lane fines;
- use of special hotel facilities (e.g. mini bar, sauna, gym); or
- personal incidental expenses whilst away on business (e.g. service tips, private telephone calls, laundry costs, newspapers, alcoholic drinks etc.).

Reimbursement of Expenses

25.67 Expenses will only be reimbursed if they are:

- a) supported by detailed (VAT) receipts, and credit card slips if necessary; and
- b) submitted on the appropriate School Expenses Claim Form, which is:

- submitted within 90 days of being incurred;
- fully completed; and
- appropriately authorised.

25.68 In addition, any expenditure in excess of the guidelines set out in this procedure should be fully explained and separately initialled as authorised by the approver of the Expenses Claim form.

25.69 In claiming reimbursement, the employee must confirm both that the expenses have been incurred and that the School business to which they relate, has been carried out in the manner most cost-effective to the School in the circumstances.

- 25.70 Authorised expenses submitted in accordance with this procedure on the required forms will be paid directly into the employee's bank/building society account at the same time as monthly pay.
- 25.71 If an employee is in any doubt as to the validity of their expenses claim, then the onus is on them, the employee, to seek approval before they incur the expenditure not afterwards.

26. STAFF DEVELOPMENT

26.0 This procedure sets out the School's commitment to the current and future development of staff skills, expertise and ability in support of the School's strategy; other strategic and operational plans; the School's commitment to safeguarding and the job and career-related aspirations of individual members of staff. The School recognises that effective staff development is not only vital to meeting future goals and ambitions but also makes an essential contribution to the development of a responsive, staff-supportive and well-managed institution.

Definitions

26.1 Staff Development – seminars, courses, conferences, workshops, research sabbaticals, research conferences etc. where the content or purpose is mainly educational or developmental, aimed at raising the standards of practice and, thus, lifting the quality of students' learning and School experience.

26.2 Appropriate training – a training event that is necessary for enhanced performance, is appropriate and will benefit the School as well as the individual employee.

Responsibilities

26.3 Staff training and development is the responsibility of all staff at the School. In particular:

- senior managers – in promoting a climate, and providing space and resources, to ensure that continuous learning and individual development is recognised as imperative to meet the future plans of the School. Senior managers have a responsibility to ensure that if a particular department has had infrequent/insufficient staff development, it is appropriately undertaken as and when required;
- Designated Safeguarding Lead (DSL) and Safeguarding Strategic Lead – Ensuring that staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children and creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role. Training will conform with the Department for Education (DfE) guidance, Keeping Children Safe in Education;
- 'middle' managers – by providing the local infrastructure, support and resources to enable staff to take part in staff development activities;
- individual Line Managers – by taking an active part in helping staff identify their development needs, facilitating access to staff development opportunities and assessing the effectiveness and performance gained from staff development;
- individuals – by taking responsibility for identifying areas where their work might be developed, making themselves aware of and taking advantage of suitable opportunities and applying their learning in their work; and
- providers of staff development within the School – through consulting staff about development needs and being responsive to feedback and requests for specific services.

Identifying Development Needs

26.4 The School will adopt a structured approach to identifying the development needs of individuals and particular staff groups. This will take place at various levels, reflecting a 'top-down' strategic, and 'bottom-up' approach.

Individual Development Needs

26.5 These should be identified and agreed through:

- an initial discussion as part of induction to the School and the individual's role;
- the performance management process; and
- ongoing discussions with staff about work performance and any changes to the work of the jobholder.

Directorate Development Needs

26.6 These should be identified:

- in conjunction with the strategic planning process and regular review of the performance of the department against plans.

School-Wide Development Needs

26.7 These should be identified upon by:

- consideration of the skills updating implications of the School's strategic plan;
- consideration of the staff development implications of the introduction of new policies and procedures and changing external requirements; and
- School-wide planning reviews or staff feedback obtained through means such as staff surveys/pulse surveys.

How the School will determine what Training and Development will take place

26.8 The Principalship team will produce an annual staff development plan which will outline the priorities for training for each financial year, in line with the School's strategic priorities, and in line with the trends of the outcomes of performance meetings.

26.9 The plan will be evaluated annually to inform the next planning cycle. This plan shows how the desired staff development meets the School's overall strategic priorities.

26.10 Training and development will only be approved or provided by the School:

- where the training is considered to be the most appropriate available in terms of content, design, methods, cost, and forms a logical part of the planned development of the job and/or the individual;
- where the anticipated results will contribute to organisational performance;

- where the cost can be justified by the anticipated results of the training; and
- where it is considered that the particular member of staff has the ability to acquire the proposed knowledge/skills and successfully apply this in practice.

How Training and Development will be Provided or Approved

In-House Training

26.11 Some training will be arranged and delivered in-house in response to emerging or strategic needs. This might be linked to e.g. the introduction of new technology, or routine updating that is required by the School on a regular basis. When such training is offered staff should ensure they follow the booking procedure for the events to evidence that they meet the required frequency of training updates.

External/Individual Training

26.12 Some staff development has specific deadlines by which staff can apply. Please see below deadlines and types of staff development:

- further study e.g. MPhil/MA/MBA/PhDs/DBA/PGCert (HE) & PGCE entry applications should be received by 31st May to be considered by the staff development panel which will consist of the Vice Principal (People Services) and two Vice Principals. The Director of Scholarly Activity & Research and Head of Visual Arts will also attend this panel to consider staff development in relation to scholarly activity. The panel will assess each staff development application against the institutional demands, shown below:

Priority	Institutional Demand
1	Firstly, institutional demands at FE and HE for training that falls under conditional requirements for inspection and operational priorities, such as Safeguarding, Prevent, and compulsory training around the requirements for Ofsted etc.
2	Secondly, is to support staff already on programmes of study across the whole school. This can vary from year to year. Some of these were approved as contractual requirements such as working towards a teaching or professional skills qualification.
3	Thirdly, Degree Awarding Powers (DAPs), consider the academic criteria for DAPs and prioritise some staff development where appropriate.
4	Fourthly, essential FE and HE staff training, attendance at training events or skills updates that are in response to industry or academic demands as identified in course or programme reviews. Where staff have requested applications for qualifications such as Masters, PGCE or Degrees we look at the link to the course/programme review process.
5	Finally, if there is no remaining priority, then all other requests are considered on a first-come first served basis.

- Attendance at trade fairs should be written into the academic planning cycle.

- HEA Fellowship applications should be made throughout the year.
- 26.13 The above types of development will possibly require employees to be in competition with one another applying for the same type of development. This is due to the fact that the budget cannot facilitate all requests received.
- 26.14 Applications for trade fairs, HEA Fellowships and further study should be made on the normal Staff Development Application Form, which can be accessed via the VLE or this link ([Staff Development Application Form](#)), and sent to the employee's Line Manager.
- 26.15 The above deadlines will mostly apply to academic staff. Support staff and other ad-hoc staff development academic staff who wish to apply for should be applied for on the normal Staff Development Application Form but as early as practically possible.
- 26.16 Not all staff development will be granted as there is a limited budget and an assessment needs to be made by the employee's Line Manager as to whether the staff development applied for meets the School's strategic aims.

How to Apply for Staff Development

- applicants should complete the School's Staff Development Application Form available via the VLE or this link ([Staff Development Application Form](#)) for all events, whether costs will be incurred or not, so the event can be logged on the staff development record;
- any information relating to the request should be attached, e.g. course fees, accommodation, meals provided, travelling expenses, etc;
- if this information is not available, realistic estimates must be given in order that the full cost of the approval can be known in advance. Approval will be given only on the basis of the costs included on the form. Additional costs not stipulated at the application stage may not be covered by the School;
- any staff development that the member of staff wants the School to book must complete the Staff Development Booking Form (attached to the Staff Development Form) and should be returned with the Staff Development Form. No bookings will be made by the School without the return of this form; and
- retrospective applications will not normally be considered.

Degree Awarding Powers (DAPs) Vision

- 26.17 It is hoped that a proportion of teaching staff at HE will have or be studying for MPhils/MAs and a proportion of HE teaching staff will have or be studying for PhDs. To ensure enough staff are completing these qualifications by the required year, it may be necessary for the Vice Principal (Higher Education)/Vice Principal (Planning & Strategy Implementation) to nominate staff to complete the appropriate qualification if not enough staff have opted to undertake a qualification.

Line Manager Approval

26.18 The applicant should discuss their application with their Line Manager. The manager should review the application, and if they do not support the application they should explain in full the reasons for this.

26.19 If the overall cost of the requested staff development is £500 or less, the employee does not require Vice Principal/Principal approval. Once the employee's Line Manager has approved it, it should be sent to HR.

Factors that will be considered by the Line Manager and Vice Principal/Principal (if appropriate) with considering Approval of Applications

26.20 Before countersigning applications for staff development, the Line Manager and Vice Principal/Principal (if above £500) should be satisfied that there are benefits to the individual and to the School of the proposed attendance and should consider:

- cover arrangements during the employee's absence;
- the number and frequency of applications received from one individual;
- the apparent value of more than one person attending a particular event; and
- the cost/benefit of the particular event.

26.21 In particular cases, it may not be justifiable to meet the full costs of an individual's study leave and, in this case, part payment of expenses may be authorised.

Expenses

26.22 Claims for expenses should be submitted after the expenditure has been incurred on a Travel and Subsistence Claim Form/Car Mileage Claim Form as appropriate, which should be returned to the Vice Principal (People Services) for authorisation. Staff are encouraged to book their own travel tickets in advance in order to take advantage of cheaper travel tickets that are not available to the School. The cost of tickets can be reclaimed as soon as a receipt for the purchase is available – staff do not have to wait until the travel has taken place. Please note, staff should not book their own travel until the staff development has been approved by all relevant people.

Evaluation

26.23 All staff development should be properly evaluated in terms of its impact on skills and job performance, safeguarding, student experience and its role in the employee's continuous professional development. A Staff Development Evaluation Form available via the VLE or this link ([Staff Development Evaluation Form](#)) has been developed to aid this process. HR will send this out to individuals after the event. The evaluation form should be forwarded to HR after completion.

Sharing Knowledge and Information Gained

- 26.24 It is recommended that skills and knowledge gained at external training events should be shared with colleagues at appropriate team meetings or through written briefings as appropriate.

Cancellation Procedure

- 26.25 If at any time a member of staff wishes to withdraw an application to attend staff development, they must notify HR as soon as possible.
- 26.26 If a member of staff has been given the approval to attend staff development and subsequently does not attend the training (e.g. due to illness), they must notify HR as soon as possible.
- 26.27 Staff should note that it is their responsibility to ensure that they notify the training organisation of their non-attendance as soon as possible and to attempt to obtain a refund or part-refund for any monies paid towards the course fees.
- 26.28 If a member of staff is unable to attend an approved staff development activity and the course has already been booked and paid for, they should attempt to locate a colleague who could act as a representative and who is free to attend at the time of the course. HR should be notified of such changes.

Appeal

- 26.29 Staff have the right to appeal against a decision to turn down an application at any stage by using the appropriate stage of the Grievance Procedure.

Support for Formal Qualifications

- 26.30 The School recognises its role in developing staff, and staff are encouraged to obtain the appropriate professional qualifications related to their work. Staff are also encouraged to continue or extend their general education as a basis for the foundation of a professional qualification. Teaching staff are encouraged to seek research sabbaticals, in order to maintain the currency of subject and industry knowledge.
- 26.31 Where a qualification is an essential requirement of the post (as determined by the School or by legislation) support will normally be provided at 100% of the fees, although an employee will be expected to take advantage of any grants that may be available from other sources.
- 26.32 Where a qualification is not an essential requirement but is desirable it is usually appropriate that staff contribute to the costs. In such cases, financial assistance will be 50% up to a maximum of £500 for the course fees depending upon the circumstances of the individual application. Similarly, travel costs will be reimbursed at 50% up to a maximum of £100.
- 26.33 Applications will initially only be approved for 1 academic year at a time, with a view to continuation where courses are longer than 1 year. Staff must fill out the Staff Development Application Form - 2nd Year if the course is continuing for more

than 1 year. This form can be accessed via the VLE or this link ([Staff Development Application Form - 2nd Year Onwards](#)). If no staff development form is received fees will not be paid.

26.34 The School may recover any financial support it has provided when:

- an employee abandons a course of study;
- there is evidence of a lack of commitment to studies either by poor attendance or lack of progress;
- an employee fails to attend a relevant examination; or
- an employee leaves the School's employment within 2 years of completing the course. In such cases, the rate of recovery will be:
 - if leaving within 12 months, the employee will be required to repay the full amount.
 - if leaving within 13-24 months, the amount to be repaid will decrease by 1/24th of the amount paid for every month of service with the School after the course end date.

26.35 Expenses for one resit of an examination will normally be supported at 50% of the cost. Subsequent resits will be approved on a leave with salary basis only.

27. SICKNESS ABSENCE

Introduction

- 27.0 This procedure has been developed to help manage sickness absence as effectively as possible by outlining the steps that should be taken by employees and management of the School wherever staff are absent through sickness.
- 27.1 This procedure aims to ensure a supportive environment, providing the opportunity to resolve any issues that might cause sickness absence at an early stage. The focus of the procedure is to ensure employees are supported, encouraged and enabled to attend work.
- 27.2 The School recognises that sickness absence can be a result of a disability, and takes seriously its responsibilities as an employer under the Equality Act 2010.
- 27.3 It is the employee's responsibility to follow the sickness absence procedure. Failure to follow the procedure will result in the loss of occupational sick pay.

Purpose and Scope

- 27.4 The purpose of this procedure is to ensure that the School responds to each case of ill health on an individual, flexible basis while maintaining fairness and common standards. This includes seeking medical advice from the Occupational Health Service at an early stage, if necessary, and consulting with the employee and/or their representative.
- 27.5 The School aims to have a healthy workforce with excellent levels of attendance.
- 27.6 The School expects all employees to take their mental and physical health seriously and take personal responsibility for following healthy working practices and lifestyle choices so that they remain healthy and can attend work regularly.
- 27.7 The scheme describes sickness rights, entitlements and obligations for all employees of The Northern School of Art, whether employed permanently, temporarily, full time or part time.

Definitions

- 27.8 SSP – Statutory Sick Pay.
- 27.9 Occupational Health Assessment – A medical examination performed by an Occupational Health Physician. Its main aim is to advise employers on the employee's health and make recommendations on what adjustments could be considered to ensure a safe/healthy working environment for the employee.

Procedure

Absence Reporting

27.10 On the first day of absence and as soon as reasonably possible, employees should inform HR of the following:

- that they are sick;
- basic information regarding the nature of the illness (e.g. flu/back pain);
- how many days they are likely to be off or their expected return date. Where an employee does not give this information, it will be assumed they will be off for only 1 day. If they are then off on the following day they must inform HR again. Failure to inform HR the next day will result in the sickness being marked as an unauthorised absence, which will be unpaid; and
- if anyone other than their Line Manager should be notified of the absence.

27.11 An answerphone is available when calling the HR 'sick line' to enable employees to leave a message without having to wait until 8.30am. Employees must report their sickness before the time they are due to start work by telephoning the 'sick line' on 01642 856126 or emailing hr@northernart.ac.uk.

27.12 HR will inform the Line Manager by email. It is the Line Manager's responsibility to filter the message to the appropriate staff.

27.13 Wherever possible, employees should always try to report their sickness absence themselves rather than a friend or family member.

27.14 The employee should also inform HR that they have returned to work on their 1st day back at work.

Absence Certification

27.15 To qualify for occupational sick pay, employees must complete a Self Certification Form for the first 7 calendar days of every period of sickness regardless of whether they are scheduled to be at work. This form can be accessed via the VLE or this link ([Self Cert Form](#)).

27.16 The Self Certification Form will be issued to the employee by HR on the 1st day of sickness absence. The form must be completed and signed by both the employee and their Line Manager. The form should be returned to HR within 2 weeks of the return to work date.

Fit Note

27.17 On the 8th calendar day of absence, employees are required to obtain a medical certificate, (Fit Note) from a medical professional and forward it to HR immediately. HR will then notify the Line Manager as appropriate. Additional Fit Notes should run consecutively with no uncovered days. If any day is uncovered by a Fit Note it will result in that day of sickness being marked as an unauthorised absence, which will be unpaid.

27.18 The Fit Note contains two options, that the employee:

- May be fit for work taking account of the following advice (see below); or
- Not fit for work.

May be Fit for Work Taking Account of the Following Advice

27.19 If the employee's medical professional has indicated that the employee 'may be fit for work taking account of the following advice', a further 4 options may be advised to assist the employee in returning to work. These options include:

- a phased return to work;
- altered hours;
- amended duties; and/or
- workplace adaptations.

27.20 More than 1 of these options may be advised.

27.21 After receiving this advice, the employee should contact HR immediately who will arrange a meeting between the employee, their Line Manager and HR to discuss whether the advice given by the medical professional is feasible. If contact is not made, HR will contact the employee. The guidance given by the medical professional is not binding. It is up to the employee and employer to agree on how to act on the medical professional's advice.

27.22 If the School cannot support the advice given by the medical professional the employee will then be considered not fit for work and will refrain from work until the end of the statement period. If the employee feels able to return to work before the end of the statement period, they do not need to wait for the statement to expire but should contact HR to discuss whether they may be able to return to work and whether any adaptations are required.

Not Fit for Work

27.23 Employees who have been deemed not fit for work in the first instance should refrain from work until the end of the statement period. If the employee feels able to return to work before the end of a statement period, they do not need to wait for the statement to expire but should contact HR to discuss whether they may be able to return to work and whether any adaptations are required.

27.24 There is no requirement by law for a 'signing off' certificate. However, in some cases, the School may require a 'signing off' note from a medical professional if given the nature of the sickness absence should they feel it is necessary to have some evidence that the employee is fit enough to return to work. If this is the case HR will inform the employee that this is required.

27.25 The School expects to receive medical certificates from Academic Staff and Business Support term time only staff during non-term-time (during holidays).

27.26 If the School believes the employee is not fit for work, HR will inform the employee that they are required to refrain from returning to work until a medical report from the employee's medical professional has been received recommending a return to work.

Back to Work Discussion

27.27 On return to work from any sickness absence a 'back to work discussion' should be undertaken between the employee and their Line Manager. To give structure to this discussion a standardised form will be used (Back to Work Discussion Form) which is on the reverse of the Self Certification Form, which can be accessed via the VLE or this link ([Self Cert Form](#)).

27.28 The discussion between the employee and their Line Manager will be an opportunity to consider issues such as:

- establishing the cause of absence and the likelihood of it reoccurring;
- whether the employee is better and that they are fit to be in work;
- updates on work issues if appropriate; and
- to progress or resolve any issue and/or make reasonable adjustments at an early stage.

27.29 Advice on return to work meetings may be sought from HR.

27.30 If an employee has been absent for 4 weeks or more or has had a period of sickness attributed to mental ill health, HR and the employee's Line Manager, if appropriate, will carry out a 'back to work discussion.' The Return to Work Form, which can be accessed via the VLE or this link ([Return to Work Form \(4 weeks or more\)](#)), will be used for this discussion. In this case, the 'back to work discussion' on the reverse of the Self Certification Form does not need to be completed. If the Line Manager is not present for this meeting, any appropriate information should be communicated to them with the employee's agreement.

In cases where the School may have Concerns Regarding the Employee's Health Whilst at Work

27.31 Where the School believes that the employee is not well enough to be at work HR and the Line Manager, if appropriate, will have a conversation to discuss:

- The reasons that have led the School to be concerned that the employee is not fit for work and explore whether they are fit and/or if there is anything the School could do to support them, e.g. whether any reasonable adjustments may be required.

27.32 If the employee believes they are fit for work but the School continues to have concerns, the School will carry out a risk assessment to assess the potential impact of the employee continuing to work and whether any adjustments are necessary to help them.

27.33 If, after a risk assessment, the School are still concerned, medical advice will be sought either from the employee's GP or an occupational health adviser. If appropriate, in the meantime, the employee should be suspended on medical grounds in which the employee will receive full pay during any such suspension.

School Response to High Levels of Sickness Absence

Short Term Trigger

27.34 Short term absence triggers used in the operation of this procedure will be:

- 4 or more episodes of sickness absence in a rolling 12-month period; and/or
- 12 working days of sickness absence in a rolling 12-month period; and/or
- a pattern of absence causing concern, for example, regular Friday or Monday absences or absences regularly occurring on a particular day/week, pre or post annual leave, school holidays, public holidays or payday. These examples are not exhaustive.

27.35 Note: working days in the above will be pro-rated for part time staff. The number of separate episodes is not pro-rated.

Long Term Trigger

27.36 Absences lasting more than, or expected to last more than 4 weeks.

Mental Ill Health Triggers

27.37 Where the reason for sickness is mental ill health there will be an immediate response in the interests of the employee, regardless of whether the reason is work-related.

27.38 Whenever a trigger is met the employee will be issued with an invitation to attend a meeting to discuss their sickness. This meeting will be conducted by HR and the employee's Line Manager (if appropriate). This meeting is an opportunity to further understand the sickness absence and whether the School can offer any additional support to the employee.

Self Certificate Trigger

27.39 Where an employee has failed to return the Self Certificate Form to HR within 2 weeks, the employee will be issued with notice that the sickness absence will be classed as unauthorised. Therefore, resulting in a deduction of pay unless the Self Certification Form is returned within a further 5 working days or appropriate communication is made with HR.

Right to be Accompanied/Records of Meeting

27.40 Employees may be accompanied by either a trade union representative or colleague employed by the School at all trigger meetings. Employees should inform HR before the meeting if they want to have someone present.

27.41 HR staff will make notes of all meetings held with the employee. These notes should be signed and dated by both HR and the employee to confirm their agreement. These notes will be held by HR and a copy will be provided to the employee if requested.

Short Term Absence

27.42 Where staff reach a short term trigger, HR and the employee's Line Manager, if appropriate, will arrange to meet with the employee concerned to:

- explain that the employee's level of sickness absence is giving cause for concern;
- explain the impact of their absences on the operation of the department and their team;
- discuss with the employee the possible reasons for poor attendance;
- discuss whether the absences in the trigger reflect a general trend of a high level of sickness absence or whether they are an unusual 'glitch' in an otherwise good attendance record;
- if felt necessary, medical advice will be sought from an appropriate Occupational Health provider; and
- state that the employee's absences will be monitored over the following three-month period, during which time it is anticipated that attendance levels would improve to an appropriate level, (a target will be set in the meeting that is agreed to be achievable). A further meeting will be held in 1 – 3 months as appropriate to review the progress against the target.

27.43 The Record of Short Term Sickness Discussion Form should be used for this which can be accessed via the VLE or this link ([Record of Short Term Sickness Discussion](#)).

27.44 If it is found that the absences are due to domestic/personal difficulties, these will be dealt with sympathetically and appropriate guidance and advice will be offered, e.g. referral to the staff confidential counselling service.

27.45 If the employee's absences remain at an unacceptable level during the monitoring period, HR will meet with the employee and their Line Manager to:

- explain their continued concern; and
- inform the employee that the matter will be referred to the 2nd formal interview stage of the capability procedure for appropriate action.

27.46 This meeting will usually happen at the end of the monitoring period, however, where the level of absence is high enough to warrant it, this meeting may happen before the monitoring period is completed.

Long Term Absence

27.47 Once an employee meets the long term sickness trigger HR will contact them to arrange a meeting either on site, at home or at an agreeable mutual location along with the employee's Line Manager (if appropriate).

27.48 Prior to the meeting, HR will consult with the employee's Line Manager to establish:

- the impact of the absence on the operation of the department, their team and cover arrangements; and
- whether or not any temporary measures could be made to assist the employee to return to work in appropriate cases (e.g. a phased return to work, altered hours, amended duties; and/or, workplace adaptations).

27.49 At the meeting with the employee, the discussion will normally cover:

- the employee's view of their health situation;
- a report of the employee's discussions with their medical professional;
- if known, the prognosis and likely timescale for a return to work;
- assistance that could be offered by the School prior to or on return to work; and
- whether the current absence reflects a general trend of a high level of sickness absence or whether it is an unusual 'glitch' in an otherwise good attendance record.

27.50 The employee is not obliged to divulge information they consider to be personal if they feel uncomfortable doing so. However, in such circumstances, the School will proceed with actions that are deemed appropriate within the procedure on the basis of the information available.

27.51 Where the employee is unable to indicate a date for a return to work, the employee will be asked to give written consent for HR to seek medical advice from their medical professional and/or the School's Occupational Health Services.

27.52 An employee may feel it necessary to request an occupational health assessment at any point during their period of sickness. A request can be made to HR by the employee and/or a trade union representative or colleague employed by the School.

Medical Advice

27.53 On receipt of any medical report, HR along with the employee's Line Manager will arrange to meet with the employee again to discuss its content and to plan the next steps. Wherever possible, any reasonable action recommended by the medical professional and/or the School's Occupational Health Service e.g. adjustments to the employee's job will be implemented.

27.54 It may be necessary to obtain a second medical report from another medical practitioner (e.g. Psychiatric medical report, Consultant medical report, etc). The employee's written consent will be sought for this.

27.55 Should an employee refuse to attend a medical arranged for them or refuse access to their medical records by the School, the School will continue with action that is deemed appropriate based on the information available.

- 27.56 Where medical reports or fit notes indicate there is no underlying health issue that would prevent attendance at work, disciplinary procedures will be considered.
- 27.57 If taking all circumstances into account, there continues to be no indication of a likely return to work once contractual sick pay has been exhausted or if the consent of the medical report indicates that the employee will be unfit to return to work in their current post in the foreseeable future, consideration will be given in consultation with the employee to the possibility of alternative employment or an application for retirement on ill health grounds.
- 27.58 If attempts to identify suitable alternative employment or to apply for ill health retirement are unsuccessful (or if the employee is not a member of the occupational pension scheme), the employee's contract of employment will be terminated on the grounds of capability, after proper consultation with notice.

Sick Pay

- 27.59 The School has an obligation to pay Statutory Sick Pay (SSP) on behalf of the Department of Social Security, to all employees who are eligible to receive it.

Contractual Sick Pay

Service	Sick Pay
Up to 1 year of service	1 month's full pay and, after 4 month's service – 2 months' half pay
During 2 nd year of service or above	2 months full pay and 2 months half pay
During 3 rd year of service or above	4 months full pay and 4 months half pay
During 4 th and 5 th years of service or above	5 months full pay and 5 months half pay
After 5 years of service	6 months full pay and 6 months half pay

Example: An employee's absence started on 23rd March and they have 2 years' service (thus, meaning they are during their 3rd year of service). Their half pay would, therefore, begin on 24th July as they will receive 4 months full pay and 4 months half pay.

- 27.60 For the purposes of this scheme, sick pay entitlement is based on service completed as of the first day of sickness. When determining payment for sickness, account is taken of all periods of sickness during the preceding 12 months as of the first day of sickness.
- 27.61 The School has the discretion to extend an employee's entitlement to paid sick leave (on either full or half pay) in exceptional circumstances. In exercising this discretion, the School will consider the seriousness of the case and the likely beneficial effect of such an action in relieving anxiety and, therefore, speeding recovery.

27.62 If the employee is entitled to receive SSP or is in receipt of any other allowances or benefits, these will be offset against any entitlement to full pay, if appropriate.

27.63 Where the employee is entitled to receive half pay, the total sum of pay plus SSP, if appropriate, and any other benefits or allowances, must not exceed full pay. If necessary, the half pay allowance will be reduced.

27.64 If a public holiday occurs during a period of paid sick leave, the employee will continue to receive sick pay and accrue that holiday.

27.65 The payment of contractual sick pay may be withheld if the School has reasonable grounds to believe that the ill health or injury is self-inflicted. Each case will be assessed on an individual basis.

Statutory Holiday Entitlement

27.66 5.6 weeks paid statutory holiday a year (including 8 days for bank holidays) entitlement is built up while an employee is off work sick.

27.67 Any statutory holiday entitlement that is not used because of illness can be carried over into the next leave year or paid to the employee by a lump sum (excluding tax) if this is not possible.

27.68 An employee can ask to take their paid holiday for the time they're off work sick. They might do this if they do not qualify for sick pay, for example. Any rules relating to sick leave will still apply.

27.69 If an employee is ill just before or during their holiday, they can take it as sick leave instead.

Statutory Sick Pay (SSP)

27.70 The rules regulating the payment of SSP are different from those regulating occupational sick pay as above. The Inland Revenue produces guidance on SSP.

27.71 SSP is not payable to certain employees. To qualify for Statutory Sick Pay (SSP) the employee must:

- be classed as an employee;
- earn an average of at least £125 per week; and
- have been ill, for at least 4 days in a row (including non-working days).

27.72 The employee will be sent a form SSP1 stating the reason for the exclusion. They can then contact Job Centre Plus to make a claim.

27.73 The employee will be sent a form SSP1 stating the reason for the exclusion. They can then contact Job Centre Plus to make a claim.

Employees who Fall Sick Abroad

27.74 The following outlines the procedure for managing situations where employees are taken ill whilst abroad:

- the employee must give HR a contactable postal address or email address to which communications can be directed; and
- statements to verify a certifiable period of illness should be obtained from a recognised medical professional in the country in which the illness has occurred and this should be sent to HR by the 8th calendar day of absence and at regular intervals thereafter. A statement of fitness to return to work on the termination of the illness should also be obtained if the employee is still abroad at the time.

27.75 If an employee returns to this country whilst still ill, they should immediately see their medical professional for treatment and obtain another statement to verify the illness.

27.76 Where leave without pay is taken for holidays abroad, with or without the addition of paid annual leave, contracts of employment will be suspended and any illness occurring during the period of unpaid absence will not come within the sick pay scheme.

27.77 All employees should ensure that the sick pay procedure is carried out in full, as those who do not demonstrate every reasonable effort to comply with the requirements, will not be paid in accordance with sick pay provisions.

Appeal

27.78 All employees have the right to appeal under the School's Grievance Procedure.

28. CAPABILITY

28.0 This procedure is designed to assist and encourage all employees to achieve and maintain standards of job performance. The aim is to ensure consistent and fair treatment for all and to assist any employee who is considered to be experiencing difficulties in performing satisfactorily the duties required of the post to which they were appointed. It is designed to provide managers and employees with an opportunity to improve their performance in the workplace.

28.1 Concerns about capability may arise from a number of factors, including:

- absence of facilities crucial to the employee's performance;
- lack of proficiency and poor overall organisation;
- changes in the nature and allocation of work, including heavy workload;
- lack of aptitude, skill or experience;
- personal/family difficulties;
- short-term health problems;
- reorganisation or redefinition of role; or
- poor attendance at work, related to genuine ill health.

28.2 Concerns about capability should not be confused with disability. Where employees become disabled during their employment, it is important to ensure that every effort should be made to retain them in their original job, or redeploy to a suitable alternative post, in line with the requirements of the Equality Act 2010. The Capability Procedure should only be used when schemes to deal with disability have been exhausted.

28.3 In exceptional circumstances, it may be necessary to temporarily re-deploy an employee immediately from their normal job, e.g. employees against whom serious complaints of incapability and/or lack of competence have been made by students or workplace colleagues.

28.4 An employee has the right to be accompanied by a recognised representative of a trade union or workplace colleague at any stage of the formal procedure.

28.5 It is important to remember that dealing with the capability of a member of staff can be a very sensitive issue. Line Managers should proceed with a degree of caution and with sensitivity in order to avoid any accusations of bullying. Line Managers should, therefore, ensure they seek the advice of from HR before proceeding with any formal stage of this procedure.

Informal Procedure

28.6 It is important to recognise that many issues of capability can be, and should be, resolved without recourse to the formal Capability Procedure. The following is intended as a framework and may need to be adapted to suit the needs of each situation.

28.7 Continuous monitoring and assessment of individual performance against the requirements of each post should be undertaken by the Line Manager in order to identify any problems as soon as they arise in line with the performance management procedure. This involves:

- Various meetings within the Principalship team/Vice Principals and their direct reports/Vice Principals and team. The purpose of these meetings is to encourage transparency and enable all members of the School to have input into both individual and team targets.
- Target Setting – An initial meeting should be had at the very beginning of the performance cycle. This meeting is an opportunity for the employee and Line Manager to discuss what goals/targets should be obtained throughout the year. These targets should be S.M.A.R.T targets.
- Staff Development Opportunities – Staff development should be discussed at the target setting meeting to evaluate whether any training is necessary to make it easier to obtain the targets that are being set. Staff development should not, however, only be discussed at the target setting meeting; it should be an ongoing discussion between the Line Manager and employee.
- Mid-Year Review – All staff will have a six-monthly mid-year review meeting with their Line Manager which should be undertaken to formally assess if the employee is achieving their targets. This mid-year review is to establish whether the employee is on track with their initial set targets or if any further assistance/training/coaching is required before the end-of-year review takes place.
- End-of-Year Review – All staff will have an end-of-year review meeting with their Line Manager. The purpose of conducting an end-of-year review is to discuss whether the employee has achieved their set targets and has demonstrated an appropriate level of overall performance, thus, establishing whether their review can be classed as either complete or incomplete

28.8 In addition to the above, staff will have regular 1:2:1 meetings with their Line Manager.

28.9 See the Performance Management Procedure for full details.

28.10 As soon as a concern is identified by either the Line Manager or the employee, the issue should be discussed between the employee and their Line Manager. In these circumstances, both parties will have ample opportunity to discuss the concern, to make any comments and to record them if desired. Most areas for concern can generally be dealt with through informal discussions and counselling. Prior to this discussion the Line Manager needs to examine job content to ensure:

- its appropriateness;
- that everyone's expectations of work performance are realistic;
- that training has been given;
- that the volume of work is reasonable;
- that adequate advice and supervision are available as required; and
- that sufficient time has been given to allow familiarity with the post.

- 28.11 This is to ensure that employees have a reasonable and realistic chance of succeeding in the job.
- 28.12 Once the review has been undertaken a meeting should take place to discuss the outcome with a view to securing the improvement to the standards required. The meeting should be informal (therefore, there is no right to representation) and constructive to allow the employee an opportunity to express their opinion and for the Line Manager to determine whether there are any external factors that may be contributing to the employee's poor performance. If the problem is one of ill health absence, then the matter needs to be dealt with under the Sickness Absence Procedure.
- 28.13 At the meeting, an agreed action plan should be established to include (where appropriate):
- further training specifically directed to training needs which are identified to facilitate improvement;
 - monitoring, review and variance of workload as required;
 - setting SMART targets; and
 - review and monitoring of the amount of supervision.
- 28.14 The action plan should be given in writing to the employee and contain a summary of the improvement(s) required, the target(s) and the timescale(s) over which these are expected.
- 28.15 Continued monitoring and assessment should take place for a period of time ranging from 1 to 3 months depending on the nature of the performance improvement agreed. It is anticipated that in the vast majority of cases, no further action, other than normal follow-up, will be necessary.

1st Formal Interview

- 28.16 Where the levels of improvement agreed above are not met, then a formal meeting should take place to discuss performance. This meeting constitutes the date of entry into the formal procedure. The employee has the right to be accompanied at the meeting by the recognised trade union representative or work place colleague.
- 28.17 At this meeting, the employee should be reminded of the previous discussions and told of the continuing shortcomings. The employee should be given an opportunity to give their interpretation before deciding what action should be taken. This needs to be confirmed in writing with any objectives specified. It is possible that circumstances outside the individual's control have caused, or at least contributed to, the reduced effectiveness of their performance over the period monitored.
- 28.18 After the formal interview, a written warning should be issued that makes it clear that the employee's job is at risk if improvement is not achieved. Monitoring and assessment needs to continue for a further period of between 1 and 3 months,

depending on the individual situation and should be in proportion to the level of seriousness of the performance difficulty.

2nd Formal Interview

- 28.19 Failure to improve after the review period should be followed by a repeat of the section above for a second time. This constitutes a final written warning. The caution should include the possibility of voluntary redeployment (where available) or termination of employment.
- 28.20 If improvement is still insufficient, the Line Manager should consider whether voluntary redeployment could be considered within the School. The post does not have to be on the same scale. If voluntary redeployment can be considered the offer should be made in writing, explaining why it is being made and the consequences of refusing it. The employee should be given time to consider the offer and be advised to discuss it with their representative.

Dismissal Interview

- 28.21 If no offer of voluntary redeployment is made, or one is not accepted, a final investigatory formal interview should be arranged with the employee and their representative, in accordance with the Disciplinary Procedure. The interview should be conducted by the Vice Principal appropriate to the role, (or the Principal if the employee is a member of the Extended Principalship Team (EPT)), Line Manager and the Vice Principal (People Services). Notification should be given in writing, allowing the employee to bring a representative. On hearing the evidence and any explanations, a decision needs to be considered as to whether to dismiss.
- 28.22 If this is to be the outcome, the employee should be dismissed in accordance with the Capability Procedure, with appropriate notice and informed of the right to appeal.
- 28.23 However, if the chosen representative of the employee is unavailable on the date of the final investigatory formal interview, the employee may delay the date of that hearing once by up to 10 working days to enable the chosen representative to attend.
- 28.24 The format for appeals is contained in the Disciplinary Procedure.

29. ABSENT WITHOUT AUTHORISED LEAVE (AWOL)

Introduction

29.0 This procedure outlines the process that will be undertaken in the event that an employee is absent from work without authorised leave (AWOL).

29.1 The purpose of this procedure is to ensure that there is a fair and consistent approach to unauthorised absence across the School and that managers discharge their duty of care to their employees.

29.2 The procedure applies if an employee:

- fails to comply with the Sickness Absence Procedure (or provide the required evidence within the required time period);
- fails to attend work;
- fails to return from holiday; or
- is absent from work for any other reason without permission.

29.3 If an employee is absent from work without good cause and/or fails to properly and effectively notify HR of their absence, this may be treated as a serious disciplinary offence, potentially constituting gross misconduct.

Definitions

29.4 Absent Without Authorised Leave (AWOL) – an employee will be considered AWOL when they are absent from work and have not contacted HR.

29.5 Where an employee appears to be AWOL the following procedure should be applied. This procedure will be applied after initial attempts to contact the employee as outlined below have been unsuccessful.

29.6 The application of this procedure could result in disciplinary action being taken against the employee, including the termination of the employee's contract. Therefore, the Line Manager must contact HR prior to implementing this procedure and issuing any correspondence. All letters in association with the procedure are available from HR.

Timeline	Actions
Day 1 of absence	The Line Manager will try to make telephone contact with the employee, and keep notes (the date; time; duration; message left and response received (if any) and retain them). If the Line Manager has been unable to contact the employee by the afternoon of the first day of unauthorised absence, efforts will be made to contact the employee's next of kin/emergency contact. The next of kin/emergency contact should be asked to contact the Line Manager in the event that the employee is

	located and unable to make contact themselves. Each employee is asked for 3 next of kin/emergency contacts. <u>If contact with the next of kin/emergency contact cannot be established the Police should be called.</u> <u>If the Police cannot establish contact with the employee the matter will then be handled by them with the School keeping regular contact to establish any progress.</u>
Day 2 of absence	<u>If contact with the Police is established and the employee is not 'at risk' the below actions should be followed:</u> • The Line Manager will try to make telephone contact with the employee again, and keep notes as stated above. • If unable to make contact, the Line Manager will send a letter by recorded delivery, and also by standard post. A copy should also be delivered by hand, to the employee's last known address where practical. • The letter will remind the employee of the Sickness Absence Procedure and ask them to make contact. • The letter will notify the employee that no salary will be paid for the unauthorised days of absence unless medically certified and will remind them that being AWOL may result in pay being suspended and disciplinary action being taken if no contact is made.
Day 4 of absence	• If no contact has been made, the Line Manager will try to make telephone contact with the employee again and keep notes of details as stated above. • If contact cannot be made, the Line Manager will send a second letter by recorded delivery and also by standard post. A copy should also be delivered by hand, to the employee's last known address if practical. • The letter will again ask the employee to make contact urgently and advise that if they do not provide a medical certificate or make contact by the date specified in the letter their pay will be stopped (suspended). • It will again state that being AWOL may be considered as an act of gross misconduct which may result in disciplinary action being taken if they fail to make contact.
Day 7 of absence	• The Line Manager will try to make telephone contact with the employee again, keeping notes, as stated above. • If contact is not made, the Line Manager will send by recorded delivery a third letter and also by standard post. A copy should also be delivered by hand, to the employee's last known address if practical.

	• The letter will give precise dates of the unauthorised absence and explain actions taken so far to contact the employee. • The letter will call the employee to a disciplinary hearing for gross misconduct (providing 7 calendar days' notice of the meeting) and clarify that if they do not attend or provide a reason for their continued absence, the hearing will proceed in their absence. • The letter will advise the employee of their right to be accompanied at the hearing by a recognised Trade Union Representative or workplace colleague.
After Day 14 of absence	• The hearing will be convened no earlier than 7 calendar days, after working day 7. • The disciplinary hearing for gross misconduct will be held.

29.7 The letters referred to above can be obtained from HR.

29.8 In all steps of this procedure, the Line Manager may delegate responsibility to a nominated colleague to undertake the attempts at contact on their behalf. Where an email address is known for an employee, this may be used as an additional method of communication.

Next Steps

29.9 In accordance with the Disciplinary Procedure, where the employee does not attend the disciplinary hearing or provide any explanation for their continued absence after the hearing is concluded a letter will be sent to the employee to summarily dismiss them on grounds of gross misconduct. This will include a request for the return of any School equipment or property.

29.10 The letter will be sent by recorded delivery to the last known address if practical and also by standard post. A copy will also be delivered by hand, to the employee's last known address if practical.

29.11 The letter will include the employee's right of appeal in accordance with appeals in the Disciplinary Procedure.

29.12 The employee's date of termination will be the date the decision was taken to dismiss them. As the dismissal is for gross misconduct no notice will be given or paid.

Considerations

29.13 If the employee gets in touch or returns to work at any stage of this procedure the Line Manager must meet with them to discuss the absence and why no contact was made. HR must be contacted to discuss whether it is appropriate to arrange for a disciplinary hearing to be convened if the reason given for the unauthorised absence is not satisfactory.

- 29.14 If pay was suspended during the unauthorised absence, the Line Manager must contact HR if the employee returns to ensure that pay resumes.
- 29.15 Where the absence was not certified or there is no satisfactory reason for the employee not seeking authorisation for the absence, pay deducted for the days the employee was absent without authorised leave will not be reinstated.

30. DOMESTIC VIOLENCE

Introduction

- 30.0 The Northern School of Art has adopted this Domestic Violence Procedure as part of its commitment to Safeguarding. The School recognises that in protecting our staff from domestic violence, we have a moral duty to support our staff and their families where they may be experiencing domestic violence.
- 30.1 It is important to recognise that domestic violence is a widespread problem that cannot be ignored. It is unacceptable and the School will promote the understanding that everyone has the right to live free from violence and abuse in any form and the responsibility for the violence lies with the perpetrator.
- 30.2 The School will strive to create a working environment that promotes this view and help those involved in or experiencing, domestic violence.
- 30.3 For the purpose of this procedure domestic violence is defined as any violence between family members, current or former partners in an intimate relationship, whenever and wherever the violence occurs. It may include physical, sexual, emotional or financial abuse.

Identifying a Domestic Violence Situation

- 30.4 It can be difficult for an employee who experiences domestic violence to tell people at work about their situation, or to approach their Line Manager with their problems. It is possible that the Line Manager will become aware of the situation through associated issues identified in the managing attendance process or through performance reviews. As with other welfare issues, identifying that an employee is experiencing difficulties at an early stage can lead to the appropriate help being offered. This in turn could mean that the employee is able to deal with their situation far more effectively.

Responding Appropriately to Victims of Domestic Violence

- 30.5 Line Managers should adopt a sensitive and non-judgmental approach when dealing with employees who are experiencing domestic violence. This can include:
- taking the employee at face value and offering time to listen to them;
 - ensuring that any discussion about the employee's situation takes place in private, clearly stating the extent and boundaries of confidentiality. Advice and guidance on such boundaries can be sought from HR;
 - understanding that the employee may not wish to approach their Line Manager and might opt to involve others, such as a colleague or a Trade Union Representative. It may be appropriate to offer the option of speaking to another colleague or someone from HR who will be able to advise the employee and/or their Line Manager of what measures can be taken;
 - being aware that there may be additional issues faced by the employee because of, for example, age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. Managers are not expected to understand all the cultural or emotional differences in each case but are obliged to treat people equally and with respect in responding to any additional needs. If specific advice is needed in relation to any of the above contact should be sought from HR;

- being non-judgmental - the employee may need some time to decide what to do and may try many different options over a period of time. Research has shown that it can take several years to break free of a violent relationship and should, for example, not assume that because an individual returns or stays within a violent relationship, that the violence was not severe, did not take place, or that they did not want it to stop; and
- being aware of what support is available and exploring these options with the employee. A list of Support Agencies can be found via the VLE or this link ([Support Services - Domestic Violence Procedure](#)). If the employee does not want the Line Manager to contact other agencies, the Line Manager must respect the employee's wishes.

General Support

30.6 As a School we will:

- identify a named person(s) who will have responsibility for this procedure. This will be the Vice Principal (People Services);
- recognise and treat sympathetically the effect of abuse on an employee, which may result in stress, distraction, poor timekeeping, absence, depression or other related health problems;
- allow the employee to decide their own course of action at every stage;
- allow special paid leave for appointments such as with support agencies, solicitors, for re-housing or to alter childcare arrangements and for court appearances etc. All such requests should be made to the Line Manager and/or a member of HR;
- consider requests for paid and extended unpaid leave or requests for advanced pay and hold no record of the specific reasons for such requests. All such requests should be made to the Line Manager and/or a member of HR;
- ensure that periods of absence as a result of domestic violence will not adversely affect the employee's employment record;
- consider requests for flexible working arrangements if possible;
- ensure a safe working environment by taking all reasonable steps to guard against the threat of domestic violence, which may carry over into the workplace;
- take appropriate action against any employee who victimises, intimidates or harasses a victim of domestic violence;
- take appropriate action where the victim and perpetrator may come into close contact in the workplace;
- avoid the need for employees to work overtime without reasonable notice. Perpetrators of domestic violence can often attack the victim if they arrive home late; and
- continue to update and monitor arrangements for ensuring support and protection.

Responding Appropriately to Employees who commit Domestic Violence

- 30.7 Harassment and intimidation by a School employee, whether a partner or ex-partner who works for the School, will be viewed seriously and may lead to disciplinary action being taken against the perpetrator, as the School feels that such actions conflict with the School's Safeguarding responsibilities towards its students.
- 30.8 Conduct outside of work (whether or not it leads to a criminal conviction) can also lead to disciplinary action being taken against an employee because of the impact it may have on the employee's suitability to carry out their role and/or because it undermines public confidence in the School. Where appropriate, there will be an investigation of the facts as far as possible, and a decision made as to whether the conduct is sufficiently serious to warrant disciplinary action being taken.
- 30.9 If any of the circumstances set out in the above paragraphs are brought to a Line Manager's attention, advice should be sought in the first instance from HR.

Confidentiality

30.10 In dealing with domestic violence the School will:

- observe strict confidentiality and no personal details shall be disclosed without the express permission of the employee;
- keep any change of work location and differing start and finish times confidential;
- ensure that employee records of victims of domestic abuse will be confidential; and
- ensure that no disclosure of conversations between the employee and the named contact will take place without the employee's consent.

Counselling

30.11 The School will:

- encourage any employee to talk to an appropriate person, either internally or externally, about their personal difficulties; and
- provide paid time off for employees to seek and engage in counselling sessions.

Anti-Discrimination

- 30.12 The School will not discriminate against anyone who has been subjected to domestic violence, in terms of their existing employment or career development.
- 30.13 More information on Safety Strategies can be accessed via the VLE or this link ([Safety Strategies - Domestic Violence Procedure](#)).

31. SEXUAL HARASSMENT PROCEDURE

- 31.0 The School is committed to providing a working environment free from sexual harassment where everyone is treated with dignity and respect. Sexual harassment is unlawful and the School will not tolerate it.
- 31.1 The School will take active steps to help prevent staff from being sexually harassed in the workplace or from being victimised if they have made a complaint or have supported someone else who has made a complaint.
- 31.2 The School encourages anyone who is a victim of, or witness to, sexual harassment to report it in accordance with this procedure. This will enable the School to take appropriate action and provide support.
- 31.3 Sexual harassment can result in legal liability for the School as an organisation and the perpetrator.
- 31.4 Any member of our staff who sexually harasses another person will be disciplined and, where appropriate, may be dismissed.
- 31.5 This procedure:
- explains what sexual harassment is;
 - sets out the standards of behaviour that staff are expected to follow;
 - sets out the process staff should follow if they wish to raise a complaint;
 - explains how the School will deal with any complaints; and
 - explains the preventative measures the School will take to reduce the risk of sexual harassment happening in the workplace.
- 31.6 This procedure applies to everyone who works for the School, including employees, agency workers, consultants, casual workers and volunteers. It does not form part of an employee's contract with the School and the School reserves the right to amend it.

What is Sexual Harassment

- 31.7 Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating, or offensive environment for them. Unwanted means unwelcome or uninvited. It reflects the employee's view and means unwanted by them.
- 31.8 It also includes treating someone less favourably, because they have submitted or refused to submit to unwanted conduct of a sexual nature in the past.
- 31.9 Some examples are:
- unwanted physical conduct including touching;

- continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
- unwelcome sexual advances or suggestive behaviour;
- sending or displaying material that is sexual (including emails, text messages, video clips, and images sent by mobile phone or posted on the internet); or
- banter of a sexual nature.

31.10 A single incident can amount to sexual harassment.

31.11 A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace, or by overhearing colleagues' boasting about their sexual conquests.

31.12 A person may experience sexual harassment because of conduct of a sexual nature that they find unwanted, even if it was not intended to have that effect by the person doing it. For example, whilst a joke may have been intended to be inoffensive, it may be offensive to the recipient, and if it is of a sexual nature, this may amount to sexual harassment.

31.13 The School will not tolerate sexual harassment. Any member of staff who sexually harasses another person will be disciplined (and in appropriate cases may be dismissed) if it happens:

- in a work situation including whilst working from home;
- during any situation related to work, such as at a social event with colleagues, clients or customers;
- on social media or other platforms, and involves a colleague or any other person connected to the School; and
- against anyone outside of a work situation where the incident may negatively impact on the School's reputation, or is relevant to a staff member's suitability to carry out their role.

Third-party harassment

31.14 Third-party sexual harassment occurs where a person is sexually harassed by someone who isn't employed by the School or is under the School's control but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a supplier visiting the School's premises, by the School's Learners, or where employees are visiting third party premises in the course of their employment.

31.15 The law requires the School to take reasonable steps to prevent sexual harassment by third parties, and the School will not tolerate third party harassment either by a third party to the School's staff or by the School's staff to a third party. Examples of steps that the School will take to prevent third party harassment include:

- conducting appropriate due diligence when engaging third parties (e.g., contractors, volunteers, visiting professionals) to ensure they understand and agree to comply with the School's harassment policies;
- including clear anti-harassment clauses in all contracts and agreements with third-party service providers;
- establishing clear reporting procedures for staff and third parties to report incidents of harassment safely and confidentially;
- investigating any complaints involving third parties promptly and taking appropriate action, which may include restricting access to the School premises or terminating contracts;
- displaying visible signage or notices in public areas reinforcing the School's zero-tolerance stance on harassment and detailing how to report misconduct; and
- monitoring areas where third-party interactions are likely (e.g., Reception, events, school transport) to ensure safe and respectful conduct.

31.16 All staff are encouraged to report any sexual harassment they experience or witness in accordance with this procedure. This includes cases of third-party harassment. Staff are also encouraged to speak to their manager, or any other appropriate person at the School, if they believe there are additional steps the School could take to protect them from sexual harassment.

How to Complain or Raise Issues

31.17 The School encourages staff who witness sexual harassment or victimisation to take appropriate steps to address it. Depending on the circumstances, this could include:

- intervening where staff feel able to do so;
- supporting the victim to report it or reporting it on their behalf;
- reporting the incident where a member of staff feels there may be a continuing risk if they do not report it; or
- co-operating in any investigation into the incident.

31.18 Staff members may also report concerns anonymously using the Sexual Harassment Reporting Tool, available via this link: [Anonymous Sexual Harassment Reporting Tool](#), or seek guidance by speaking with their manager.

31.19 If a staff member believes that they have been sexually harassed they have a number of options open to them:

- if a member of staff feels confident doing so, speak to the person who has harassed them, explain why their behaviour is unwanted and ask them to stop. Sometimes, people do not realise how their actions are impacting others and pointing this out can be enough to prevent repeat behaviour. Staff are advised to speak to their manager for further advice on how to approach the conversation;
- Staff members can report concerns using the School's anonymous Sexual Harassment Reporting Tool, available at the following link: [Anonymous Sexual Harassment Reporting Tool](#). Providing their name is optional; however, it should be noted that choosing to remain anonymous may limit the School's ability to

- thoroughly investigate the incident, especially if key details, such as what occurred or whether there were any witnesses, are not provided; or
- make a complaint under the Schools Grievance Procedure (the staff member has the option of choosing an informal or formal approach). Sometimes an informal solution may not be appropriate or hasn't worked. Where appropriate, the School will talk to the member of staff about making a formal complaint.
- 31.20 If a member of staff is unsure whether a particular incident, or a series of incidents, constitutes sexual harassment, they are encouraged to contact their manager or the HR department for advice and guidance.
- 31.21 If a staff member's concern involves their manager, they should reach out to the HR department or an alternative senior manager for support.
- 31.22 The School reassures all staff that they will not face any penalties for raising a complaint, even if it is not upheld. Disciplinary action will only be considered if the School reasonably determines that the allegation was knowingly false and made in bad faith, that is, the individual did not genuinely believe the complaint to be true. Such action will be taken only in exceptional circumstances.

How will the School Deal with Complaints

- 31.23 The School will deal with complaints in line with the School's Grievance Procedure.
- 31.24 Where necessary, the School may temporarily separate the member of staff from the individual they have made a complaint about during the course of the investigation, in order to help prevent any potential escalation of the situation. This measure does not imply any judgment about the outcome of the complaint, and discussions will be held with the relevant parties before any such action is taken.
- 31.25 If the School upholds the complaint, it will be dealt with in accordance with the Schools Disciplinary Procedure.
- 31.26 If the School decides not to uphold the complaint, the reasons for this decision will be clearly explained, along with information on how the member of staff can appeal in accordance with the School's Grievance Procedure. If the complaint involves a colleague, the School will consider appropriate steps to support and improve the working relationship, which may include offering mediation or relevant training.

When will Disciplinary Action be Taken

- 31.27 Any employee found to have engaged in sexual harassment towards a colleague or any other individual will face disciplinary action, which may include dismissal. In determining the appropriate outcome, the School will consider any aggravating factors, such as an abuse of power over a more junior or vulnerable colleague. Where relevant, the School may also report potential criminal conduct to the police.

- 31.28 If a member of staff has experienced harassment by a third party, the School will take appropriate steps to prevent any recurrence. This may include issuing a warning to the individual that further misconduct could result in them being prohibited from entering School premises. Where applicable, the School may also report any criminal behaviour to the police.

How the School will Protect and Support those Involved

- 31.29 Any individual who raises an allegation of sexual harassment in good faith will not suffer any disadvantage or adverse treatment as a result.
- 31.30 The School will provide appropriate support to any individual who raises a complaint or witnesses an incident and will take steps to protect them from victimisation. Staff members should feel confident that they will not face retaliation for making or supporting a complaint of harassment and will be protected from any less favourable treatment as a result.
- 31.31 The School provides access to confidential counselling for anyone affected by, or accused of, sexual harassment. This support is available upon request through the HR department.
- 31.32 The School will deliver regular training to all employees to ensure they understand what constitutes sexual harassment and how to report any concerns.
- 31.33 The School will carry out risk assessments and implement other reasonable measures to identify roles and environments where staff may be at increased risk of sexual harassment. Appropriate preventative steps will then be taken to reduce or mitigate those risks.

How will the School Maintain Confidentiality

- 31.34 The School is committed to handling all complaints of sexual harassment sensitively and confidentially.
- 31.35 If a member of staff has made a complaint, witnessed an incident, or is accused of sexual harassment, they must not discuss the matter with anyone except:
- any manager or other responsible person in the School they have approached for help and support;
 - a trade union representative;
 - someone at work who is acting as a companion at a formal meeting;
 - close family or friends who are supporting a member of staff; or
 - anyone who is providing counselling or other services to a member of staff provided they are suitably qualified.
- 31.36 The School will ensure that any investigation into a complaint is conducted confidentially and that the details of the complaint are only disclosed to those who need to know in order to investigate and resolve the matter. In some cases, this may include providing information to the police.

- 31.37 The School may place information and documents about a complaint raised by or about a member of staff on their personnel file. These will be processed in accordance with the School's Data Protection Policy.
- 31.38 The School will only use Non-Disclosure Agreements (NDAs) or confidentiality provisions if it is lawful, necessary, and appropriate to do so, and will not prevent employees from making protected disclosures (whistleblowing) as defined under the Employment Rights Act 1996. Please refer to the School's Whistleblowing Policy for more details.
- 31.39 If a member of staff breaches confidentiality in relation to a sexual harassment complaint in which they are involved, they may be subject to disciplinary action in line with the School's Disciplinary Procedure.

How the School will Monitor Progress

- 31.40 The School will monitor how complaints of sexual harassment or victimisation are handled to ensure they are thoroughly investigated and appropriately resolved. This includes ensuring that those who report incidents or act as witnesses are not subjected to victimisation, that repeat offenders are addressed appropriately, that any cultural issues are identified, and that workforce training is directed where needed.
- 31.41 The School will review the content and effectiveness of this procedure at least once a year. As part of this process, the School will analyse any emerging themes, assess feedback, and reflect on lessons learned to inform future improvements.

Useful Links

- 31.42 The following internal procedures contain additional guidance:

- Grievance Procedure;
- Disciplinary Procedure;
- Code of Conduct;
- Harassment & Bullying Procedure;
- Whistleblowing Policy;
- Social Networking Procedure; and
- Data Protection Policy.

- 31.43 The HR department is responsible for overseeing the administration of the Sexual Harassment Procedure. Staff are encouraged to contact HR with any feedback or suggestions for improvement.

32. HARRASSMENT AND BULLYING

Introduction

- 32.0 The School aims to create a working environment that respects the dignity and rights of all employees and learners, where individuals have the opportunity to realise their full potential. The aim of this procedure is to strive to prevent harassment and bullying from occurring and to deal with it quickly and appropriately wherever it occurs.
- 32.1 The School will not tolerate any form of harassment or bullying. Where an employee is found to have committed a serious act of bullying or harassment this will be dealt with under the Disciplinary Procedure and may be viewed as gross misconduct, which could result in summary dismissal. Where a student is found to have harassed or bullied an employee, the School will deal with this under the Student Disciplinary Procedure, which could result in expulsion. Where an employee reports an incident of harassment or bullying by a third party, the School will take appropriate action.
- 32.2 The School recognises that making a complaint of harassment is likely to be a distressing experience and will deal with complaints sensitively, with minimal stress for the complainant, timely resolution and a degree of flexibility appropriate to individual circumstances.
- 32.3 Individuals are protected from harassment and bullying under the following legislation:
- Health and Safety at Work Act 1974;
 - Management of Health and Safety at Work Regulations 1999;
 - Employment Rights Act 2008;
 - Criminal Justice Public Order Act 1994;
 - Protection from Harassment Act 1997; and
 - The Equality Act 2010.
- 32.4 Under these pieces of legislation, an employee may be held individually liable for an act of harassment, as well as the School being held vicariously liable for that employee's act.

Definitions

- 32.5 Where harassment and bullying occur, they cause serious repercussions for the employer and employees. They can affect people's health, work performance and the success of the School. Bullying, as a cause of stress at work, should be regarded as a workplace health and safety hazard.

Harassment

32.6 Harassment occurs when an individual is subjected to unwanted conduct which has the purpose (intentional) or effect (unintentional) of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

32.7 Moreover, harassment is unlawful when it is on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. It is also unlawful to subject an individual to sexual harassment, or harassment on the grounds of that individual's membership or non-membership of a trade union.

32.8 It is the individual's perception of whether the conduct in question was unacceptable that is important in determining whether harassment occurred. Where the conduct in question is found to have been unintentional, it will be viewed as having the effect of harassment if this could be regarded as a reasonable conclusion when considering all the circumstances, including the complainant's perception.

Bullying

32.9 Bullying, although not defined legally, is described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient and or their colleague(s).

Examples of forms of Harassment and Bullying

32.10 Harassment and bullying can take many forms. Examples of unacceptable behaviour include but are not limited to:

- offensive songs, remarks, jokes, emails or gestures;
- display of offensive posters, publications and graffiti;
- unwanted physical contact or advances;
- offensive remarks about a person's dress or appearance;
- offensive remarks about a person's race, gender, marital status, disability, religion or belief, sexual orientation, gender identity or age;
- shouting, abusive or intimidating language;
- spreading malicious rumours, allegations or gossip;
- excluding, marginalising or ignoring someone;
- intrusion by pestering, spying or stalking;
- copying memos/emails that are critical about someone to others who do not need to know;
- deliberately undermining a competent worker by overloading, taking credit for their work or constant criticism;
- removing areas of responsibility and imposing menial tasks; or

- cyber-bullying: that is, the sending or posting of harmful, cruel or offensive text or images by email, Internet, social networking websites or other digital communication devices.

32.11 The above list is intended to give a clear impression of the types of behaviour that the School considers to be unacceptable; however, it only contains examples and is not exhaustive.

32.12 The School will not tolerate acts of harassment or bullying during work, including at other people's workplaces, but also at work-related functions, such as conferences, or at social gatherings, such as after-work drinks.

What is not Bullying

32.13 It is accepted that vigorous academic debate and occasional raised voice or argument, of itself may not necessarily constitute harassment or bullying.

32.14 Bullying must be distinguished from the right of, and obligation placed on, Line Managers to exercise proper supervision of employees in the course of their duties, which may include legitimate, constructive and fair criticism of an employee's performance or behaviour at work. Line Managers will exercise this supervision in a fair, constructive, consistent and reasonable manner that does not compromise the employee's dignity. Similarly, reasonable (but perhaps unpopular) requests by a Line Manager of their employees in the normal course of their duties will not be viewed as acts of harassment or bullying.

32.15 If an employee wishes to make a complaint of harassment or bullying the matter should be raised as a grievance in accordance with the School's Grievance Procedure. The procedure should aim to investigate such grievances to establish whether or not harassment or bullying has occurred and make recommendations for action where necessary. Such action could include disciplinary action, in which case the School will refer to the relevant stage of the School's Disciplinary Procedure.

Confidentiality

32.16 Grievances about bullying and harassment should be dealt with in a confidential manner to respect the privacy of all parties and to ensure the matter is dealt with sensitively and effectively. Any breach of confidentiality may result in disciplinary action against those concerned.

32.17 Where a formal grievance is raised under the Grievance Procedure, it should be made clear to all involved that any documentary evidence or subsequent statement taken during the investigation may form part of the evidence in any disciplinary proceedings. In the event that disciplinary procedures are invoked, the investigation report, together with any witness statements, should be made available to the alleged harasser prior to any disciplinary hearing in accordance with School procedures.

Keeping records of incidents

- 32.18 It is helpful for anyone who believes they have been subjected to harassment or bullying to make a note of the details of the incidents as soon afterwards as possible, as memories can fade. For example, dates; times; places; the name of the person involved; what actually happened; how the person felt at the time; the names of any witnesses; action taken at the time and whether the incident was reported to management.

Stage 1 – Informal Resolution

- 32.19 In many cases it will be sufficient for the complainant to raise the problem with the alleged harasser as soon after the incident as possible, stating clearly that the behaviour is unacceptable. A note should be made of the action taken.
- 32.20 In most cases it is preferable to deal with grievances informally in accordance with Stage 1 of the School's Grievance Procedure. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. Solutions can be reached quickly with minimum risks of embarrassment, suffering, disruption to work and working relationships. If, at the informal meeting the alleged harasser does not feel they have done anything wrong the complainant should raise this with HR. A member of HR will then speak to the alleged harasser to discuss that the complainant is unhappy with how the informal meeting went but does not want to proceed straight to stage 2 of the procedure. Possible staff development will be discussed with the alleged harasser. For example, it may be necessary for them to undertake some staff development on their communication style and how it is perceived by others.
- 32.21 If the complainant does not feel able to approach the alleged harasser alone, they could seek support from a colleague, Trade Union Representative, Line Manager or a member of HR. Where both parties agree, the School may consider addressing the unacceptable behaviour through a recognised mediator.
- 32.22 If the matter is very serious, the employee feels the matter has not been resolved at this stage, or in other circumstances where the employee does not wish to raise the matter informally, the employee may proceed to the formal stage of the School's Grievance Procedure (Stage 2).

Stage 2 – Formal

- 32.23 The employee must outline their grievance in writing, giving full details of the incidents and any action taken to date.
- 32.24 The investigation of the formal grievance should be conducted in a sensitive manner and without undue delay. It is recommended that no more than 28 days should elapse from the School's receipt of an employee's written grievance to the resolution of the formal procedure; unless a different timescale is agreed by both parties.

- 32.25 The following steps may be taken to investigate a formal grievance of alleged harassment or bullying:
- 32.26 The grievance should be submitted in writing to the employee's Line Manager. If the grievance is about the employee's Line Manager, it should be given to the next level of management or HR.
- 32.27 The School should appoint an appropriate manager to investigate the grievance (the Investigating Officer (IO)). The investigation should be carried out in an impartial and objective manner. The IO should not be involved with the case in any way.
- 32.28 In cases which appear to involve serious misconduct, and there is reason to separate the parties, a short period of suspension of the alleged harasser may need to be considered while the investigation is carried out. Suspension should be with pay. Alternatively, the School may consider temporarily relocating either party during the investigation; the School should only relocate the complainant with their agreement.
- 32.29 The IO must, as soon as possible, invite the complainant to a grievance hearing to investigate their complaint. The complainant has the right to be accompanied at this meeting by a work colleague or trade union representative, or an official employed by a trade union. At the meeting the complainant will have the opportunity to fully explain what has happened and the IO will have the opportunity to ask any questions and discuss any points that require further discussion.
- 32.30 The IO should also invite the alleged harasser to an investigation meeting where they will have the opportunity to respond to the grievance and the allegations against them. Prior to this meeting, the alleged harasser should be provided with a copy of the written grievance and any evidence raised, e.g. witness statements taken including dates; times; places; the name of the person involved; what actually happened; how the person felt at the time; the names of any witnesses; action taken at the time and whether the incident was reported to management. The alleged harasser should be given the opportunity to be accompanied at this meeting by a work colleague or trade union representative, or an official employed by a trade union. Reasonable notice of this meeting should be given.
- 32.31 The IO should meet with any witnesses cited by either the complainant or the alleged harasser. Notes of these meetings should be taken and the IO may take statements from the individuals.
- 32.32 Where there is conflicting evidence the IO may wish to meet with any of the parties again to clarify and complete the investigation.
- 32.33 The IO should assess the evidence and write a report summarising the findings of the investigation. The IO's decision in relation to the grievance should be communicated in writing to the complainant and the alleged harasser without undue delay, explaining the outcome of the grievance and the reasons. The letter to the complainant will also inform them of the right to appeal.

32.34 The report will state whether harassment or bullying occurred and will outline any recommendations for action. For example:

- Harassment or bullying did not occur – no or limited action required. In such circumstances, the IO may, if necessary, recommend steps to improve the working relationship between the parties following the complaint.
- Harassment or bullying did occur – recommendations for action short of disciplinary action. It may be concluded in light of the facts that disciplinary action is unnecessary. In such circumstances the IO may recommend other appropriate action to address the behaviour, such as:
 - training/coaching/mentoring;
 - re-arrangement of working conditions;
 - redeployment of one or both parties on a temporary or permanent basis on terms and conditions that are no less favourable than existing terms and conditions of employment; and/or
 - monitoring of the situation.
- Harassment or bullying did occur – disciplinary action required. In such circumstances, the alleged harasser will be asked to attend a disciplinary hearing (refer to the School's Disciplinary Procedure). All evidence that was collected in order to address the grievance will be used for the disciplinary process. A further investigation is not required.

Stage 3 – Appeal by the Complainant

32.35 If the grievance is not resolved to the satisfaction of the complainant at Stage 2, they may appeal. Any such appeal must be submitted in writing, setting out the full grounds for the appeal, and sent to the Vice Principal (People Services) within 10 working days of receipt of the decision reached at Stage 2.

32.36 The School will, as soon as possible and in any event, within 10 working days of receipt of the written appeal, invite the employee to an appeal meeting, which will be chaired by an appropriate senior manager, who has not been involved in the grievance process in question so far and who is senior to the manager who heard the original grievance. The employee will be entitled to be accompanied at the appeal meeting by a fellow worker, a trade union representative, or an official employed by a trade union. Guidance on the Role of the Companion can be accessed via the VLE or this link ([The Role of the Companion - Harassment and Bullying Procedure](#)).

32.37 The senior manager will consider the appeal and may be supplied with all of the documentation submitted in relation to the earlier stages of the procedure. The senior manager may require the attendance of the alleged harasser at the appeal meeting, or any other employees who may be able to provide relevant information.

32.38 The appeal decision will be provided in writing within 10 working days of the appeal meeting. Any other parties involved in the grievance will also be appropriately informed of the appeal decision. Such decision will be final.

Stage 3 – Appeal by the Alleged Harasser

32.39 An employee who wishes to appeal against a formal written warning or a final written warning or a disciplinary suspension should inform the Head of Governance in writing. An employee cannot appeal before a formal disciplinary has taken place, (e.g. an employee cannot appeal at the investigation stage). The appeal must be received in writing within 10 working days of the date of the decision that forms the subject of the appeal. The appeal will be heard by one of the following depending on the characteristics of the appeal:

- a Vice Principal;
- the Principal; or
- An appropriate elected member of the Governing body.

32.40 The Vice Principal, Principal or an appropriate elected member of the Governing body, will conduct an appeal hearing as soon as possible after the notice to appeal has been received. At the hearing of the appeal, the employee will be given an opportunity to state their case and will be entitled to be accompanied and represented by a fellow worker, a trade union representative, or an official employed by a trade union.

32.41 However, if the employee's representative is unavailable on the date of the initial appeal, the employee may delay the date of the appeal once by up to 10 working days to enable the chosen representative to attend.

32.42 At the appeal, the disciplinary penalty imposed will be reviewed, but it cannot be increased. The decision of the Vice Principal, Principal or an elected member of the Governing body, as appropriate, will be notified to the employee in writing within 10 working days of the appeal hearing and will be final and binding.

Records of Complaints

32.43 The School will keep a confidential record of complaints and investigations, which will include the names of the people involved, dates, the nature of the incident(s), the action taken, and any follow-up and monitoring information. The School will keep such records for up to 6 years from the end of employment. Where a complaint was unsubstantiated, this will be clearly stated in the School's record. All sensitive information will be treated confidentially and in compliance with the requirements of the Data Protection Act 2018.

Allegations against Students

32.44 Where the allegation is that a student has harassed or bullied an employee, the same grievance procedure applies. If the allegation is upheld, the School should take appropriate action and may refer to the Student Disciplinary Procedure.

Credible Allegations

- 32.45 All allegations of harassment and/or bullying require the timely disclosure of credible evidence based on known facts.
- 32.46 Where a witness is found to have deliberately misled an investigation, the School will treat this as a serious disciplinary offence (staff or student) and may be serious enough to constitute gross misconduct, which may result in summary dismissal for a member of staff or expulsion for a student.

Complaints against the Principal or other Senior Post-Holders

- 32.47 Where the complaint is against the Principal or another senior post-holder, the same steps should be taken to investigate the matter.
- 32.48 The Chair of the Corporation will appoint an appropriate IO to investigate the complaint. This may be the Principal, a member of the Corporation Board, or an external investigator, depending on the circumstances.
- 32.49 If the complaint is upheld and disciplinary action may be required, the matter must be referred to the Corporation who should follow the School's special committee procedure.

Victimisation

- 32.50 Employees are protected from victimisation as a result of bringing a complaint under the Harassment and Bullying Procedure. If an employee feels that they have been victimised following a complaint of harassment or bullying, they should raise a grievance under the School's Grievance Procedure. Where it is found that victimisation has occurred, this will be treated as a disciplinary offence and may be serious enough to constitute gross misconduct.
- 32.51 Support available can be accessed on the VLE or this link ([Support Available - Harassment and Bullying Procedure](#)).

33. DEALING WITH DRUGS AND ALCOHOL MISUSE

33.0 The School is committed to promoting the general well-being of all its staff and recognises that dependence on alcohol or the misuse of drugs can affect people's health, but also affects attendance, work performance and relationships at work.

33.1 It further recognises that problems with drinking and drug abuse are primarily health and social problems which require assistance and treatment. Consequently, the School has developed a procedure to promote awareness of the harmful consequences of excessive drinking and drug misuse as well as to assist staff who recognise their problem and are prepared to help themselves.

Aims

33.2 To promote awareness of the harmful effects of drug misuse and excessive drinking through the provision of information and education for staff.

33.3 To encourage and assist staff whose problem is affecting their work performance to seek help at an early stage.

33.4 To provide help as far as possible and to preserve maximum confidentiality.

33.5 To support staff as far as possible until restored to full health.

Responsibilities

Managers

33.6 To promote awareness of this procedure and ensure that those responsible for implementing the procedure are appropriately identified and trained.

33.7 To be alert to changes which indicate deterioration in work performance, behaviour, attendance and accident patterns. Where these are evident, to act early adopting a non-judgmental approach.

33.8 It is not the Line Manager's responsibility to diagnose the problem or to attempt to treat it. The Line Manager should respond sympathetically in accordance with this procedure urging the individual where appropriate to seek specialist advice and assistance.

Occupational Health Service

33.9 To promote awareness of drug and alcohol misuse problems by encouraging early identification.

33.10 To provide, in liaison with other appropriate agencies, advice, education and training on the effects of alcohol and drugs.

33.11 To provide general advice and guidance to staff on request.

To Respond to Referrals

- 33.12 To provide support to staff which may include further referral to another specialist agency. The department should be closely involved in any recovery programme and provide effective communication between the member of staff, the Line Manager, a member of HR or GP or any specialist or agent.

HR

- 33.13 To provide advice and assistance to both Line Managers and staff in the application of this procedure where appropriate.
- 33.14 To provide, in liaison with other agencies, training for managers at all levels to equip them with knowledge, understanding and skills in order to deal with these very sensitive issues at work.

Staff

- 33.15 An individual member of staff concerned about their health or recognising that they have a drug or alcohol problem, should seek advice and help at the earliest possible opportunity.
- 33.16 Staff should not collude and/or cover-up for colleagues.
- 33.17 Staff should encourage colleagues to seek help and advice if they have a drink or drug problem. If a colleague will not accept help, an approach can be made in confidence to the appropriate Line Manager or a member of HR.

Implications for the Schools Staff Disciplinary Procedure

- 33.18 This procedure is intended to help those staff who, because of over-dependence have gradually deteriorating health and/or work problems. It does not apply to employees who, as a result of excessive indulgence on random occasions, behave in a manner contrary to the standard of safety and conduct required by the School. Such instances will be dealt with in accordance with the School's Disciplinary Procedure.
- 33.19 In addition, if a member of staff suffering from drug or alcohol problems refuses to accept referral for assistance or discontinues treatment and this results in unacceptable behaviour and/or work performance, they will be dealt with in accordance with the School's Disciplinary Procedure.
- 33.20 If, following a return to employment after the completion of/or during the course of a recovery programme, work performance and/or behavioural problems recur, each case will be considered on its merits.

Confidentiality

33.21 The treatment record of an individual will remain strictly confidential to the member of staff, the Occupational Health Practitioner, and/or any specialist agency providing treatment.

Procedure

33.22 The School is committed to offering every assistance to any member of staff who has a drug or alcohol problem.

Identification of a Problem

By the Member of Staff

33.23 Ideally, a problem will be identified by the member of staff, the sooner help is sought, the greater the possibility of recovery.

33.24 Advice is available from a number of sources, but it is beneficial for staff to discuss concerns with their Line Manager, particularly as there may be some effect on work performance or behaviour. Nevertheless, there may be occasions when employees would prefer to go for information and advice outside of their own department, and in such cases, they can go to:

- Human Resources;
- their GP; or
- a Trade Union or staff organisation representative.

By a work Colleague

33.25 Should a work colleague have reason to suspect that a fellow employee has a problem, they are encouraged to discuss it with the individual and to encourage them to seek assistance and advice as above. If the colleague refuses, or the evidence suggests that such encouragement has no effect and there is a continued concern, then the matter should be discussed with either the Line Manager, a member of HR or staff representative. Any such discussion will be treated sensitively and diplomatically.

By the Manager

33.26 Individual Line Managers have an ongoing responsibility for their staff. If Line Managers are concerned either because of a deterioration of performance or an approach made by a colleague or a member of staff, or because of some other indication, they should discuss the concerns with the individual. Signs of Drug and Alcohol Misuse can be accessed via the VLE or this link ([Signs of Drug and Alcohol Misuse - Dealing with Drug and Alcohol Misuse Procedure](#)). If a Line Manager requires guidance on how to proceed, this is available from HR. It may be necessary to meet with the individual on more than one occasion and it is important that all conversations concentrate on behaviour and work performance.

- 33.27 When a problem has been identified, offers of help and referral to the Occupational Health Practitioner should be made at the earliest opportunity. It may be that in certain circumstances, an individual would prefer to be referred directly to an external specialist agency, and if this is considered appropriate by the Line Manager then this will be facilitated wherever possible.
- 33.28 Where an employee accepts a referral to the Occupational Health Practitioner, this should be arranged as soon as possible.

When Agreement about a Problem is Reached

- 33.29 The Occupational Health Practitioner will inform HR, who may consult with the Line Manager as appropriate, that the member of staff recognises that there is a problem. HR will arrange for a recovery programme to be initiated which will be aimed at retaining the individual in or returning the individual to their own post where appropriate in liaison with a specialist agency(ies). Such a programme may be started whilst an individual continues to work or may require them to be absent on sick leave.
- 33.30 If the individual remains at work, the Line Manager will convey the School's expectations of work performance and/or behaviour. If work problems continue or recur at any time during the recovery programme, the Line Manager should arrange to interview the member of staff again and decide on the merits of the case and whether further action is required. In the case of self-referral or direct referral to a specialist agency, the member of staff will be expected to discuss progress regularly with their Line Manager.
- 33.31 The elements of the recovery programme which require cooperation, if any, from the Line Manager or others, will be discussed with the individual in order to ensure that full support is given. If an individual deals directly with an external agency, then the Line Manager and/or colleagues, including Occupational Health, can only assist if they are made aware of the need by the member of staff entering the programme.
- 33.32 If a member of staff is recommended to return to work during a programme, the Line Manager must be consulted in advance of the staff member's return. In the case of self-referral, the employee should consult the Line Manager concerned.
- 33.33 If it is determined that an individual on a recovery programme could work but could not undertake their own post, then suitable alternative employment should be sought by the Line Manager in liaison with HR. If no such alternative is available, the individual will be placed on sick leave and the situation will be regularly reviewed.
- 33.34 When the Line Manager is informed that the member of staff has satisfactorily completed the recovery programme, the Line Manager should arrange to interview them and convey the School's expectations about behaviour and work performance on their return to work.

- 33.35 If an individual returns and behavioural or performance problems continue or recur, the Line Manager, in consultation with HR, will decide whether or not a further referral is appropriate or whether to take action which may include the use of disciplinary procedures.

Where no Agreement on the Nature of the Problem is Reached

- 33.36 If the member of staff concerned denies that there is a problem or rejects the offer of assistance, then the Line Manager must fully assess the situation and decide whether any other action would be appropriate. The Line Manager has to make a decision at this point whether it is appropriate for the member of staff to continue working and report the matter to an appropriate Vice Principal/Principal and HR.
- 33.37 Should the member of staff be allowed to continue working, the work performance and behaviour etc must be regularly monitored and the individual must be made aware that the situation will be under constant review. During the interview, the Line Manager should establish what will be accepted as a satisfactory level of performance and an acceptable pattern of behaviour, and advise the member of staff that should they deviate from these, they will be subject to the School's Disciplinary Procedure.
- 33.38 If, after assessment, the Occupational Health Practitioner or specialist agency is unable to help, the Line Manager will need to decide what action might be taken in conjunction with HR.

When a Recovery Programme Fails

- 33.39 When a recovery programme proves unsuccessful for an individual, the situation will need to be reviewed by the Line Manager and appropriate Vice Principal/Principal in consultation with the Occupational Health Practitioner and HR. Depending on the reasons/circumstances, a further recovery programme may be considered, or disciplinary action may be invoked. Each case will need to be assessed on its merits.

Representation

- 33.40 Staff will have a right, if they wish, to be accompanied by a representative or friend during any interview with their Line Manager, senior manager or HR arranged under this procedure.
- 33.41 The School reserves the right to test employees if the misuse of drugs or alcohol is suspected.

34. VIOLENCE AND AGGRESSION

Definition

34.0 The Health and Safety Executive's definition of work-related violence is:

- 'any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work'.

34.1 Verbal abuse and threats are the most common types of incident. Physical attacks are comparatively rare.

Processes

Process	Role/ Responsibility	Method
Risk assess the likelihood of violence occurring and the severity of any such event.	Line Manager	– Carry out a risk assessment for staff or students who deal with members of the public. – Seek the views of other staff and students as to the likelihood of violence or aggression occurring in the School.
Report all incidents of actual violence, aggression or threats.	All staff and students	– Inform the appropriate Line Manager (or in cases of absence the H&S Advisor). – Use e-mail as the means of reporting or as written confirmation of a verbal report.
Investigate the incident.	Line Manager	– Investigate and review all incidents. – Determine what were the immediate and root causes of the incident. – Consider the current controls in place and ways of improving them.
Keep records of reported incidents.		– Record the details of the incident, who was involved, when and where it happened, what led up to the incident, how it was dealt with and what happened after. – Note the controls in place at the time and what actions can be taken to reduce the likelihood of future occurrences.
Consider support for the individual.	Line Manager	– Should an incident occur, managers should consider whether the victim needs additional support such as counselling, time off, or legal help.
Provide training.		– If an incident does occur it may be necessary to provide guidance or

Process	Role/ Responsibility	Method
		training to other employees or students to enable them to react appropriately.

35. ANNUAL LEAVE

35.0 The annual leave year runs from 1st August to the following 31st of July for Support Staff and from 1st September to the following 31st of August for Academic Staff.

Annual Leave Entitlement

35.1 Employees are on various terms and conditions at the School. For details of their annual leave entitlement employees should consult their Statement of Main Terms and Conditions (Contract of Employment) or contact HR. The below table provides an overview of leave entitlement by staff category.

35.2 Below shows a summary of staff annual leave entitlement by category:

	Less than 5 whole academic years of service	5 whole academic years of service or more
Support Staff (whole time)	30 days	32 days
Technician Demonstrators	30 days (to be taken at specified holiday periods)	32 days (to be taken at specified holiday periods)
Senior Management	37 days	
Academic Staff	47 days (to be taken at specified holiday periods)	
Mental Health First Aiders	1 additional day	
First Aiders	1 additional day	

NB the above leave entitlement will be pro-rated for part-time employees.

NB the above entitlements do not include Bank Holidays.

35.3 Term Time Only (TTO) Support Staff receive an additional week's holiday pay after 5 whole academic years of service.

Application for, and Recording of, Annual Leave

Teaching Staff and Term Time Only Support Staff

35.4 Academic staff must take annual leave in accordance with the academic timetable.

35.5 TTO staff must take annual leave in accordance with the agreed non-term time dates.

35.6 Annual leave dates are set in advance of the leave year. Any variation to leave dates must be agreed in advance with the Line Manager. It is expected this will only be in exceptional circumstances. Holidays must be booked for agreed annual leave dates, not during weeks when the employee is expected to work.

Business Support Staff and Senior Managers who Work a Full Year

35.7 The employee's Line Manager must approve all applications for annual leave. The demand and requirements of the service are the prime consideration when assessing an application for annual leave. This leave must be recorded and approved on the individual's annual leave record card.

35.8 Each member of staff will receive a new annual leave record card each year.

35.9 The School reserves the right to refuse applications for annual leave on the grounds of staff coverage and demands of the service.

35.10 The minimum notice period for taking 5 working days or more annual leave is 4 weeks, under normal circumstances.

Academic Staff Teaching on the MA Provision

35.11 Academic staff teaching on the MA provision will have flexibility through agreement with the Vice Principal responsible for the role to take holidays in accordance with academic timetable.

Carry-over of Annual Leave

35.12 Annual leave not taken in an annual leave period will be lost, except in exceptional circumstances with the approval of the relevant Vice Principal/Principal, or (for Vice Principals) the Principal or (in the case of the Principal) the Chair of the Corporation Board.

Statutory and Public Bank Holidays

35.13 Full-time employees (whether whole time or term time only) are entitled to 8 paid statutory and public holidays a year. The 8 statutory and public holidays are:

- Christmas Day
- Boxing Day
- New Year's Day
- Good Friday
- Easter Monday
- Early May Bank Holiday
- Spring Bank holiday
- Summer Bank Holiday

NB the above statutory Bank Holiday entitlement will be pro-rated for part-time employees. Calculations for staff who are not contracted to work on a Monday will be made to ensure this is taken into consideration to prevent inequality.

Sickness During a period of Annual Leave

Statutory Holiday Entitlement

- 35.14 5.6 weeks of statutory holiday (including 8 days for Bank Holidays) entitlement is built up (accrued) while an employee is off work sick, pro-rated for part-time employees.
- 35.15 Any statutory holiday entitlement that is not used because of illness can be carried over into the next leave year or paid to the employee by a lump sum (excluding tax) if this is not possible.
- 35.16 An employee can ask to take their paid holiday for the time they're off work sick. They might do this if they do not qualify for sick pay, for example. Any rules relating to sick leave will still apply.
- 35.17 If an employee is ill just before or during their holiday, they can take it as sick leave instead.

36. BUYING ADDITIONAL ANNUAL LEAVE

Buying Additional Annual Leave

- 36.0 The School wishes to provide employees with more opportunities to balance work and personal life while ensuring that any such arrangements are beneficial to the business. This procedure allows employees to apply to buy up to 2 weeks of additional annual leave. The additional annual leave is effectively unpaid since the cost is deducted from the employee's net pay.
- 36.1 This procedure does not replace or restrict the use of any existing unpaid leave practices, or the discretion of Line Managers to grant unpaid leave in exceptional circumstances on an occasional basis.

Scope

- 36.2 This procedure covers Support Staff (non-managers).

Applying for Additional Annual Leave

- 36.3 An employee can ask to buy between 1 day and 2 weeks of annual leave in total in any given holiday year, pro-rated for part-time staff.
- 36.4 There is no limit on how many times an employee can buy additional leave, provided that in total they do not purchase more than 2 weeks of additional annual leave in any given holiday year.
- 36.5 To apply, employees will send the Additional Annual Leave Form to their Line Manager which can be accessed via the VLE or this link ([Additional Annual Leave Request Form](#)).
- 36.6 If an employee purchased leave is to add to the following holiday year's entitlement, they must specify this on the form, no earlier than 3 months before the start of the holiday year.

Approval

- 36.7 The Line Manager should consider the request. If the Line Manager grants approval they must sign the form and return it to Payroll by the 3rd of the month. Please note, late requests will not be processed until the following month.
- 36.8 Not all requests can be agreed upon. If, after due consideration, a request has to be turned down, the Line Manager will provide an explanation to the employee. The School reserves the right to refuse an application where in the judgement of the Line Manager is:
- sufficient cover is not reasonably likely to be possible, considering staffing levels, planned leave and any known absences;

- objectives, service standards and deadlines are not likely to be met with the reduced amount of working time;
- the additional leave will place undue work pressure on either the employee or their colleagues;
- the employee does not have a reasonable prospect of taking both the existing and additional leave. This may be a particular issue for requests made later in the holiday year and/or where the employee still has significant leave remaining;
- buying additional leave will prevent the employee's team members from having a reasonable opportunity to take their annual leave; or
- the employee has already purchased a maximum of 2 weeks for the holiday year.

36.9 This list is not exhaustive and other similar operational considerations may apply. The School must also satisfy itself that the cost of the deductions can be made from the employee's salary (see salary deduction section).

36.10 Where any of the above issues exist and a request would otherwise be refused, the Line Manager should consider whether the issue can be mitigated; for example, by agreeing in advance with the employee when a substantial block of additional leave will be taken.

36.11 Where multiple requests are made within the same team and the combined requests cannot be accommodated, consideration should be given to allowing several staff to purchase less leave rather than agreeing one request in its entirety.

36.12 The Line Manager should keep a record of the additional leave and ensure that in total the maximum 2 weeks of additional leave in any given leave year is not exceeded.

36.13 Purchase of annual leave during paid long-term absence such as maternity leave or sickness absence is not prohibited, subject to the above considerations.

Salary Deduction

36.14 The arrangement is a temporary agreement during the specified holiday year. It does not change the employee's contract, pay or leave entitlement in subsequent holiday years. At the end of the agreed salary deduction period, the employee's salary will revert to its normal level.

36.15 Once a purchase has been agreed upon, a deduction from the employee's net salary ('take-home' pay after tax and national insurance has been paid) will be made, by agreement with the employee. The additional leave is paid for through a reduction in net salary equivalent to the salary for the number of days or hours of leave being taken (see the calculation below).

36.16 Because the deduction is made after tax, there are no implications for pensionable service. Employer's and employee's pension contributions will be maintained throughout the year. There are no implications for continuous service and related entitlements.

36.17 The deduction from the employee's take-home pay will be calculated by Payroll based on their basic salary in the month that they apply, at a rate of one day's pay per day of leave purchased, or (for part-time employees) one hour's pay per hour of leave in certain circumstances, (see below).

36.18 For example:

- a full-time employee buys 5 days of leave; 1 * weekly salary will be deducted;
- a full-time employee buys 1 day of annual leave; weekly pay / 5 * 1 will be deducted;
- a part-time employee buys 3 days of leave (only works 3 days per week); 1 * weekly salary will be deducted;
- a part-time employee buys 1 day of leave (works 6 hours that day); 6 hours of salary will be deducted.

36.19 The deduction is payable at the earliest opportunity either in one lump sum or a maximum of three-monthly instalments. The employee must agree to this at the outset.

36.20 If any deduction exceeds the employee's monthly net pay then the agreement to purchase annual leave cannot proceed, however, consideration will be given to increasing the number of instalments available.

36.21 Please note, once the purchase of additional leave has been formally agreed upon, the employee cannot change their mind. The changes to the employee's employment contract and the salary deduction cannot be cancelled or reverted.

36.22 Any queries about the deduction should be directed to the Payroll and Pension Specialist by emailing pay@northernart.ac.uk.

Taking Additional Annual Leave

36.23 The additional annual leave granted through this procedure may be taken as soon as the purchase has been formally agreed upon in writing, even if the salary deduction has not yet commenced. The additional leave can be taken in the same way as other annual leave, with the timing subject to approval from the employee's Line Manager. It may be taken at any time during the year and does not have to be taken as a single block.

36.24 For academic work loading purposes, purchased annual leave should be recorded as "Authorised Leave or Activity".

36.25 The additional leave must be taken within the holiday year in respect of which the application was received. No additional carry-over from one holiday year to the next applies to employees who have purchased annual leave. If having bought additional holiday, the employee fails to take it before the end of the relevant holiday year, then it will be lost. In these circumstances, no compensatory payment or salary adjustment will be made.

Leaving the School

- 36.26 If the employee leaves the School before the end of the period of payment, the outstanding amount will be deducted from their final pay.
- 36.27 If the employee leaves the School they will be paid in lieu of any untaken leave, which includes standard leave accrued up to the end of their employment and any untaken purchased additional leave for that holiday year.

37. ADVERSE WEATHER

Introduction

- 37.0 The School recognises that on occasion adverse weather conditions may affect School opening hours and employees' and students' ability to safely travel to or from School. This procedure explains what steps to take in the event of adverse weather.

Decision to Close

- 37.1 If adverse weather is expected for the following day then the Principalship team and other key managers will arrange to take part in a 6.30am conference call the following morning to decide whether or not the School will open. If any member of the Principalship team becomes aware of unexpected adverse weather conditions being forecast (e.g. over a weekend) then they may convene a conference call by contacting participants using the appropriate contact details. Participants will normally include all members of the Principalship team and any other necessary key members.
- 37.2 Where there is either an unexpected episode of bad weather or another kind of incident that warrants School closure which arises during the working day then the Principal (or if they are off site any other member of the Principalship team) may convene a discussion amongst the group involved in closure decisions to seek agreement on a course of action. Once that decision has been made, Principalship will communicate it with their teams. The Student Services Manager will make appropriate contact with the bus company.
- 37.3 If the School closes unexpectedly before 4.30pm the Vice Principal (Further Education), the Vice Principal (People Services) and the Student Services Manager will ensure that staff are on site until after 4.30pm to enable all FE students who normally travel by bus to either catch the normal bus or if this is not possible to make appropriate alternative travel arrangements. Students requiring travel arrangements will be kept together in the Art Café area while appropriate arrangements are made to ensure coordinated information is given to students, and no student is left without appropriate arrangements.

Guidelines for Staff

Where Staff are unable to Attend School and the School is Open

- 37.4 An employee should make every effort to attend work where it is safe to do so.
- 37.5 If they are unable to safely attempt or complete the journey to School premises, or if they expect to be late, they should follow the normal absence reporting procedure i.e. telephone the HR sick line number on 01642 856126. If no one is available to take the call, they should leave a message on the answer phone. They should also contact their Line Manager directly if possible.

37.6 HR will then liaise with the employee and their Line Manager to determine whether they are able to work from home, take time off in lieu (TOIL) (paying the time back at a later date) or take unpaid leave.

Where the School is unable to Open

37.7 Where adverse weather is forecast/anticipated the Principalship team and key members (Student Services Manager, Marketing & PR Manager and Facilities Manager) will organise the previous evening to have a conference call at 6.30am on the morning to determine whether it is advisable for the School to stay closed. If the School will be closed:

- the Head of Marketing and Recruitment will update the home page of the School website by 7am if possible;
- the Head of Marketing and Recruitment will contact local media organisations so announcements can be made on air and on their websites;
- the Head of Marketing and Recruitment will put appropriate messages on official social media channels, e.g. Facebook and Twitter, by 7am;
- the Facilities Manager will contact the relevant Caretakers on duty to ask them to close the site when Cleaners have finished;
- the MIS Manager will place a relevant message on the School switchboard answer phone and if it is felt appropriate, send a text message to all students, by 7am if possible;
- a member of the Principalship team will send an email to all staff and all students stating that the School will be closed, by 7am if possible.
- all members of the Principalship team will contact those staff who report directly to them by either text or telephone call to inform them that the School will be closed. They will ask those staff to contact all staff who report to them, and so on. Note: it is vital that employees provide their Line Manager with an up to date contact number for use in these circumstances. If an employee does not provide a contact number, they limit the ways they can be informed about a School closure.

37.8 Staff will not be required to pay the time back but will be expected to work from home where this is possible. This includes being contactable by telephone (this can be mobile) about work-related matters.

37.9 Staff who have booked annual leave for that day will not be able to cancel that leave and take it at another time.

Where the School is Open but only to Critical Staff

37.10 On occasions the School may be open only to critical staff. The process above will be followed in such circumstances. Exactly which critical staff are needed will depend on the circumstances of the day e.g. are student interviews scheduled, is payroll due for submission, etc. Relevant members of the Principalship team will inform their own staff whether they are required to attend School premises. Critical staff may include the following (but may include other staff depending on circumstances):

- all members of the Principalship team;
- IT Manager and Systems Development Manager;
- Financial Controller;
- MIS Manager;
- Human Resources and Payroll & Pensions Specialist;
- Facilities Manager, Health & Safety Advisor, Caretakers;
- Head of Marketing & Recruitment; and
- Marketing Insights Manager.

38. MATERNITY LEAVE

Introduction

- 38.0 Maternity leave gives eligible employees the right to take some paid leave to care for the child following childbirth.
- 38.1 The School has an obligation to pay Statutory Maternity Pay (SMP) on behalf of the Benefits Agency to all employees who are eligible to receive it. This scheme explains entitlements to both statutory and contractual maternity benefits.

Definitions

- Statutory Maternity Leave (SML) – Employees have the right to 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave making one year in total. The combined 52 weeks is known as Statutory Maternity Leave;
- Statutory Maternity Pay (SMP) – This is a weekly payment from the School. Please read the full procedure for qualifying guidelines;
- Ordinary Maternity leave (OML) – Employees have the right to 26 weeks of Ordinary Maternity Leave. All of Ordinary Maternity leave is paid;
- Additional Maternity Leave (AML) – Employees have the right to 26 weeks of Additional Maternity Leave. The first 13 weeks of Additional Maternity Leave is paid; the last 13 weeks of Additional Maternity Leave is unpaid; and
- Expected week of childbirth (EWC) – This is the week the employee's baby is due.

Time off for Antenatal Care

- 38.2 A pregnant employee is entitled to take paid time off for antenatal care appointments. Evidence of appointments must be provided to the Line Manager upon request. A copy of the appointment card should be signed by the Line Manager and forwarded to HR.

Protection of New and Expectant Mothers (Health & Safety)

- 38.3 The School is committed to creating and maintaining a healthy and safe working environment. This is particularly important in relation to the safety of new and expectant mothers. Risks could be caused by:
- heavy lifting or carrying;
 - standing or sitting for long periods without adequate breaks;
 - exposure to toxic substances; or
 - long working hours.
- 38.4 As part of normal Health and Safety practices, the School will risk assess work areas. HR will inform the Health and Safety Advisor of any expectant mothers. In addition, the School will undertake the following in order to create a healthy workplace for new and expectant mothers:

- work areas will be risk assessed to take account of particular risks to new and expectant mothers. This will be carried out as soon as possible after notification of pregnancy by the School's Health and Safety Advisor;
- employees will have the right to transfer from hazardous work areas, or hazardous work without loss of pay or status, to suitable alternative work and/or alter hours/work conditions if suitable actions cannot be identified to avoid an assessed risk;
- an employee may be temporarily suspended, on full contractual pay, from the site in order to maintain an appropriate level of safety if suitable temporary alternative employment cannot be found; and
- suitable accommodation will be provided for new and expectant mothers to allow for appropriate rest periods, or to express milk.

Entitlement to Leave

Statutory Maternity Leave

38.5 An employee has the right to 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave making one year in total. The combined 52 weeks is known as Statutory Maternity Leave.

38.6 To qualify for Statutory Maternity Leave the employee must give the School the correct notice which is at least 15 weeks before the employee's due date. The employee can take Statutory Maternity Leave no matter:

- how long the employee has been with the School;
- how many hours the employee works; and
- how much the employee is paid.

38.7 Employees maternity leave period must include the 2 weeks immediately after childbirth. This is the compulsory maternity leave period.

Entitlement to Pay

Who is Eligible for SMP

38.8 An employee taking Statutory Maternity Leave will be eligible to receive Statutory Maternity Pay (SMP) if they satisfy the following criteria:

- they must have been employed by the School without a break in service for at least 26 weeks continuing into the 'qualifying week' - the 15th week before the expected week of childbirth;
- they must be earning on average an amount which at least equals the lower earnings limit which applies on the Saturday at the end of their qualifying week. The lower earnings limit is the amount they have to earn before they are treated as paying National Insurance contributions. This is £125 a week.
- they must still be pregnant at the 11th week before the expected week of childbirth;
- they must have stopped work wholly or partly because of their pregnancy, or their confinement; and

- they have given the correct notice which is at least 28 days' notice of the date they want to start their SMP. This is usually the same date they want to start their leave.

38.9 The School will write to the employee within 28 days confirming how much SMP they will receive and when it will start and stop.

Entitlement to Pay – Ordinary Maternity Pay

38.10 SMP is paid at the rate of 90% of the average weekly earnings. This is payable for the first 6 weeks of maternity leave. The remaining 20 weeks will be paid at the current SMP standard rate, either £187.18 per week or 90% of the employee's average weekly earnings if this is less than £187.18 per week (as from April 2022). Please note, the SMP rate is subject to change.

38.11 Not all employees will be eligible for SMP, in which case they should apply to the Benefits Agency, to see whether they may be entitled to maternity allowance. An application form (SMP1) will be provided by the School.

38.12 An employee taking Statutory Maternity Leave is entitled to accrue all benefits not related to remuneration including the accumulation of paid annual leave allowance and Bank Holidays.

38.13 Accrued annual leave should, if possible, be taken in one academic year and not carried over to the next year. However, if this is not possible, e.g. if it meant the employee having to go off very early in order to take their accrued holiday before their maternity leave officially starts then authorisation must be obtained from the appropriate Vice Principal/Principal to the role.

Entitlement to Pay - Contractual Maternity Pay

38.14 If the employee qualifies for Statutory Maternity Pay (see above) they will be entitled to receive contractual maternity pay. Contractual maternity pay is paid in addition to SMP, and is paid at the rate of half-pay for the 12 weeks of the maternity pay period immediately following the first 6 weeks (weeks 7-18 inclusive). This is subject to the combined SMP and half pay not exceeding the normal full pay.

38.15 Any employee who does not return to work for a period of at least 13 weeks' service following their maternity leave, may be required to repay the 12 weeks half pay, or lesser amount if applicable, to be determined by the School. They cannot be required to repay any of the SMP. An employee who is uncertain about their return to work may elect to have the 12 weeks half pay paid in one lump sum on their return to work.

Entitlement to Pay - Additional Maternity Leave (AML)

38.16 An employee on Additional Maternity Leave is eligible to receive SMP for the first 13 weeks of AML; for the latter period of the 26 weeks leave, (the last 13 weeks) they are not entitled to pay. They are, however, entitled to non-remunerative

benefits e.g. the accrual of annual leave and Bank Holiday entitlement throughout the whole of the Statutory Maternity Leave.

Giving Notice to Start Maternity Leave

38.17 An employee who wishes to take Statutory Maternity Leave must give the School notice, in writing, by the 15th week before their EWC for Statutory Maternity Leave and at least 28 days' notice for Statutory Maternity Pay (unless this is not reasonably practicable), of the following;

- that they are pregnant;
- the expected week of childbirth;
- some indication of when they would like to start their maternity leave; (the date can be changed later if 28 days' notice is given);
- if the employee wishes to claim contractual maternity pay (see above), they should also confirm that they intend to return to work at the end of the maternity leave period;
- whether they intend not to take AML. (Note: it is assumed that employees will take their full entitlement unless otherwise notified);
- they should also produce a certificate from a GP or registered midwife (Form MATB1) as soon as it is available. This is normally issued by the doctor or midwife after they have been pregnant for 21 weeks; and
- this notice should be sent to HR.

38.18 If it is not reasonably practicable for them to give this notice, then they must provide the information as soon as reasonably practicable.

38.19 The employee may decide when they wish to start their maternity leave, and they may start at any time after the beginning of the 11th week before the week in which childbirth is expected. However, if they are absent from work with a pregnancy-related illness during the last 4 weeks of pregnancy, their maternity leave will start automatically.

38.20 If the employee changes their mind about when they want to start maternity leave they must give the School notice, in writing at least 28 days in advance, unless this is not reasonably practicable (addressed to HR).

38.21 Where childbirth occurs before the notified leave date or before they have notified such a date, they should notify the School that they have given birth as soon as is reasonably practicable after the birth.

School's Response

38.22 The School will respond to the employee's notification of their leave plans within 28 days. This will involve a meeting between the employee and a member of HR to discuss a date which will best suit both the needs of the employee and the School. Once a firm date has been decided, HR will issue the employee with a letter indicating start and end dates, holiday accrual and rates of pay.

The Right to Return to Work after Maternity Leave

- 38.23 An employee who wishes to return to work following AML, has the right to return at any time up until the end of the 26 weeks immediately following their 26 weeks OML. They have the right to return to the same job, with comparable terms and conditions of employment, seniority and pension rights, or if this is not reasonably practicable, to another suitable position that carries no less favourable terms.
- 38.24 If returning from maternity leave (whether OML or AML), the employee does not have to give the School any notice, unless they wish to return early. In such cases, the employee must provide 8 weeks' notice if they intend to return to work before the maternity leave expires. This notice does not have to be in writing but should be given to HR, who will record the notice.
- 38.25 Failure to provide the correct notice may result in the School postponing the employee's return by 8 weeks or the end of the maternity leave, whichever is sooner. There is no right to normal pay during the postponement period.
- 38.26 An employee who is unable to return to work at the end of their maternity leave due to illness, will be subject to the normal sick leave and pay procedure and will receive sick pay according to their contract.
- 38.27 An employee who does not return after having received contractual maternity pay will be required to pay back all contractual maternity pay received.
- 38.28 If the employee's job becomes redundant during the course of their maternity leave, the School will offer them any other suitable alternative work that becomes available without having to apply for the vacancy. They will have the right to be considered for such work, even though they are on maternity leave. The offer will be made before their previous employment ends and the new employment will commence immediately. It must involve suitable work and the terms and conditions will not be less favourable than the old contract. If there is no work available, then they will be made redundant, and receive redundancy pay in line with their statutory and contractual entitlements.
- 38.29 If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date that they have specified, they may, instead, return when work resumes.
- 38.30 An employee returning from maternity leave who wishes to return on a part-time basis should follow the Flexible Working Hours Procedure.
- 38.31 An employee on either OML or AML who does not wish to return to work will be subject to their normal contractual period of notice.

'Keeping in Touch' Days

- 38.32 During the leave it is often helpful for the employee and the School to 'keep in touch'.

38.33 The School is entitled to make reasonable contact with the employee during statutory maternity leave, for reasons such as:

- Updates on any significant changes in the workplace, including any opportunities for promotion or job vacancies.

38.34 The employee can work up to 10 days' during their statutory maternity leave without losing statutory pay, maternity allowance or ending the leave.

38.35 These 'keeping in touch' days may only be worked if both the employee and the School agree. The employee cannot work during compulsory maternity leave which is the 2 weeks immediately after the child is born.

38.36 Although particularly useful for things such as training or team events, 'keeping in touch' days may be used for any form of work. They should make it easier for the employee to return to work after leave.

38.37 The employee will need to agree with the School what work is to be done on 'keeping in touch' days. The employee will be paid at their normal rate of pay for these days less any maternity pay received for that day.

Pensions Contributions

38.38 An employee in receipt of remuneration, whether salary, or SMP, or both, will be treated as though they are working normally for the purposes of access to occupational pension scheme membership and benefits. The School will pay the normal contribution towards the pension scheme for the period of paid maternity leave. The employee is only required to pay contributions on the amount of actual remuneration, or SMP they are in receipt of.

38.39 Employees, who wish to continue contributions during any period of unpaid maternity leave, should contact the appropriate pension authority to obtain the advice on how to do so, as pension rights are suspended during unpaid maternity leave.

Early Births

38.40 If the baby is born early but after the employee has started to receive SMP, SMP will continue to be paid. This should not affect the return to work date from either OML or AML. If the baby is born before the employee has started to receive SMP, the early birth will trigger maternity leave and SMP.

Late Births

38.41 If the baby is born after the EWC, SMP and both OML and AML dates are not affected.

Stillbirths

38.42 In the unfortunate and tragic event of a stillbirth, the employee continues to be entitled to SMP if the child is born at the start of the 24th week of pregnancy. They will also be entitled to the maternity leave period. In the event of a miscarriage before the 24th week of pregnancy, provisions and regulations of the sick pay scheme will apply.

Circumstances in which SMP is Lost

38.43 An employee will lose their right to receive SMP if:

- they are taken into legal custody;
- they start work for another employer; or
- they return to work.

38.44 There are differences in detail of SMP legislation in Northern Ireland. If an employee intends to go to Northern Ireland during the SMP period they should contact the local Inland Revenue Office to confirm whether SMP will be affected. Contractual maternity pay will not be affected.

General Issues

38.45 If the employee's job becomes redundant during the course of their pregnancy, the School will offer them any other suitable alternative work that becomes available without having to apply for the vacancy. The offer will be made before their previous employment ends and the new employment will commence immediately. It must involve suitable work and the terms and conditions will not be less favourable than the old contract. If there is no work available, then they will be made redundant, and receive redundancy pay in line with their statutory and contractual entitlements.

38.46 Maternity leave is not sick leave, and will not be considered when calculating any period of sick leave entitlement.

38.47 Employees entitled to SMP are not entitled to SSP even if they return to work early and then fall sick. In such cases, SMP will be resumed.

38.48 Periods of maternity leave are regarded as continuous service for the purpose of calculating entitlements to employment benefits.

38.49 If in the early months of pregnancy, an employee is advised by an approved medical practitioner to absent their self from work because of the risk of rubella, they will be entitled to leave with full pay.

38.50 The partner of an employee taking maternity leave may be entitled to paternity leave or shared maternity leave.

38.51 Pregnant employees should also refer to the Emergency Carer Leave and Parental Leave Procedures for future reference.

39. NEONATAL CARE LEAVE

Introduction

39.0 This procedure sets out the rights and responsibilities of the School regarding Neonatal Care Leave and Pay, in line with the Neonatal Care (Leave and Pay) Act 2023.

39.1 The School's aim is to provide compassionate support to employees whose babies require specialist neonatal care, while ensuring compliance with statutory requirements.

Eligibility Leave

39.2 Entitlement begins immediately upon commencement of employment.

39.3 Leave applies in circumstances where a baby needs to spend a minimum of 7 consecutive days in neonatal hospital care within the first 28 days following birth.

39.4 Eligible employees include:

- Birth parents;
- Adoptive parents;
- Intended parents through surrogacy; and
- Partners with caring responsibility.

Pay

39.5 Employees must have:

- At least 26 weeks' continuous service by the 15th week before the expected week of childbirth (the qualifying week); and
- Average weekly earnings of at least the Lower Earnings Limit (approx. £125/week).

Entitlement

39.6 Employees may take up to 12 weeks of neonatal care leave.

39.7 Leave entitlement is accrued at a rate of one week for every 7 consecutive days the baby spends in neonatal care.

39.8 Leave must be taken within 68 weeks of the child's birth.

39.9 Leave is in addition to maternity, paternity, adoption, or shared parental leave.

Pay

39.10 Statutory Neonatal Care Pay is the lower of £187.18 per week (rate reviewed annually) or 90% of average weekly earnings.

Taking Leave

39.11 Tier 1 (during neonatal care and 1 week after discharge):

- Can be taken in blocks of at least 1 week.
- Notice: The employee must inform the School before the first day of absence or as soon as practicable (notice need not be in writing).

39.12 Tier 2 (after Tier 1 window ends):

- Any remaining leave must be taken as one continuous block.
- Notice: Written notice required:
 - 15 days for 1 week of leave; or
 - 28 days for 2 or more consecutive weeks.

Notice and Evidence

39.13 Employees must provide:

- Written notice for Tier 2 leave (as above).
- A statement should be provided confirming eligibility (parental relationship and neonatal care requirement).
- In emergency cases, a family member may initially notify the School, but the employee must confirm formally as soon as possible.

Rights During and After Leave

39.14 Job Protection:

- Up to 26 weeks of statutory leave, right to return to the same job.
- Over 26 weeks, right to a suitable alternative role on the same terms and conditions if the original role is not reasonably practicable.

39.15 Redundancy Protection:

- Employees taking 6 or more consecutive weeks of neonatal care leave are protected from redundancy for 18 months from the child's birth.
- Where redundancy cannot be avoided, the School must provide a suitable alternative role wherever possible.

39.16 Employees must not suffer disadvantage, harassment, or discrimination for taking or requesting neonatal care leave.

Pay Administration

39.17 Neonatal Care Pay will be processed via payroll in the same way as statutory maternity/paternity pay.

Employee Responsibilities

39.18 Provide notice and supporting evidence where required.

39.19 Communicate promptly with their Line Manager/HR regarding leave arrangements.

40. ADOPTION LEAVE

Introduction

40.0 This scheme describes adoption rights, entitlements and obligations for all employees at the School.

40.1 The School has an obligation to pay Statutory Adoption Pay (SAP) on behalf of the Social Security Benefits Office to all employees who are eligible to receive it. This scheme explains entitlements to both statutory and contractual adoption benefits.

Definitions

- Statutory Adoption Leave (SAL) – Employees have the right to 26 weeks of Ordinary Adoption Leave and 26 weeks of Additional Adoption Leave making one year in total. The combined 52 weeks is known as Statutory Adoption Leave;
- Statutory Adoption Pay (SAP) – This is a weekly payment from the School. Please read full procedure for qualifying guidelines;
- Ordinary Adoption leave (OAL) – Employees have the right to 26 weeks of Ordinary Adoption Leave; all 26 weeks of Ordinary Adoption Leave will be paid;
- Additional Adoption Leave (AAL) – Employees have the right to 26 weeks of Additional Adoption Leave; the first 13 weeks of Additional Adoption Leave is paid; the last 13 weeks of Additional Adoption Leave is unpaid.

Entitlement to Leave

Statutory Adoption Leave (SAL)

40.2 An employee has the right to 26 weeks of Ordinary Adoption Leave and 26 weeks of Additional Adoption Leave making one year in total.

40.3 The leave may start from:

- up to 14 days before the date the child starts living with the employee (UK adoptions);
- when the child arrives in the UK or within 28 days of this date (overseas adoptions); or
- the day the child's born or the day after (if the employee used a surrogate to have a child).

40.4 The employee can take Statutory Adoption Leave no matter:

- how long the employee has been with the School;
- how many hours the employee work; and
- how much the employee is paid.

Entitlement to Pay

Who is Eligible for Statutory Adoption Pay (SAP)

40.5 An employee taking Statutory Adoption Leave will be eligible to receive Statutory Adoption Pay (SAP) if they satisfy the following criteria:

- they must have been employed by the School without a break in service for at least 26 weeks by the week an employee is matched with a child;
- they must be earning on average an amount which at least equals the lower earnings limit which applies on the Saturday at the end of their qualifying week. The lower earnings limit is the amount they have to earn before they are treated as paying National Insurance contributions. This is £125 a week;
- give at least 28 days' notice before they want to be paid Statutory Adoption Pay unless the time between the child being matched and placed is less than that.; and
- give proof of the adoption or surrogacy, the proof must show:
 - the employee's name and address and that of the agency
 - the match date - for example, the matching certificate
 - the date of placement - for example, a letter from the agency
 - the relevant UK authority's official notification confirming the employee is allowed to adopt (overseas adoptions only)
 - the date the child arrived in the UK - for example, a plane ticket (overseas adoptions only)

Pay for Employees Adopting a Child from Overseas

40.6 The requirements are the same if the employee is adopting from overseas, except they must have been continuously employed by the School for at least 26 weeks when they start getting adoption pay.

40.7 The employee must also sign Form SC6 if adopting from overseas with a partner. This confirms the employee is not taking paternity leave or pay.

40.8 The employee must tell the School the date of their 'official notification' and when they expect the child to arrive in the UK. They must usually do this within 28 days of getting the notification.

Pay for Employees in a Surrogacy Arrangement

40.9 The requirements are the same if the employee is in a surrogacy arrangement, except they must have been continuously employed by the School for at least 26 weeks by the 15th week before the baby's due.

40.10 The employee must also:

- intend to apply for a parental order (within the 6 months after the child's birth); and

- expect the order to be granted (for example because they do not have any convictions involving children, and the birth mother or father agree to the arrangement).

40.11 If the employee is genetically related to the child (the egg or sperm donor), they can choose to get paternity leave and pay instead. The employee cannot get both.

The Employee is Fostering for Adoption

40.12 If the employee is eligible for adoption pay and leave, the employee will receive them from when the child comes to live with them.

40.13 If the employee is eligible for adoption leave, the employee will also receive paid time off work to attend 5 adoption appointments after being matched with a child.

Exceptions

40.14 The employee will not qualify for Statutory Adoption Leave or Pay if they:

- arrange a private adoption;
- become a special guardian or kinship carer;
- adopt a stepchild; or
- adopt a family member.

Ordinary Adoption Pay (OAP)

40.15 SAP is paid at the rate of 90% of the average weekly earnings. This is payable for the first 6 weeks of adoption leave. The remaining 20 weeks will be paid at the current SAP standard rate, either £187.18 per week or 90% of the employee's average weekly earnings if this is less than £187.18 per week (as from April 2022). Please note, the SAP standard rate of pay that is paid will be the rate that is in force at the time. SAP is paid at the same rate as SMP.

40.16 Although eligible to take Statutory Adoption Leave, not all employees will be eligible for SAP. In this case they should apply to the Benefits Agency, to see whether they may be entitled to adoption allowance. An application Form (SAP1) will be provided by the School.

40.17 The employee may also get support from their local council.

40.18 An employee taking Statutory Adoption Leave is entitled to accrue all benefits not related to remuneration including the accumulation of paid annual leave allowance and Bank Holidays.

40.19 Accrued annual leave, should if possible, be taken in one academic year and not carried over to the next year. However, if this is not possible, e.g., if it meant the employee having to go off very early in order to take their accrued holiday before their adoption leave officially starts then authorisation must be obtained. This

authorisation should be from the Vice Principal/Principal responsible for the employee's role to carry their holidays over to the next academic year.

- 40.20 Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
- 40.21 Where a couple adopt jointly the couple must choose which partner takes adoption leave. Adoption leave and adoption pay of any kind is only available to one partner in an adopting couple. The other partner may be entitled to paternity leave or shared adoption leave.
- 40.22 Adoptive parents should also refer to the Emergency Carer Leave and Parental Leave Procedures for future reference.
- 40.23 Reasonable contact will be made to keep the employee informed of workplace issues e.g., job vacancies, training days, etc.

Contractual Adoption Pay (CAP)

- 40.24 If the employee qualifies for Statutory Adoption Pay (see above) they will be entitled to receive Contractual Adoption Pay. Contractual Adoption Pay is paid in addition to SAP and is paid at the rate of half-pay for the 12 weeks of the adoption pay period immediately following the first 6 weeks (weeks 7-18 inclusive). This is subject to the combined SAP and half pay not exceeding the normal full pay.
- 40.25 Any employee who does not return to work for a period of at least 13 weeks service following their adoption leave, may be required to repay the 12 weeks half pay, or lesser amount if applicable, to be determined by the School. They cannot be required to repay any of the SAP. An employee who is uncertain about their return to work may elect to have the 12 weeks half pay paid in one lump sum on their return to work.

Additional Adoption Leave (AAL)

- 40.26 An employee on Additional Adoption Leave is eligible to receive SAP for the first 13 weeks of AAL; for the latter period of the 26 weeks leave, (the last 13 weeks) they are not entitled to pay. They are, however, entitled to non-remunerative benefits e.g. the accrual of annual leave and Bank Holiday entitlement throughout the whole of the Statutory Adoption Leave.

Giving Notice to Start Adoption Leave

- 40.27 The Employee must inform the School they want to stop work to adopt a child. The notice should include:
- when the child is expected to be placed with them,
 - when they want their Statutory Adoption Pay to start (if eligible);
 - the date on which they wish to start their adoption leave (which may start on any day of the week;

- if the employee wishes to claim contractual adoption pay (see above), they should also confirm that they intend to return to work at the end of the adoption leave period;
- whether they intend not to take AAL. (Note: it is assumed that employees will take their full entitlement unless otherwise notified); and
- they should also produce a 'matching certificate' from their adoption agency as soon as it is available.

40.28 This notice should be sent to HR with the Matching Certificate if it has been received.

40.29 If it is not reasonably practicable for the employee to give this notice, they must provide the information as soon as reasonably practicable.

40.30 Where adoption occurs before the notified leave date or before the employee has notified such a date, they should notify the School that they have adopted as soon as is reasonably practicable after the adoption.

School's Response

40.31 The School will respond to the employee's notification of the employee's leave plans within 28 days. This will involve a meeting between the employee and a member of HR to discuss a date which will best suit both the needs of the employee and the School. Once an actual date has been decided, HR will issue the employee with a letter indicating start and end dates, holiday accrual and rates of pay.

The Right to Return to Work after Adoption Leave

40.32 An employee who wishes to return to work following AAL, has the right to return at any time up until the end of the 26 weeks immediately following their 26 weeks OML. They have the right to return to the same job, with comparable terms and conditions of employment, seniority and pension rights, or if this is not reasonably practicable, to another suitable position that carries no less favourable terms.

40.33 If returning from adoption leave (whether OAL or AAL), the employee does not have to give the School any notice, unless they wish to return early. In such case the employee must provide 8 weeks' notice if they intend to return to work before the adoption leave expires. This notice does not have to be in writing but should be given to HR, who will record the notice.

40.34 Failure to provide the correct notice may result in the School postponing the employee's return by 8 weeks or the end of the adoption leave, whichever is sooner.

40.35 There is no right to normal pay during the postponement period.

- 40.36 An employee who is unable to return to work at the end of their adoption leave due to illness, will be subject to the normal sick leave and pay procedure, and will receive sick pay according to their contract.
- 40.37 An employee who does not return after having received contractual adoption pay will be required to pay back all contractual adoption pay received.
- 40.38 If the employee's job becomes redundant during the course of their adoption leave, the School will offer them any other suitable alternative work that becomes available, without having to apply for the vacancy. They will have the right to be considered for such work, even though they are on adoption leave. The offer will be made before their previous employment ends and the new employment will commence immediately. It must involve suitable work and the terms and conditions will not be less favourable than the old contract. If there is no work available, then they will be made redundant, and receive redundancy pay in line with their statutory and contractual entitlements.
- 40.39 If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date that they have specified, they may, instead, return when work resumes.
- 40.40 An employee returning from adoption leave who wishes to return on a part-time basis should follow the Flexible Working Procedure.
- 40.41 An employee on either OAL or AAL who does not wish to return to work will be subject to their normal contractual period of notice.

'Keeping in Touch' Days

- 40.42 During the leave it is often helpful for the employee and the School to 'keep in touch'.
- 40.43 The School is entitled to make reasonable contact with the employee during statutory adoption leave, for reasons such as:
- Updates on any significant changes in the workplace, including any opportunities for promotion or job vacancies.
- 40.44 The employee can work up to 10 days' during their statutory adoption leave without losing statutory pay, adoption allowance or ending the leave.
- 40.45 These 'keeping in touch' days may only be worked if both the employee and the School agree.
- 40.46 Although particularly useful for things such as training or team events, 'keeping in touch' days may be used for any form of work. They should make it easier for the employee to return to work after leave.

40.47 The employee will need to agree with the School what work is to be done on 'keeping in touch' days. The employee will be paid at their normal rate of pay for these days less any adoption pay received for that day.

Pensions and Contributions

40.48 An employee in receipt of remuneration, whether salary, or SAP, or both, will be treated as though they are working normally for the purposes of access to occupational pension scheme membership and benefits. The School will pay the normal contribution towards the pension scheme for the period of adoption leave. The employee is only required to pay contributions on the amount of actual remuneration, or SAP they are in receipt of.

40.49 Employees, who wish to continue contributions during any period of unpaid adoption leave, should contact the appropriate pension authority to obtain the advice on how to do so, as pension rights are suspended during unpaid adoption leave.

End of Placement

40.50 If the child's placement ends during the adoption leave period, the adopter can continue adoption leave for up to 8 weeks after the end of the placement.

Circumstances in which SAP is lost

40.51 An employee will lose their right to receive SAP if:

- they are taken into legal custody;
- they start work for another employer;
- they return to work;
- the placement of the child is disrupted. SAP will usually come to an end 8 weeks after the disruption; or
- there are differences in detail of SAP legislation in Northern Ireland. If an employee intends to go to Northern Ireland during the SAP period they should contact the local Inland Revenue Office to confirm whether SAP will be affected. Contractual adoption pay will not be affected.

General Issues

40.52 Adoption leave is not sick leave, and will not be considered when calculating any period of sick leave entitlement.

40.53 Employees entitled to SAP are not entitled to SSP even if they return to work early and then fall sick. In such cases, SAP will be resumed.

40.54 Periods of adoption leave are regarded as continuous service for the purpose of calculating entitlements to employment benefits.

41. PATERNITY LEAVE

Overview

41.0 Employees taking time off because their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement may be eligible for:

- 1 or 2 weeks paid Paternity Leave;
- Paternity Pay; and
- Shared Parental Leave and Pay.

Time off for Antenatal Care

41.1 An employee can get time off to accompany their partner (or the surrogate mother) to 2 antenatal appointments if they're:

- the baby's father;
- the expectant mother's spouse or civil partner;
- in a long-term relationship with the expectant mother;
- the intended parent (if they're having a baby through a surrogacy arrangement); or
- if the employee is adopting a child, they can get time off to attend 2 adoption appointments after they've been matched with a child.

Paternity Leave

41.2 An employee can choose to take either 1 or 2 weeks' of paternity leave. They will get the same amount of leave if their partner has a multiple birth (such as twins).

41.3 The employee must take their leave in one go. A week is the same amount of days that they normally work in a week - for example, a week is 2 days if the employee only works on Mondays and Tuesdays.

Start and End Dates

41.4 Leave cannot start before the birth. It must end within 56 days of the birth (or due date if the baby is early).

41.5 The employee must give the School 28 days' notice before their original start date or the new start date - whichever is earlier if they want to change their start date.

41.6 The money is usually paid while the employee is on leave.

41.7 An employee does not have to give a precise date when they want to take leave (for example 1 February). Instead, they can give a general time, such as the day of the birth or 1 week after the birth.

Shared Parental Leave

41.8 The employee may also be eligible for Shared Parental Leave (SPL). They cannot take Paternity Leave after they take SPL.

Paternity Pay

41.9 The statutory weekly rate of Paternity Pay is £187.18, or 90% of an employee's average weekly earnings (whichever is lower). Instead of this statutory amount, the School provides an enhanced entitlement of up to two weeks' paternity leave at full pay.

Eligibility

41.10 An employee must be taking time off to look after the child and be one of the following:

- the baby's father;
- the expectant mother's spouse or civil partner;
- in a long-term relationship with the expectant mother; or
- the intended parent (if they're having a baby through a surrogacy arrangement).

41.11 There are extra conditions an employee needs to meet to qualify for leave and pay.

Paternity Leave

41.12 The employee must:

- be an employee;
- give the correct notice at least 15 weeks before the baby is expected; and
- have been continuously employed by the School for at least 26 weeks up to any day in the 'qualifying week'. The 'qualifying week' is the 15th week before the baby is due. This is different if an employee adopts.

Paternity Pay

41.13 An employee must:

- be employed by the School up to the date of birth;
- earn at least £125 a week (before tax);
- give the correct notice; and
- have been continuously employed by the School for at least 26 weeks up to any day in the 'qualifying week'. The 'qualifying week' is the 15th week before the baby is due. This is different if an employee adopts.

Circumstances where SPP is lost

41.14 An employee will lose the right to SPP if:

- they are taken into legal custody;
- they start working for another employer who is liable to pay them SPP;
- they return to work; or
- they are receiving Statutory Sick Pay (SSP).

If you lose your Baby

41.15 An employee is still eligible for paternity leave or pay if their baby is:

- stillborn from 24 weeks of pregnancy; or
- born alive at any point during the pregnancy.

If an Employee is not Eligible

41.16 The School must tell the employee within 28 days if they do not qualify and why using form SPP1.

How to Claim

Paternity Leave

41.17 At least 15 weeks before the baby is due, inform the School:

- the due date;
- when the employee wants their leave to start; and
- if the employee wants 1 or 2 weeks leave.

41.18 Employees must complete the Application for Leave of Absence Form accessed via the VLE or this link ([Application for Leave of Absence Form](#)) to apply for the leave.

41.19 Employees wishing to take time off to attend labour and the birth itself may take leave under the Emergency Carer Leave Procedure. An Application for Leave of Absence Form should be filled in in addition to the request for paternity leave. This day will not be included in the chosen 1 or 2 weeks of paternity leave. It will be classed as an additional day as emergency carer leave.

41.20 The employee must give the School 28 days' notice if they want to change their start date.

Adoption and Surrogacy

Eligibility

41.21 The employee must have been continuously employed by the School for at least 26 weeks by the 'matching week'. For adoption this is either:

- the end of the week an employee is matched with the child (UK adoptions); or

- the date the child enters the UK or when the employee wants their pay to start (overseas adoptions).

Start and End Dates

41.22 A period of Paternity Leave can start:

- on the date of placement;
- an agreed number of days after the date of placement;
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only); or
- the day after the child is born (surrogate parents).

41.23 Leave must be taken within 56 days of the date of placement or the child's arrival in the UK (overseas adoptions).

41.24 The employee must give the School 28 days' notice before their original start date or the new start date - whichever is earlier if they want to change their start date.

Proof of Adoption

41.25 An employee must give the School proof of adoption to qualify for paternity pay. Proof can be a letter from the adoption agency or the matching certificate.

Surrogacy Arrangements

41.26 To be eligible for paternity pay and leave if the employee uses a surrogate to have a baby, they must:

- be responsible for the child (with their partner); and
- have worked for the School continuously for at least 26 weeks by the end of the 'qualifying week' (the 15th week before the baby is due).

41.27 At least 15 weeks before the due date, inform the School when the baby is due and when the employee wants to start their leave by completing the Application of Leave of Absence Form accessed via the VLE or this link ([Application for Leave of Absence Form](#)).

41.28 The School will ask for a written statement to confirm the employee intends to apply for a parental order in the 6 months after the child's birth.

41.29 An employee cannot get paternity leave if they are taking shared parental leave.

Not Giving the Correct Notice

41.30 If the employee can't give the full notice period for a valid reason they should still give as much notice as possible. A valid reason might be, for example, if the baby arrives early or the adoption agency doesn't give the employee long enough notice.

- 41.31 The employee may still qualify if they meet the other conditions or would have if their baby had not been born early. If there is no valid reason (e.g. the employee simply forgot) they will lose their entitlement.

Pension Contributions

- 41.32 An employee in receipt of SPP will be treated as though they are working normally for the purposes of access to occupational pension scheme membership and benefits. The School will pay the normal contribution towards the pension scheme for the period of SPP. The employee is only required to pay contributions on the amount of actual remuneration, or SPP they are in receipt of.
- 41.33 Employees who wish to continue contributions during any period of unpaid paternity leave, should contact the appropriate pension authority to obtain advice on how to do so, as pension rights are suspended during unpaid paternity leave.

General Issues

- 41.34 Paternity leave is not sick leave, and will not be considered when calculating any period of sick leave entitlement.
- 41.35 An employee who is unable to return to work at the end of paternity leave due to illness will be subject to the normal sick leave and pay procedure and will receive sick pay according to their contract.
- 41.36 Periods of paternity leave are regarded as continuous service for the purpose of calculating entitlements to employment benefits.
- 41.37 Employees should also refer to the Parental Leave and Emergency Carer Leave Procedures for future reference.

42. PARENTAL LEAVE

42.0 Parental leave offers qualifying parents the right to take unpaid time off work to look after a child or make arrangements for their welfare. It can help the parent to spend more time with their child and strike a better balance between work and family commitments. The reasons for the leave do not have to be connected with the child's health.

Purpose of Parental Leave

42.1 The purpose of parental leave is to care for a child. This means looking after their welfare and could include making arrangements for the good of the child. Caring for a child does not necessarily mean being with the child 24 hours a day. Parental leave might be taken simply to enable the employee to spend more time with their young child. Examples of the way parental leave might be used include:

- spending more time with the child in their early years;
- accompanying the child during a stay in hospital;
- looking at new schools;
- settling the child into new childcare arrangements; or
- enabling families to spend more time together, for example, taking the child to stay with grandparents.

Right to Parental Leave

42.2 The employee has the right to parental leave of 18 weeks leave for each child and adopted child if they:

- have been employed by the School for 1 year or more;
- are the parent (named on the birth or adoption certificate);
- they have or expected to have parental responsibility;
- are not foster parents (unless they've secured parental responsibility through the courts);
- the child is under 18; and
- they're not self-employed or a 'worker', e.g. as an agency worker or contractor.

42.3 The employee can also take parental leave immediately after maternity, shared maternity, paternity or adoption leave providing they give the correct notice.

42.4 Both parents have the right to parental leave. If they are separated and don't live with the children, they have the right to parental leave if they keep formal parental responsibility for the children.

When Parental Leave may be Taken

42.5 The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the School agrees otherwise).

42.6 An employee must take parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days, unless the School agrees otherwise or if an employee's child is disabled. The employee doesn't have to take all the leave at once.

42.7 A 'week' equals the length of time an employee normally works over 7 days.

42.8 For example, if an employee works 3 days a week, 1 'week' of parental leave equals 3 days. If an employee works irregular weeks the number of days in a 'week' is the total number of days they work a year divided by 52.

Carrying Leave over from a Previous Job

42.9 Parental leave applies to each child not to an individual's job. For example, an employee is entitled to 18 weeks. If they have used 10 weeks with a previous employer, they can, therefore, use up to 8 weeks with their new employer if they are eligible.

Notice/Evidentiary Requirements

42.10 In order to be able to take parental leave, employees need to give appropriate notice, addressed to HR, of intent to take leave and must comply with any request made to produce any appropriate evidence.

42.11 The written notice required by the School from an employee intending to take parental leave needs to cover the following points and should:

- specify the dates on which the period of leave is to begin and end;
- be given to HR at least 21 days prior to taking the leave, unless there are exceptional circumstances which have been agreed; and
- if they or their partner are having a baby or adopting, it's 21 days before the week the baby or child is expected.

42.12 In order to establish an employee's entitlement to parental leave, the School may request evidence of:

- an employee's responsibility for the child in respect of which parental leave is to be taken, this may include, for example, a child's birth/adoption certificate, a parental responsibility order, an adoption order or a MAT B1;
- details of any parental leave that the employee has taken during any employment with another employer; and
- the child's entitlement to disability living allowance where appropriate.

Postponing Parental Leave

42.13 The School can postpone or reduce the length of parental leave where an employee has given the appropriate notice but the School considers that the operation of the business would be unduly disrupted if the employee took parental leave as requested. For these purposes "unduly disrupted" means any

circumstances in which the School, organisation or interests is/are likely to be seriously threatened, harmed or undermined.

- 42.14 If the School has to postpone or reduce parental leave, the employee will be able to take parental leave of the same length as originally requested, or the remaining period of parental leave in the case of reduced leave, within 6 months of the date of the postponement or reduction in leave.
- 42.15 The School will not be able to postpone an employee's parental leave in the circumstances where the employee has given 21 days' notice to the School of intent to take parental leave which commences on the day on which childbirth occurs or the day on which the child is placed for adoption.
- 42.16 Leave can't be postponed (delayed) if:
- the School doesn't have a 'significant reason', e.g. it would cause serious disruption to the business;
 - it is being taken by the father or partner immediately after the birth or adoption of a child; or
 - it means an employee would no longer qualify for parental leave, e.g. postponing it until after the child's 18th birthday.

Contact with the School during Parental Leave

- 42.17 An employee's Line Manager will seek to ensure that during the period that the employee is absent from work or on parental leave, they will be communicated with on a regular basis. This may include:
- receiving a copy of the Staff Newsletter and other relevant information/bulletins;
 - receiving relevant key minutes and/or agendas;
 - receiving relevant training information; and
 - being included in invitations to relevant social events.
- 42.18 An employee's Line Manager will also seek to keep in regular contact with the employee during the period of parental leave and keep other relevant staff informed about the employee's return to work.
- 42.19 For periods of parental leave in excess of 4 weeks, prior to the commencement of the parental leave, Line Managers should discuss with the employee arrangements for covering work and also for providing opportunities to remain in contact with the School whilst on leave. As far as possible, such arrangements will be finalised in consultation with the employee. If the employee has staff reporting to them, they will be involved, as far as possible, in key discussions relating to the temporary reporting arrangements to cover parental leave.
- 42.20 Employees on parental leave should remain on relevant circulation lists and be included in invitations to work-related social events as though they were still at work. Where the employee has managerial responsibilities, the School should try to ensure that they are given the opportunity to participate in or be consulted about key decisions taken in their absence. As far as reasonably practicable, the

School should try to defer key decisions until the employees returned from parental leave.

- 42.21 Where suitable training opportunities arise during an employee's parental leave, they should be offered to the employee concerned if appropriate. The School does not want parental leave to prejudice employees in terms of training and self-development.
- 42.22 For periods of parental leave in excess of 4 weeks, employees should be invited for a meeting with their Line Manager to provide an opportunity for discussions of any material points concerning the return to work. These may include:
- updating on developments at work;
 - considering whether any retraining needs have arisen either because of the length of absence, new technical or other developments; and
 - organising any meetings/interviews that the School and the employee consider necessary to enable the employee to make an effective return to regular working.
- 42.23 The meeting will also provide an opportunity to discuss and explain any necessary and unavoidable changes to the employee's work.

Returning to Work

- 42.24 If an employee has taken parental leave for a period of 4 weeks or less, at the end of the period of parental leave, the employee will be entitled to return to the job in which they were employed under their original contract of employment, and on terms and conditions no less favourable than those to which they would have been entitled had they not been absent. This means they will be entitled to any pay awards and annual increments which they would have received if they had been at work.
- 42.25 If the School cannot offer the employee the right to return to their original job because of redundancy which would have occurred whether or not the employee had been absent, the School will offer the employee any suitable alternative employment which is available.

Terms and Conditions of Employment

- 42.26 The employee's employment will continue whilst on parental leave.
- 42.27 During parental leave, the employee shall have the benefit of the School's implied obligation of trust and confidence and terms of employment regarding notice of termination, compensation for redundancy and disciplinary and grievance procedures. The employee shall be bound during the parental leave period by the implied duty of good faith and terms of employment regarding notice of termination, disclosure of confidential information, acceptance of gifts and participation in other businesses.
- 42.28 Periods of parental leave will be regarded as continuous service.

Records

- 42.29 The School will keep detailed records of the parental leave requested and/or taken by each employee as well as details of any postponements or reductions in parental leave.
- 42.30 The School will comply with any reasonable requests to disclose relevant parental leave records to the employer of an individual who was previously employed by the School.

43. CARER'S LEAVE

43.0 Any individual who is legally recognised as an employee is entitled to take time off to care for a dependant with long-term needs. This right is set out in the Carer's Leave Act 2023, which came into effect on 6 April 2024.

Who Counts as a Dependant

43.1 An employee's dependant can include:

- the employee's parent;
- the employee's spouse or partner;
- the employee's child;
- a person who lives in their household (not a tenant, lodger or employee); or
- a person who relies on them for care, such as an elderly neighbour.

What Counts as a Long-term Care Need

43.2 A dependant has a long-term care need if they have any of the following:

- a disability as defined under the Equality Act 2010;
- an illness or injury that is likely to need care for at least 3 months; or
- a care need related to old age.

What Carer's Leave Can Be Used For

43.3 Examples of when an employee could use carer's leave include:

- taking their disabled child to a hospital appointment;
- moving their parent who has dementia into a care home;
- accompanying a housebound dependant on a day trip; or
- providing meals and company for an elderly neighbour while their main carer is away with work for the day.

How Much Time Can an Employee Take

43.4 Employees can take up to 1 week of carer's leave every 12 months.

43.5 They can choose to take leave as:

- half days, this is the minimum an employee can take;
- full days; or
- a whole week.

43.6 An employee is entitled to a period of leave that is equal to their usual working week. For example, if someone works 3 days a week, they can take 3 days of carer's leave.

43.7 Under current legislation, employees are entitled to up to one week of unpaid carer's leave in every 12-month period.

43.8 The School provides an enhanced benefit by offering up to one week of paid carer's leave each year, instead of the statutory unpaid entitlement. The amount of leave reflects an employee's normal working pattern. For example, an employee who works three days per week will be entitled to three days of carer's leave.

If an Employee Cares for More Than One Dependant

43.9 Every employee is entitled to one week of **paid** carer's leave per 12 months, irrespective of the number of dependants they care for.

43.10 If an employee has responsibility for more than one dependant, this entitlement does not increase; the employee is still limited to one week of leave.

Application

43.11 Applications for carer's leave should be made on the School's Application for Leave of Absence Form which can be accessed via the VLE or this link ([Application for Leave of Absence Form](#)).

44. EMERGENCY CARER LEAVE

Introduction

44.0 The School recognises that occasionally members of staff will be faced with periods of urgent domestic distress and will require special leave from work (paid or unpaid). It is important to treat such cases with sensitivity and compassion. The leave within this procedure is, therefore, to help staff balance the demands of domestic, work and other responsibilities at times of urgent and unforeseen need, according to individual circumstances. Leave granted under these arrangements is not intended for long-term domestic and family needs.

44.1 Staff who need to assist dependents at medical appointments should not apply for emergency carer leave where the appointment is not urgent and unforeseen (see above). In such circumstances, annual leave or time off in lieu should be negotiated with their Line Manager.

Dependants

44.2 Emergency carer leave is to provide a compassionate response to an employee's immediate needs to take necessary action to deal with incidents involving a dependent. A dependent is defined as:

- the employee's parent;
- the employee's spouse or partner;
- the employee's child;
- any other person who relies on the employee either for assistance when ill or to make arrangements for care; or
- someone who lives with the employee (excluding an employee, tenant, lodger or boarder).

Circumstances

44.3 This leave applies:

- to help when a dependent is ill, gives birth, is injured or assaulted;
- to make arrangements for the care of a dependant who is ill or injured;
- to cope when the arrangements for caring for a dependant unexpectedly break down; or
- to deal with an unexpected incident involving the employee's dependent child during the time when an educational establishment is responsible for him or her.

44.4 In unfortunate and tragic cases of death of dependants see the Bereavement Leave Procedure.

Length of Leave

- 44.5 There is no stipulated amount of time, as individual circumstances will vary depending on the problem encountered. However, as these situations will be rare and of an emergency nature, as a general guideline up to 2 days' paid leave may be granted in the first instance following consultation with the appropriate Vice Principal/Principal.
- 44.6 When considering paid emergency carer leave every effort and consideration will be made to accommodate the request for leave considering the employee's outstanding annual leave entitlement/timetable commitments and unpaid leave. No more than 3 instances of paid emergency carer leave will be awarded in any 1 year (6 days in total). Employees who regularly apply for more than one instance of emergency carer leave will be asked to consider annual leave, time off in lieu or unpaid parental leave.
- 44.7 A reasonable amount of additional unpaid leave may be granted following consultation with the appropriate Vice Principal/Principal.
- 44.8 Where more than one employee applies for emergency carer leave for the same incident, leave will be granted to only one employee.

Application

- 44.9 Applications for emergency carer leave should be made on the School's Application for Leave of Absence Form which can be accessed via the VLE or this link ([Application for Leave of Absence Form](#)).

45. DISABLED PERSONS

45.0 The Northern School of Art shall do as much as possible to facilitate the work of persons with disabilities, and ensure that as far as practicable the premises do not represent an obstacle to equal opportunities in recruitment, training, promotion, transfers and other employment matters.

Definitions

45.1 The Disability Discrimination Act defines a disabled person as someone with a physical or mental impairment which has a substantial and long-term adverse effect on:

- mobility;
- manual dexterity;
- physical coordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing and eyesight;
- memory or ability to concentrate, learn or understand; or
- perception of the risk of physical danger.

45.2 This procedure will also apply to individuals temporarily disabled and those suffering from certain medical conditions (such as epilepsy, narcolepsy, diabetes, etc).

Procedure	Role/Responsibility of	How
<u>Staff, Students and Visitors</u> Determine whether a person has a disability.	HR/Student Services	Obtain information from the member of staff or student at interview/selection stage.
Provide information on the Disabled Person (DP) to the appropriate members of staff.	HR/Student Services	Discuss the individual with the appropriate Line Manager before the individual starts – confirm details in writing. <u>First Aiders and Fire Marshals should be informed of any special needs that individuals may have.</u>

Procedure	Role/Responsibility of	How
Consider the needs of the disabled person to enable them to carry out the tasks/duties required by their course/programme/role.	HR/Student Services/ Line Manager	Using the information obtained and knowledge of the task, process, equipment, hazards, and risks involved, a risk assessment should be completed. Review any existing risk assessments and ensure that the specific vulnerability of persons with disabilities is considered. Determine whether alterations to premises, modifications to equipment and machinery will be needed.
Consider emergency evacuations for the disabled person(s).	HR/Student Services in liaison with Fire Marshals.	If necessary a personal emergency evacuation plan (PEEP) should be developed and recorded in writing.
Implement all actions identified.	HR/Student Services/Line Manager	Obtain and provide any necessary equipment, inform appropriate people (including the DP) of procedures etc. Cooperate with all persons involved.

Procedure	Role/Responsibility of	How
<u>Visitors</u> Identify visitors with disabilities. Suitable and sufficient health and safety arrangements should be made for them whilst on the premises. In the event of a fire the visitors' and contractors' books should be held by the Health and Safety Advisor to enable confirmation of evacuation to be gained.	Receptionist Members of staff hosting visitors Facilities Manager (for contractors) Health and Safety Advisor	Sometimes this is obvious – e.g. wheelchair users. The visitors' and contractors' signing in books contains a notice requesting such visitors to inform their School contact if they would have any difficulty, require special assistance or take medication. Visitors should be accompanied by their School contact whilst they are on School premises. Contractors' whereabouts should be known at all times as they may be on the premises for long periods and being accompanied during this time may not be practical. Fire Marshals should be informed of the location of Contractors should a fire or other emergency arise.

46. BEREAVEMENT LEAVE

Introduction

46.0 The School recognises that occasionally members of staff will be faced with periods of distress due to bereavement and will require special leave from work. It is important to treat such cases with sensitivity and compassion.

Leave Allowance

46.1 Employees have the right to apply for bereavement leave to cover the need to arrange and attend a funeral of a close relative. Normal maximum leave periods are as follows:

- parent, parent-in-law, spouse, or child – up to 10 days' paid leave,
- sibling, or grandparent – up to 5 days' paid leave,
- cousin, or aunt/uncle – up to 3 days' paid leave.

NB. the Principal/Vice Principal (People Services) has discretion in relation to society's equivalents of the above.

46.2 There is no length of service requirement to gain entitlement to the leave. All employees are entitled to apply for bereavement leave, should they be in the unfortunate circumstances to need it.

46.3 If additional leave is requested every effort and consideration will be made to accommodate this request.

Application

46.4 An application should be made on the Application for Leave of Absence Form, which can be accessed via the VLE or this link ([Application for Leave of Absence Form](#)) giving as much notice as possible for funeral attendance. The application should be signed by the employee's Line Manager and then passed to HR for signature. The Principal will use their discretion in exceptional circumstances.

46.5 Employees who are suddenly bereaved should phone HR as soon as possible.

47. WORK LIFE BALANCE LEAVE

Introduction

47.0 The School recognises the need for effective procedures that play a key part in supporting an appropriate work life balance. Such procedures are intended to:

- allow a more effective combination of home and work responsibilities;
- enhance equality of opportunity at work;
- maintain competitive advantage of the School by retaining skilled and valued employees; and
- ensure the School meets and attempts to exceed its legal obligations towards ensuring all employees have access to appropriate procedures enabling the maintenance of a healthy work/life balance.

GP, Hospital and other Medical Appointments Leave

47.1 Employees are expected to visit their GP, dentist and optician outside of normal working hours if possible. However, the School recognises the difficulties in obtaining appointments outside of working hours. In such cases, employees should consult with their Line Manager to determine a mutually convenient time.

47.2 Visits to a GP, dentist, optician or other practitioners during the working day when an individual is at work cannot be registered as sickness absence but should be recorded as special leave.

47.3 Attendance at Hospital for an outpatient consultation or treatment should be covered by paid special leave in agreement with an individual's Line Manager and recorded by HR.

47.4 All appointment confirmations must be forwarded to HR for recording purposes.

Interview Leave

47.5 Up to 2 days' paid leave to attend interviews for alternative employment with other employers is available in any leave year. Proof of invitation to interview will be required.

47.6 Applications for interview leave should be made on the School's Application for Leave of Absence Form which can be accessed via the VLE or this link ([Application for Leave of Absence Form](#)).

Graduation Leave

47.7 A maximum of 1 day's paid leave is allowed for an employee's own graduation day.

47.8 Applications should be made on the School's Application for Leave of Absence Form.

Examinations Leave

- 47.9 Paid leave is granted for approved examinations for the duration of written paper(s). Approved examinations are usually those supported through staff development funds.
- 47.10 Applications should be made on the School's Application for Leave of Absence Form.

Study Leave

- 47.11 Paid study leave is available for approved examinations (usually those supported through staff development) and length of leave is equivalent to the duration of each written paper. Study leave must be taken within 4 weeks of the examination, before the examination.
- 47.12 Applications should be made on the School's Application for Leave of Absence Form.

Moving House Leave

- 47.13 A maximum of 1 day's paid leave is allowed in any leave year to assist employees to move house.
- 47.14 Applications should be made on the School's Application for Leave of Absence Form.
- 47.15 The form should be accompanied by a Change of Circumstances Form, available from the VLE or this link ([Change of Circumstances Form](#)) detailing the employee's new address and contact details.

Religious Festivals Leave

- 47.16 The School is aware that the working year may not reflect the calendar and religious festivals of non-Christian religions. In order to allow worship and celebrations to take place at the appropriate times a maximum of 2 days paid leave per leave year is allowed for employees wishing to attend a festival relating to their religion.
- 47.17 Applications should be made on the School's Application for Leave of Absence Form.

Examiners Leave

- 47.18 The School recognises the value of its employees taking on examining and moderating duties at other institutions and for examining bodies.
- 47.19 A reasonable amount of paid leave per annum is allowed for absences relating to examining and moderating away from the place of employment.

47.20 Applications should be made on the School's Application for Leave of Absence Form.

48. FLEXIBLE WORKING

48.0 This procedure is designed to advise and assist employees when applying for a flexible working arrangement.

48.1 All employees have the legal, day 1 right, to request flexible working - not just parents and carers. This is known as making a statutory application. Employees can also make up to, two flexible working requests, in a 12-month period. To be eligible they must:

- be an employee, but not an agency worker.

48.2 Employees will be able to request:

- job sharing;
- working from home;
- part time;
- compressed hours;
- flexitime;
- annualised hours;
- staggered hours; or
- phased retirement.

48.3 Such changes will become permanent unless otherwise agreed. The employee has no legal right to revert to the previous working pattern unless the change is temporary. The agreed terms will become part of the employee's contract of employment and cannot be changed unless both parties agree otherwise. Before making such an application, individuals should, therefore, ensure that they have carefully considered which working pattern will best suit all of their needs. These considerations should include:

- what the financial implications might be if their working pattern is changed.

Application

48.4 Applications for flexible working must:

- be made well in advance of when the employee wants it to take effect;
- be in writing on the School's Flexible Working Application Form which can be accessed via the VLE or this link ([Flexible Working Application Form](#)). The completed form should be sent to HR;
- specify the flexible working pattern applied for;
- state the date the proposed change should become effective (this date should allow sufficient time for the application to be considered and implemented);
- state whether a previous application has been made to the School, and if so, when it was made; and
- be signed and dated.

Withdrawing an Application

- 48.5 Employees should inform the School in writing if they want to withdraw their application.
- 48.6 The School can treat an application as withdrawn if the employee misses 2 meetings to discuss an application or appeal without good reason, for example, sickness.
- 48.7 The School must tell the employee they are treating the request as withdrawn.

School Response

- 48.8 The timescale for consideration from the School receiving the flexible working application to informing the employee of the decision is 2 months, or longer if agreed with the employee.
- 48.9 A member of HR will acknowledge receipt of the application and arrange a meeting to discuss further the request with the employee and their Line Manager. This meeting provides both parties with the opportunity to discuss the desired working pattern in depth and consider how it might be accommodated, whether an alternative arrangement might be more appropriate, or whether a trial period is required.
- 48.10 If the application does not contain all the appropriate information the School will ask the employee to resubmit the application when complete. The timescale of 2 months for consideration and decision will not commence until receipt of a fully completed application.
- 48.11 The employee is entitled to be accompanied at the meeting by a work colleague. The work colleague may address the meeting or confer with the employee but may not answer questions on the employee's behalf. If the work colleague is unable to attend the proposed meeting the employee must rearrange the meeting within 7 days of the original date, ensuring the time is convenient to all parties.
- 48.12 If the work colleague is unable to attend within 7 days of the original date, the employee must find an alternative colleague to attend.
- 48.13 Once all information has been obtained, the School will inform the employee of their decision.

Failure to Provide Requested Information

- 48.14 If the employee unreasonably refuses to provide the School with the information required to consider an application, the application will be deemed to have been withdrawn. The employee will be notified in writing of this.

Notification of Decision

48.15 The employee will be notified in writing of the School's decision. If the request is accepted, the notification will include:

- a description of the new working pattern;
- the date from which the new working pattern will commence;
- any agreed trial period or time limit, if applicable; and
- the current date.

48.16 If the request is rejected, the notification will include:

- the business grounds for refusing the application;
- an explanation as to why the business grounds for refusal apply in the circumstances;
- details of the right to appeal; and
- the current date.

Business Grounds for Refusing a Request

48.17 The School can reject an application for any of the following reasons:

- the burden of additional costs;
- an inability to reorganise work amongst existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental impact on performance;
- a detrimental effect on ability to meet customer demand;
- insufficient work for the periods the employee proposes to work; and
- planned structural changes to the business.

Appeal

48.18 Employees no longer have a statutory right to an appeal.

48.19 However, for the purpose of this procedure, an employee has 10 days to appeal after the date of the notification of the School's decision. The appeal must be made in writing and sent to HR.

48.20 A member of HR will arrange an appeal meeting to take place with a Vice Principal within 10 days of receiving the appeal. The same rights to be accompanied by a work colleague apply, notification of the decision, and action following failure to attend, apply to the appeal meeting. The Vice Principal's decision is final.

48.21 The employee will be notified of the decision in writing within 10 days of the appeal meeting.

48.22 It should be noted that the time limit for all requests including appeals is 2 months from receipt of the application unless there is an agreement to extend this period.

49. HYBRID WORKING

49.0 The School recognises the need for effective procedures, which play a key part in supporting an appropriate work life balance for all staff. The School has introduced a range of policies and procedure to achieve a work life balance and this hybrid working procedure aims to further support this commitment.

49.1 The School recognises the benefits of such an approach which can impact positively on:

- Enhanced talent attraction and retention;
- Staff wellbeing;
- Increased flexibility;
- Cost savings; and
- Environmental benefits.

49.2 Hybrid working is defined as a model that allows staff at times to work from a different location (e.g. a combination of working at home (or other suitable remote location) and on site). It is expected that there is a seamless transition between the two locations so that work performance is not affected.

49.3 This procedure sets out how the School will deal with the arrangements and requests for hybrid working and the parameters within which hybrid working will be allowed. Where approval is given for staff to work under a hybrid arrangement, the requirements of this procedure must be adhered to.

49.4 Hybrid working by its very nature differs between individuals and roles, it effectively matches as close as possible the expectation of the employee to that of the employer. There is no automatic right for an application for hybrid working to be accepted but the School will look to accommodate some flexibility in working patterns whenever possible.

Scope

49.5 The procedure covers all employees within the School.

Hybrid Working Arrangements

49.6 Full on-site working will remain the standard arrangement for the majority of staff; hybrid working will be offered as an optional arrangement where appropriate. There is no requirement for any member of staff to request hybrid working. Staff may choose to continue working on-site to undertake their full contractual hours if that is their preference, and the School will support staff accordingly who make this determination.

49.7 It is important to clarify the distinction between 'hybrid' and 'flexible' working. 'Hybrid' allows for some flexibility about 'where' the work is undertaken and is more responsive to the specific activities of a particular role or service. Whereas flexible working (as per the School's policy) is defined as an arrangement subject

to agreement and contractually amends a staff members hours or working pattern. For further information on flexible working please refer to the Flexible Working Procedure.

- 49.8 Whilst hybrid working supports work-life balance, staff will not necessarily have a fixed pattern of 'working from home' days and may need to flex to meet operational needs. Staff, therefore, need to ensure that domestic arrangements, e.g. childcare, are in place that enable them to attend site on any given day as required.
- 49.9 Face-to-face interaction with students that is currently undertaken on-site will continue. It is not envisaged at this juncture that teaching will be undertaken under a hybrid model.
- 49.10 Staff who wish to pursue hybrid working arrangements should discuss this with their Line Manager to explore potential opportunities. The School will be fair and equitable when making hybrid working arrangements and will seek to balance business needs with individuals' requests for hybrid working arrangements. Hybrid working may differ between teams across the School and indeed with individuals within each team.
- 49.11 In establishing this scheme, the School has set out within this procedure the key consideration in any application, however, to reinforce key elements it should be noted:
- activities which require face to face interaction with students will be onsite;
 - It is expected that no member of staff will undertake more than 40% of their contractual hours off-site in any given week;
 - A request for hybrid working cannot have a detrimental impact on the student experience or fellow colleagues. It will be for the Line Manager to make this assessment.
 - The hybrid arrangements are non-contractual and may be varied by the School at short notice, e.g. to cover sickness, or to respond to increase in work demands at key points of the year e.g. September;
 - Any arrangement for hybrid working is discretionary and the School will have the right to terminate a hybrid working arrangement, for example due to a change in business needs, performance concerns or if a staff member's role changes such that in the view of the manager hybrid working is no longer suitable; and
 - Any phased return to work (normally undertaken in response to returning from long term sickness) will suspend the hybrid working arrangements until a full reintegration into work has been achieved.
- 49.12 Line Managers will be responsible for deciding on the suitability of hybrid working arrangements for roles within their area of responsibility. These decisions will be informed by the responsibilities and service requirements/provisions of the particular area, the potential impact on staff and the impact on the student experience. There are some roles within the School where hybrid working is simply not appropriate. This would include (but is not limited to):
- Caretakers;

- Maintenance Staff;
- Receptionists;
- Catering Operatives; and
- Cleaning Operatives.

49.13 Where flexibility is required to support personal circumstances, it may be more appropriate to liaise with the HR department to understand what options are available on a more sustained basis (i.e. utilisation of other School policies e.g. Flexible Working).

49.14 A hybrid working arrangement is unlikely to be agreed where performance concerns have been formally raised against an employee.

49.15 A member of staff can terminate their hybrid working arrangement by request in writing to their Line Manager. If the termination of the arrangement is due to concerns/issues that the member of staff may have, it is important that this is raised at the earliest opportunity and the manager provided with an opportunity to respond.

49.16 Any arrangement for hybrid working will need to be approved by the member of staff's Line Manager in advance of any work taking place under a hybrid model.

Contractual Position

49.17 Any agreement for hybrid working arrangements does not constitute a contractual change. An employee's place of work will remain as stated in their contract of employment.

49.18 No arrangements under this procedure will vary any contract of employment.

49.19 Contractual obligations, including duties and responsibilities remain, as well as adherence to all School policies and procedures.

Application for Hybrid Working

49.20 Employees must submit all hybrid working requests to their Line Manager using the Hybrid Working Application Form, available at the following link: [Hybrid Working Application Form](#).

49.21 This request will normally be considered within 10 working days, and either accepted or rejected, according to the School's business and operational requirements. Where a request is rejected full reasons for the rejection will be provided by the Line Manager in writing, explaining the decision. Where further information is required to consider the application in full the Line Manager should agree a reasonable timescale for the information to be provided and agree a timescale for when the request will be considered, and a decision given.

49.22 Where a member of staff changes roles/departments within the School, and they wish to continue any hybrid working agreed in their previous post, they will need to submit a new hybrid working request for approval. Hybrid working is not

suitable for all roles and any hybrid working arrangement needs to be accommodated within any already agreed requests for flexible/hybrid working within a team/department. The new request will not draw on precedent from the previous role/department and a fresh application will need to be submitted to determine whether hybrid working can be accommodated within the new role/department.

- 49.23 To assist the application process, it is recommended that the member of staff would beforehand discuss their proposal with their Line Manager to identify any potential issues, which can then be addressed. A hybrid working arrangement may be agreed on a trial basis to determine the effectiveness of the arrangement. Where a trial period is determined, a timescale for this period will be given with an agreed review date. Such trial period would normally be no longer than one academic term but may be extended due to long-term absence (sickness/annual leave).
- 49.24 Where a request for hybrid working is refused, written correspondence will be provided detailing the reasons for the refusal.
- 49.25 A copy of the completed application form (including decision) must be provided to the HR department where a copy will be retained on the employee's personal file.
- 49.26 If the request is declined, the staff member should provide an explanation as to why they believe the refusal is unfair, and direct this to the HR team who will arrange to meet with both parties within 10 working days of the submission and consider the available evidence. Confirmation of the outcome of this process will be provided in writing within 10 working days of the meeting taking place. The decision will be binding on both parties.
- 49.27 Hybrid working cannot be undertaken without the agreed approval of the Line Manager, in accordance with this procedure. No member of staff can unilaterally decide to work off-site under a hybrid model.

Arrangements whilst Undertaking Hybrid Working

Working Hours

- 49.28 Where hybrid working has been agreed, employees who undertake hybrid working are subject to the same rules, procedures and expected standard of conduct and performance as all other employees.
- 49.29 Staff must ensure that they are not working excessive hours and are cognisant of their own wellbeing. Staff should ensure that they take regular breaks away from the screen and ensure that they are not sitting for too long.
- 49.30 Line Managers must be clear as to their expectations of employees when they are engaged in hybrid working, such as agreed roles, responsibilities and tasks, availability for meetings and ensuring that staff are not working excessive hours.

- 49.31 Staff and Line Managers should be aware of the increased temptation to work longer hours and the difficulties in being able to switch off when undertaking hybrid working. Both staff and Line Managers need to be mindful of this.

Sickness

- 49.32 When undertaking hybrid working, staff should not work if they are unwell. Staff that are unable to work but were due to undertake hybrid working need to report their absence in accordance with the School's Sickness Procedure.

Safeguarding

- 49.33 The same principles surrounding safeguarding apply whether staff are on-site or undertaking hybrid working. It is particularly important to consider boundaries when interacting with students when using electronic means of communication and ensure adherence to the School's Staff Code of Conduct, and relevant Safeguarding Policies.

Equipment

- 49.34 Hybrid working will only be approved if the required equipment is available (or can be loaned from the IT department) to enable the work to be undertaken effectively. If equipment is not available on a particular day, then the staff member will be required to undertake their work on-site. The availability of equipment needs to be considered when agreeing plans for hybrid working.
- 49.35 The School is not responsible for the loss or damage of personal equipment used when undertaking hybrid working – an employee is advised to ensure that appropriate personal/home insurance is in place to cover any damage that may be caused to personal equipment.
- 49.36 If during the course of the hybrid working arrangement issues with equipment prevent the employee from carrying out their duties (such as an unreliable internet connection), the School reserves the right to terminate the hybrid working arrangements with immediate effect.

Financial Assistance

- 49.37 The School cannot provide any financial assistance for any member of staff wishing to undertake hybrid working.
- 49.38 Staff may be able to claim tax relief for any household expenses incurred as a result of working from home, providing the expenses are solely work related. Staff will need to refer to the government website for information on tax relief from working from home.
- 49.39 The costs (and time) for the staff member travelling from a home to work base and work to home will be met by the staff member and cannot be claimed for via School expenses.

Data Security and Confidentiality

- 49.40 When undertaking hybrid working staff members must ensure that all School equipment and information is stored safely and securely. Staff should ensure that private and confidential information is kept secure at all times.
- 49.41 Whilst undertaking hybrid working staff must still ensure compliance with the School's IT Acceptable Use Procedure.
- 49.42 Paper copies of information should be kept to a minimum and the disposal of such information be done in accordance with relevant School policies on data security.
- 49.43 If a member of staff discovers or suspects that there has been an incident when undertaking hybrid working that may lead to personal data being compromised or data has been stolen, they must make their Line Manager aware immediately who will refer the matter to the Data Protection Officer.
- 49.44 Staff should take reasonable steps to protect their own security and privacy when undertaking hybrid working, such as using the blurring filter on their camera to obscure the home environment from view.

Cyber Security

- 49.45 Staff must not attempt to access the School's network remotely until IT signoff has been granted, as doing so could compromise the School's cyber security.
- 49.46 To request IT approval, please contact the team via the usual helpdesk email: helpdesk@northernart.ac.uk

Health & Safety

- 49.47 When undertaking hybrid working staff have the same health and safety obligations/requirements as all other staff. Staff must take reasonable care of their own health and safety and not compromise the health and safety of others by their actions.
- 49.48 Staff will be required to complete a Hybrid Working Risk Assessment Form which can be accessed via the VLE or this link [Hybrid Working Risk Assessment Form](#) prior to the undertaking of hybrid working. A copy of the completed form will need to be submitted to the Health and Safety Advisor. The information will be reviewed and where any concerns exist the Health and Safety Advisor will contact the member of staff to discuss further. Employees should ensure that completed Hybrid Risk Assessment Forms are attached to their Hybrid Working Application Form.
- 49.49 Staff should, in all instances, familiarise themselves with the correct computer set up prior to undertaking hybrid working (information is available on the VLE). It is the responsibility of the member of staff to have an appropriate home/remote set-up (with guidance provided by the Health & Safety Advisor where necessary).

Where an appropriate remote/home workstation set-up is not viable then hybrid working will not be approved and the staff member will need to continue to work on-site. Where circumstances change to allow an appropriate workstation set-up then this position can be reviewed.

- 49.50 Staff members must ensure that their working pattern is reasonable and is not in any way detrimental to their health and wellbeing. Should a staff member have concerns regarding their work demands then this needs to be raised with their Line Manager and/or the HR department at the earliest opportunity. If a member of staff starts to develop any issues where they believe undertaking hybrid working is having a detrimental effect on their health they should notify the Health & Safety Advisor immediately so an assessment can be undertaken.
- 49.51 Any accidents that occur whilst undertaking hybrid working during working hours must be reported to the Health & Safety Advisor as soon as reasonably possible. There may be a requirement for the Health & Safety Advisor to visit an employee's remote location, but such arrangements and the reasons for the visit will be discussed with the member of staff in advance of any visit taking place.
- 49.52 Staff must ensure that they fulfil the same contractual working hours whilst undertaking hybrid working as they would have on-site. Where flexibility has been granted in terms of when these hours can be undertaken, this will have been agreed in advance and as part of the consideration of the initial request.

50. STAFF TRANSGENDER AND GENDER IDENTITY

Transition Process

50.0 The School will endeavour to support and recognise the choices of staff through the transitioning process.

50.1 The School anticipates that the transitioning process would operate in the following manner:

- a person identifies that their physical gender is not their actual or preferred gender;
- the person informs the School that they want to 'transition' to their preferred gender;
- employees should raise this with their Line Manager or HR who will meet with the individual to support and record confidential information, which may include:
 - timing of transition: change of gender presentation, name and pronouns. No supporting documentation is necessary for social name change;
 - changing documentation and previous records. N.B. this is often supported by official documentation of change of name and title by way of a Statutory Declaration or Deed Poll. It does not require a Gender Recognition Certificate;
 - ensuring absolute security of documentation that reveals previous identity;
 - deciding when, how and who should inform colleagues or students. Some people prefer to inform people themselves, with appropriate support. Others wish it to be undertaken by someone of their choosing; and
 - ensuring additional help to catch up if term time is lost. Treatments that prevent attendance may be scheduled for vacation time. However, specific dates for NHS treatment cannot always be guaranteed.

50.2 The School anticipates that finalising the transition process will occur as follows:

- at the person's request, the School updates its records to reflect any name change and their new gender;
- a new file is created and any documents revealing their former name and gender that must be kept (for example pension records) are marked 'confidential';
- after at least 12 months of real-life experience the person may undergo genital surgery;
- after 2 years of living in their chosen gender, whether or not they have undergone surgery, the person applies for a gender recognition certificate;
- a gender recognition certificate is awarded and the person is issued a new birth certificate. The person is now legally recognised in their chosen gender – all documents and references not already changed must now be changed. N.B gender; and
- recognition certificates are not normally issued until someone is 18, but following the transition names and documentation will be changed.

Facilities

- 50.3 Employees are expected to use single-sex toilet facilities that correspond to their biological sex, in line with current legal requirements.
- 50.4 At the same time, the School is committed to fostering an inclusive and respectful environment. To support this, gender-neutral facilities with lockable individual cubicles are provided and accessible to all staff, ensuring dignity, privacy, and choice.

51. APPLICATION FOR REFUND OF COSTS FOR SPECIAL PRESCRIPTION FOR VISUAL DISPLAY UNIT (VDU) WORK OR EYESIGHT TEST

- 51.0 It is Schools policy that subject to an optician's report, an employee required to use a visual display unit (VDU) on a regular basis who requires a special prescription for spectacles specifically to carry out this work will be eligible for financial assistance in respect of the prescription up to a maximum of £50.00.
- 51.1 Regular use is where an employee operates a VDU for use at least 50% of the working day. Financial assistance for a special prescription for use of a VDU will not normally be given more than once every 2 years unless under special circumstances.
- 51.2 Employees will only be eligible in cases where the optician is satisfied that such a special prescription conforms to the current Health & Safety Legislation (see referenced extract below) and is not for use at other distances and is needed specifically to carry out VDU work by the employee.

Extract from Health & Safety Executive (Display Screen Equipment Regulations 1992): Guidance on Regulations

Regulation 5, Eyes and eyesight

- 51.3 Clause 81: 'Special' corrective appliances (normally spectacles) provided to meet the requirements of the DSE Regulations will be those appliances prescribed to correct vision defects at the viewing distance or distances used specifically for the display screen work concerned. 'Normal' corrective appliances are spectacles prescribed for any other purpose. It should be noted that experience has shown that in most working populations only a minority (usually less than 10%) will need special corrective appliances for display screen work. Those who need special corrective appliances may include users who already wear spectacles or contact lenses, or others who have uncorrected vision defects.
- 51.4 Clause 82: It is good practice to bring other things that need to be viewed for the work into the same visual plane as the screen wherever possible, for example by using a document holder. Hence in many cases where a user requires special glasses to carry out their DSE work, a single lens prescription will be appropriate. However, there may be some circumstances where bifocal or varifocal lenses may seem necessary. These may include situations where the user is required to mix their DSE tasks with other tasks (for example dealing with people) which require a different viewing distance. If the user would repeatedly have to change from one pair of spectacles to another to cope with this, a pair with multiple-focus lenses might be a solution.
- 51.5 Clause 83: However, caution is necessary in reaching a decision. There can be side effects associated with the use of multi-focal prescriptions for DSE work. The smaller size of each lens section can lead to the user having to make repeated adjustments to their neck/head position, or adopting an awkward

position in order to look through the appropriate part of the lens. These disadvantages could prove to be more problematic than swapping spectacles, for instance by inducing neck pain. The decision on which is the most suitable solution is best taken in discussion with the optometrist; this will require information being provided about the nature of the work and the workstation and workplace layout.

- 51.6 If the above is confirmed by the optician the Application for Refund for the use of a VDU should be completed by the employee and signed and dated by the optician. Please access the VLE for the Application for Refund of Costs for the use of a VDU or this link ([VDU - Eyesight Test Application Form](#)). A receipt of the spectacles must accompany this form in order for any payment to be made.
- 51.7 In addition, it is the School's policy to refund an employee for the cost of any eyesight test (whether the employee requires a special prescription for the use of a VDU or not) up to the amount of £20.00. The employee should fill out the Application for Refund of Costs for Eyesight Test accessed via the VLE or this link ([VDU - Eyesight Test Application Form](#)). A receipt of the eye test must accompany this form in order for any payment to be made.
- 51.8 Financial assistance will not normally be given for eyesight tests more than once every 2 years unless under special circumstances.

52. STRESS, HEALTH AND WELLBEING

52.0 The School seeks to maintain a positive and supportive working environment for all its employees. It accepts that stressors in the workplace can have a detrimental and negative impact on the organisation and employees – affecting health, morale, absenteeism and work performance. The School is committed to protecting the health, safety and welfare of its employees and, via this procedure and other guidance, aims to establish an effective and consistent approach to the prevention and management of occupational stress throughout the School. It has adopted the approach recommended by the Health and Safety Executive (HSE), which is based on a set of ‘Management Standards’ primarily concentrating on 6 key areas; Demands, Control, Support, Relationships, Roles and Change, which can be accessed via the VLE or this link ([HSE Management Standards](#)).

Definitions

52.1 The School adopts the Health and Safety Executive (HSE) definition of stress:

- “The adverse reaction people have to excessive pressures or other types of demands placed upon them.”

52.2 This definition makes an important distinction between pressure, which can be a positive state and a motivating factor when managed correctly and stress, which can occur when pressure becomes excessive, which can be detrimental to an employee’s health.

52.3 It should be remembered that stress is a state and not an illness and where it lasts for a short time there are normally no lasting effects. However, where stress is sustained over a prolonged period of time it can have a significant impact on health and well-being. The identification and reduction of work-related stress is a priority for the School bringing benefit to both the organisation and its employees by taking appropriate action to alleviate and prevent stress.

Prevention and Legal Responsibility

52.4 The School recognises its duty of care to its employees and its legal obligation to provide a safe working environment under the Terms of:

- the Health and Safety at Work Act (1974) providing a duty of care to ensure the health & safety of its employees so far as is reasonably practicable; and
- the Management of Health and Safety at Work Regulations (1999) requiring employers to undertake risk assessments, including stress, and to introduce proactive measures to control identified risks.

52.5 The School is committed to promoting a healthy and supportive working environment and believes that its staff is one of its most important assets and that their health and wellbeing is essential for effective performance and the provision of high-quality teaching, research and support services.

52.6 The School hereby undertakes:

- to take all necessary reasonable and practical steps to prevent occupational stress and, where this is not possible, to minimise its effects;
- to encourage a working environment in which staff and managers are pro-active in enhancing wellbeing and reducing occupational stress, thereby optimising performance;
- to promote at all times a healthy and safe working environment which fosters a culture of trust, cooperation and mutual respect in which all staff treat one another with dignity and respect;
- to ensure that all staff, at all levels, are aware of the steps that they can take to minimise the effects of stress on themselves and others and their personal responsibilities in this area;
- to provide a framework of policies, procedures and support mechanisms to ensure managers and staff can maintain effective performance at work and to minimise the risk of occupational stress;
- to foster a culture that provides reasonable and practical support where appropriate, for staff with stress-related or mental-health-related issues;
- make freely available support services for stress-related issues impacting on work performance;
- to promote and encourage action to prevent occupational stress by providing training and developing managers to be effective in their roles;
- to have effective systems to identify, measure and monitor the effects of stress on individuals and the institution, and to establish effective triggers for action. Where 'hot spots' are identified take action by initiating further investigation and ensuring action plans are implemented;
- to encourage a culture of promoting health and wellbeing and a healthy work-life balance;
- to ensure the effective management of change, through efficient and timely communication with relevant stakeholders; and
- to ensure that this procedure and associated guidance notes are adhered to and effectively implemented with the necessary support, resources and mechanisms in place.

Responsibilities

52.7 Responsibility for the effective management of stress and achieving the management standards rests with all levels of the School.

Organisational Responsibilities

52.8 The School is committed to dealing with any identified causes of occupational stress and to ensure, as far as is reasonably practicable, that staff work in a positive, safe and supportive working environment by seeking to:

- promote and provide training in sound management practice and positive management behaviours to all Line Managers and supervisors of staff;
- develop the leadership capability and individual leadership competencies of senior and middle management;

- provide a framework of employment, health and safety policies and procedures to support managers and staff in maintaining effective work performance and to minimise the risk of occupational stress;
- develop stress management training for all appropriate managers and continuing to deliver and develop stress awareness training for all staff;
- identify specific occupational stressors and carry out risk assessments to eliminate or control the risks from stress where appropriate;
- promote partnerships between management, individuals and the recognised trade unions, with the aim of eliminating or minimising sources of stress;
- establish arrangements and procedures for the early identification of and dealing with cases of stress;
- provide and develop appropriate employee support services; and
- address root causes of Occupational Stress at an organisational level through adopting effective procedures where identified.

Line Managers

- 52.9 Line Managers are accountable for implementing this procedure in their departments.
- 52.10 Line Managers should actively support the implementation of this procedure and are also responsible for ensuring that reasonably practicable steps are taken to minimise the potential for exacerbating risks arising in relation to occupational stress by:
- ensuring effective and clear communication at all times especially where there is organisational or procedural change;
 - ensuring jobs are properly designed, with realistic workloads and demands;
 - ensuring clear lines of communication and reporting structures, providing employees with clear definitions of demands and responsibilities realistic to the post;
 - ensuring adequate training is provided to support employees in fulfilling their role;
 - fostering good employee relations through open and transparent communication and providing feedback on performance through performance reviews and 1:2:1 meetings;
 - creating an open and supportive working environment;
 - monitoring working hours, rest periods and annual leave to ensure employees are taking appropriate breaks;
 - early intervention and resolution of interpersonal/group conflict;
 - to ensure that bullying and harassment is not tolerated and that inappropriate behaviour is dealt with in line with the Harassment and Bullying Procedure; and
 - to be aware of changes to employee behaviours which may signify signs of stress and proactively explore these.
- 52.11 The HSE Management Standards can be used as a guide to assist Line Managers with the above which can be accessed via the VLE or this link ([HSE Management Standards](#)).

HR Responsibilities

52.12 HR will provide advice and guidance and ensure that a framework of supporting policies and procedures are in place to assist employees and managers to promote a safe and supportive working environment by:

- providing guidance to employees and managers on stress policies and procedures;
- monitoring stress-related absences and ensuring the prompt referral to the Occupational Health Service and other support services, if necessary;
- assisting with the development and delivery of stress awareness and stress management training;
- providing continuing support to managers and employees in a changing environment and advising on appropriate action to ensure that occupational stressors are eliminated or controlled;
- developing and reviewing supporting policies and procedures to enhance work performance and organisational effectiveness and fostering a pro-active approach to assisting the organisation to manage stress;
- the provision of courses by staff development to support staff with work-related problems. For example, conflict resolution, supervising staff etc.;
- providing a framework for developing the skills and competencies of leaders and managers;
- consulting with relevant parties e.g. Trade Unions, Occupational Health, and management;
- monitoring statistical data on absence, staff turnover, employee relations issues and feedback from questionnaires to ensure further exploration or action is undertaken where appropriate, this data will be reported to Principalship and Governors where appropriate;
- reviewing and monitoring staff survey results, to identify and address any 'hot-spots'/areas of concern;
- ensuring further investigation or targeted stress audits are conducted in 'hot-spot' areas; and
- assist management with drawing up action plans of improvement where hot-spots have been identified.

Employee Responsibilities

52.13 It is vital that staff play an active role in contributing to their own health and well-being and management of stress to enable them to carry out their role effectively and to minimise the risk of work-related stress. This can be assisted by;

- ensuring good communication with colleagues and Line Managers, and by fostering good working relationships;
- supporting colleagues by sharing information and knowledge and by working cohesively as a team;
- engaging in discussions about their performance and acting on feedback in a positive manner;
- being aware of the signs of stress and raising concerns with their manager or with HR at an early stage in order to seek constructive solutions;

- making use of the training and support mechanisms provided; and
- showing dignity and respect for others within the workplace at all times, and ensuring bullying and harassment in the workplace is not tolerated by challenging bullying behaviour in colleagues initially informally, in line with the Harassment and Bullying Procedure, or reporting continued inappropriate behaviour's to their Line Manager or HR.

52.14 It is hoped that a proactive approach by all will mitigate the occurrence of potentially harmful levels of stress. However, where an employee feels under undue pressure resulting in symptoms of stress, they should inform their Line Manager or HR as soon as possible.

52.15 When a Line Manager or HR has been informed that an employee is stressed or has noticed changes in an employee's behaviour a meeting should be had with the employee and either the Line Manager or HR (whichever is appropriate) to discuss this. To guide these discussions the employee will be asked to fill out the Stress, Health and Wellbeing – Employee Questionnaire which can be accessed via the VLE or by this link ([Stress, Health and Wellbeing - Employee Questionnaire](#)).

52.16 This questionnaire will then help the Line Manager/HR to complete the Stress Risk Assessment and Wellbeing Action Plan which can be accessed via the VLE or by this link ([Stress Risk Assessment and Wellbeing Action Plan](#)). This enables the Line Manager/HR to:

- identify the risk;
- identify the hazard;
- evaluate the risk;
- document the control measures;
- identify further control measures;
- identify person/(s) responsible;
- evaluate the risk again;
- identify the residual risk;
- record the findings; and
- monitor as appropriate.

52.17 Guidance on how to complete the risk assessment should be sought from HR.

Training and Communications

52.18 Line Managers and employees will regularly discuss individual training needs to ensure that employees have the necessary skills to adapt to changing job demands. An examination of training needs will be particularly undertaken at the initial meeting of the performance cycle. This should, however, not be a one-off meeting and should be an ongoing topic of conversation throughout the year.

52.19 Managers and employees are encouraged to participate in communication/feedback exercises, including staff surveys. All employees are expected to be aware of the importance of effective communication and to use

the media most appropriate to the message, for example, team meetings, 1:2:1 meetings, electronic communications and organisation-wide methods. The School will ensure that structures exist to give employees regular feedback on their performance, and for them to raise concerns.

Professional Services

52.20 North Tees/Medacs provide the School with a comprehensive service designed to assist the School and its employees with a range of matters relating to employee health and wellbeing, including the identification of measures to assist an employee to remain at work or return to work after experiencing health problems. This will include preparing medical assessments of individuals' fitness for work following referrals from the School, liaising with GPs and working with individuals.

52.21 The Occupational Health service plays an important part in identifying recommendations, including rehabilitation plans, for the School to consider when employees experience ill health while employed by the School. They will also work with GPs and specialists, as appropriate, to gain as much information about an employee's health position and the potential or actual impact on work related matters as possible.

52.22 Workplace wellbeing services provided by the occupational health team include:

- post-offer health assessments;
- fitness-for-work assessments; and
- ill health retirement assessments.

52.23 If employees believe that their work, or some aspect of it, is putting their health and/or wellbeing at risk they should, in the first instance, speak to their Line Manager or HR. A referral to occupational health team may be considered appropriate further to advice from HR.

52.24 Occupational health referrals are organised by HR, further to consent being received from the employee. Discussions between employees and the occupational health professionals are confidential, although occupational health will provide a report on an employee's fitness to work, and any recommended adaptations to the working environment, to HR. A copy of this report will always be sent to the employee by occupational health and the employee has a number of rights regarding access to and content of the report, which HR will discuss prior to any referral being undertaken.

Employee Assistance Programme

52.25 An Employee Assistance Programme is provided and offers a range of services to employees. These include:

- face to face counselling (up to 6 sessions);
- mental health 1st aid;
- physiotherapy; and

- financial assistance in respect of glasses prescriptions (VUD use only) and eye tests;

52.26 Other initiatives available to support employees in maintaining health and wellbeing include:

- special leave arrangements;
- opportunities for flexible working;
- support for workers with disabilities; and
- the Schools grievance procedure.

53. PUBLIC DUTIES

Introduction

53.0 The School recognises that occasionally members of staff will be faced with circumstances that will require special leave from work.

Jury Service Leave

53.1 Leave will be granted with pay for staff called for Jury Service for 2 weeks. If the employee is required to attend Jury Service for more than 2 weeks a review will be needed.

53.2 An employee cannot be paid by the School and claim loss of earnings from the Court.

53.3 An application for leave should be made at the earliest opportunity, and at least 14 days in advance, on the School's Application for Leave of Absence Form which can be accessed via the VLE or this link ([Application for Leave of Absence Form](#)) along with a copy of the letter confirming the jury service.

53.4 The School must let the employee have time off work but can ask the employee to delay jury service if the employee's absence will have a serious effect on business.

Witness at Court Leave

53.5 Leave will be granted without pay for staff called to act as a witness at Court on the understanding that staff will claim directly from the court an amount equivalent to the loss in earnings for that period. Details of the hourly rate to be claimed from the court are available from Payroll. If the court does not meet the full total of loss of earnings, the employee should contact HR. An employee cannot be paid by the School and claim loss of earnings from the Court.

53.6 Applications for unpaid leave should be made at the earliest opportunity, and at least 14 days in advance, on the School's Application for Leave of Absence Form along with a copy of the letter confirming the employee has been called as a witness.

Magisterial Duties Leave

53.7 This leave will be unpaid. Subject to the demands of the service up to a maximum of 26 days in any period of 12 months will be granted. Any special leave authorised for this purpose may be taken in days or half days as required.

53.8 Applications should be made at the earliest opportunity, and at least 14 days in advance of each period of leave requested, on the School's Application for Leave of Absence Form.

Other Public Duties

53.9 An employee can get a 'reasonable' amount of unpaid time off if they are:

- a local councillor;
- a school governor;
- a member of any statutory tribunal (for example an employment tribunal);
- a member of the managing or governing body of an educational establishment;
- a member of a health authority;
- a member of a school council or board in Scotland;
- a member of the Environment Agency or the Scottish Environment Protection agency;
- a member of the prison independent monitoring boards (England or Wales);
- a member of Scottish Water or a Water Customer Consultation Panel; or
- a trade union member (for trade union duties).

Reasonable Time Off

53.10 The amount of time off should be agreed upon between the employee and the School beforehand, based on:

- how long the duties might take;
- the amount of time the employee has already had off for public duties; and
- how the time off will affect the business.

53.11 The School can refuse a request for time off if it is deemed unreasonable.

53.12 Applications should be made at the earliest opportunity, and at least 14 days in advance, on the School's Application for Leave of Absence Form.

54. INDUSTRIAL ACTION

54.0 The School believes that Industrial Action should be considered as a last resort as it can have a very serious impact on the School, in terms of both service delivery and reputation. It is, therefore, important to have a robust policy and procedure in place for responding to the possibility of this kind of action.

54.1 The purpose of this procedure is to provide a framework for consistency in the approach taken by the School in response to any industrial action, including partial performance, on the withholding of pay and the definition of a trade dispute.

54.2 This procedure is not intended to be exhaustive.

Relevant Legislation

54.3 The law relating to industrial action is contained within the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A).

54.4 Employees who take industrial action without proper compliance with TULR(C)A, i.e. unofficial and/or unlawful action, will be in breach of their employment contract and subject to disciplinary action. Official industrial action must be endorsed or authorised by the Trade Union and comply with legal requirements.

54.5 The School collaborates with two trade unions: UCU representing Academic Staff and Unison representing Business Support Staff.

54.6 The School expects its recognised trades unions, and its members, to comply fully with the legal requirements under TULR(C)A, i.e. regarding balloting, notifications and any form of industrial action.

54.7 In the event that a majority 'yes' vote is achieved through the balloting process, the recognised trades unions must give the School not less than 7 (calendar) days' written notice of the commencement of the industrial action.

54.8 Any picketing is subject to provisions under TULR(C)A and must be peaceful. No more than 6 people are permitted on a picket line. Pickets must not obstruct the highway or entrance to the School; nor should they intimidate.

54.9 Employees not taking part in the action/picket must be allowed to cross the picket line. Refusing to cross a picket line is not a legitimate reason for absence from work. Employees taking part in any secondary action will be in breach of their contract of employment with the School and subject to disciplinary action.

54.10 Secondary action, sometimes referred to as 'supportive action', is defined as being when:

- a person induces or threatens to induce, another to break a contract of employment or interferes (or threatens to interfere) or induces another to interfere with its performance; and

- the employer under the contract of employment is not the employer party to the dispute.

54.11 An example would be where a trade union is in dispute with a School and encourages employees of companies who supply goods/services to the School to breach the terms of their contract. For example, inciting the employees of a company into refusing to supply goods for the School's Art Café, therefore, maintaining pressure on the School. Here the employment contract being breached is with the third party and not the School in the trade dispute.

54.12 Industrial action may consist of any of the following:

- collective withdrawal of labour;
- refusal to undertake some duties;
- refusal to carry out reasonable instructions;
- participation in go-slow, work to rule; or
- participation in picketing.

Industrial Action and Withholding Employee Pay

54.13 The School will withhold a day's pay for each day that the employee takes part in strike action and/or partial performance of duties (i.e. action short of a strike).

54.14 The School will not accept partial performance (i.e. action short of a strike) as a legitimate form of industrial action and employees involved in such action will be in breach of their contract of employment and subject to disciplinary action.

54.15 A day's pay to be withheld for strike action or partial performance will be calculated on the basis of actual annual salary ÷ 52.142857 weeks ÷ 5. Calculations of a day's pay for fractional/part-time employees will be pro-rated.

54.16 Employees should note that subject to the provisions of the different pension schemes, absence due to industrial action may not count as service for pension purposes and employees may lose pensionable service. Employees are advised to refer to the LGPS and TPS scheme websites for further information.

54.17 The School will withhold the pay of employees who refuse to cross a picket line.

Identifying Employees Taking Part in Industrial Action

54.18 Once the School has received notification from the trades unions of industrial action, HR will circulate information to staff with strike guidelines. HR will also kindly ask employees to give advance notification of their intention to strike. The School does, however, fully understand that there is no legal requirement on staff to let the School know in advance.

54.19 A sign-in sheet will be left at both Middlesbrough and Hartlepool reception desks. If an employee does not sign in on the day of the strike (except where the absence is not related to strike action and has already been authorised in line

with the School's policies and procedures), it will be assumed that they are participating in the industrial action.

- 54.20 The School is within its rights to refuse to accept any additional leave requests just before, or on, the day strike action starts. This is to ensure as many staff as possible are at work during industrial action to help business continuity (cover of work, health and safety, etc).

55. SUCCESSION PLANNING

55.0 Succession Planning is an ongoing process that identifies necessary competencies, and then works to assess, develop, and retain a talent pool of employees, in order to ensure a continuity of leadership for all critical positions.

55.1 At the School, we pursue succession planning as:

- a proactive and future focused process, which enables the School to assess, evaluate and develop a talent pool of individuals who are willing and able to learn and occupy higher positions when needed;
- a method, which helps the School in preserving its information and knowledge that will be lost due to retirement, promotion and attrition;
- a tool to meet the necessary manpower requirements of the School in terms of quality and quantity, by addressing competency and skill gaps; and
- a developmental tool whereby high performing employees at various levels act as an understudy for the next position and take up responsibility whenever necessary.

55.2 Succession planning will be used to fill critical roles if required for the School's future success. Succession planning will ensure continuity and stability for critical roles and all departments.

55.3 Succession planning will ensure that incoming critical roles are well-trained and mentored and are ready to step into these key School positions.

55.4 These critical roles consist of:

Principalship Team

- Principal;
- Vice Principal (Further Education);
- Vice Principal (Higher Education);
- Vice Principal (People Services);
- Vice Principal (Resources); and
- Vice Principal (Planning & Strategy Implementation).

Extended Principalship Team

- Student Services Manager;
- HR Manager;
- Head of Marketing & Recruitment;
- Marketing Insights Manager;
- Head of Studios;
- MIS Manager;
- IT Manager;
- Facilities Manager;
- Systems Development Manager;
- Financial Controller;

- Academic Services Manager;
- Director of Scholarly Activity & Research and Head of Visual Arts;
- Head of Stage & Screen;
- Director of HE Academic Quality & Enhancement;
- Employability & Creative Industry Liaison Manager;
- Academic Registrar; and
- Student Engagement Manager.

55.5 These roles are both strategically and operationally critical to the School's continued success.

Desired Results

55.6 The desired results of the staff succession planning programme are to:

- identify high-potential employees capable of rapid advancement to positions of higher responsibility than those they presently occupy;
- ensure the systematic and long-term development of individuals to replace key job incumbents as the need arises due to deaths, disabilities, retirements, and other unexpected losses;
- provide a continuous flow of talented people to meet the School's management needs; and
- meet the School's need to exercise social responsibility by providing for the advancement of protected manpower within the School.

Definitions

55.7 Senior Manager – An employee who is paid on the senior manager pay scale, this is from pay point 0 upwards.

Key Components

Position Description and Responsibilities/Competencies/Skills:

55.8 Required skills are ranked in importance, and specific problem-solving attributes and behavioural traits should also be addressed.

Individual Assessment and Skills/Competencies, Development Needs:

55.9 To ensure we have suitable internal applicants we will address the need to nurture existing personnel so that they can be readied over a period of time to competently assume new responsibilities.

55.10 The Principalship team will identify additional development activities to address skill and competency gaps. The Principalship team will play an active role in developing managers to reach the next level in the School and assume more responsibilities.

Procedure

55.11 The succession planning programme will be carried out as follows:

55.12 The Principalship team will annually:

- discuss the results from the previous year's succession planning efforts and plan for the present year's process; and
- identify suitable employees who can be nurtured and trained to become a member of the Principalship/Extended Principalship Team or a Senior Manager of the future.

55.13 Throughout the year the Vice Principal (People Services) will:

- periodically review progress in developing identified successors in their areas of responsibility;
- pinpoint areas of turnover, e.g. retirement which may lead to a change to the agreed succession planning log;
- present any necessary information to the Principalship team; and
- track overall progress.

55.14 A Process Map of this procedure can be accessed via the VLE or this link ([Process Map - Succession Planning Procedure](#)).

56. NOTICE PERIODS

56.0 Subject to the employees' terms and conditions of employment, which may set out a longer notice period, the School will give employees 1 month's notice to terminate their contract of employment during their probationary period. Following the probationary period, the School will give employees either 1, 2, 3 or 4 months' notice to terminate their contract of employment dependent upon their terms and conditions. Please see below notice periods.

Vice Principal (Management pay scale 23-37)	4 months
Management (Management pay scale, pay points 0 - 22)	3 months
Support Staff (Business support staff pay scale, pay points 29 – 40)	2 months
Support Staff (Business support staff pay scale, pay points 7 – 28)	1 month
Academic Staff	3 months
Technician Demonstrators /Creative Technicians	2 months

56.1 Following staff successfully passing their probationary period, employees are required to give the following notice periods to terminate their contract of employment:

Vice Principal (Management pay scale 23-37)	4 months
Management (Management pay scale, pay points 0 - 31)	3 months
Support Staff (Business support staff pay scale, pay points 29 – 40)	2 months
Support Staff (Business support staff pay scale, pay points 7 – 28)	1 month
Academic Staff	3 months
Technician Demonstrators /Creative Technicians	2 months

56.2 In certain circumstances and where appropriate, the School may stipulate within an employee's contract of employment a longer notice period than stipulated above.

56.3 The School may agree to release an employee from the requirement to serve their full notice period. In these circumstances, the School will not pay the employee for the portion of the notice period that they are not working. The employee will be asked to sign a letter confirming the agreement reached.

- 56.4 In the event of termination of the contract of employment by either party, HR will confirm the employee's final day of employment.

Resignation

- 56.5 An employee who resigns must provide the School with their notice of resignation in writing. The School will not accept notice of resignation as effective unless it is in writing. Upon resignation, the employee will be required to work their full contractual notice period, unless otherwise agreed.
- 56.6 The School is not obliged to accept a withdrawal of resignation.
- 56.7 If an employee fails to work their full contractual notice period without prior authorisation from the School, the employee will not be paid for the portion of the notice period that they have not worked. The School may refer to this in any reference given on the employee's behalf.
- 56.8 The School may deduct from the employee's final pay any costs incurred as a result of the employee failing to work their full notice period and any monies owing to the School. Such a payment may include monies owing from a repayment agreement relating to outstanding loans (payment of a qualification), wage advances, expenses advances and holidays taken but not yet accrued.

Holidays during Notice Periods

- 56.9 If, prior to notice of termination being given by either party, the School has authorised an employee's annual leave request, and the annual leave is scheduled to take place during the notice period, the School will seek to honour this arrangement. However, the School may, if necessary for business reasons, require the employee to cancel all or part of their annual leave.
- 56.10 If, on termination of an employee's employment, the employee has accrued annual leave that they have not taken, they will be paid in lieu of this as part of their final wages. No payment in lieu of accrued contractual holiday will be made to the employee (and where appropriate a deduction will be made from salary) in the event of their termination for gross misconduct or in the event of the employee giving inadequate notice of termination or leaving before the contractual notice period has expired.
- 56.11 If on termination of an employee's employment, they have taken paid holiday leave in excess of earned entitlement, they will be required to reimburse the School (by means of deduction from salary if necessary) in respect of such holiday.

Fixed Term Contracts

- 56.12 Fixed term contracts will normally end automatically when they reach the agreed end date. The School does not have to give any notice. If a Line Manager of an employee on a fixed term contract wants their contract to be extended, authorisation must be obtained from the Principal/Vice Principal appropriate to

the role, the Vice Principal (People Services) and the Financial Controller for budget purposes.

Dismissal

56.13 Where the School dismisses an employee, it will give the employee their full contractual notice/statutory notice (whichever is higher) and, unless otherwise agreed, will require the employee to work the full period of notice.

56.14 In certain circumstances, including dismissals for gross misconduct, the School may dismiss the employee without notice. If this is the case, the School will explain the reason(s) why.

Rights and Obligations during the Notice Period

56.15 During the notice period, the contract of employment will continue to remain in force and the employee will receive full pay and benefits.

56.16 During the notice period, the employee remains bound by all the obligations and restrictions expressly set out or implied in their contract of employment, and must not take up employment elsewhere. The School expects that the employee will conduct themselves in an entirely appropriate manner during the full period of notice, and uphold the high standards of performance required of all employees. This applies no matter who gave notice to terminate the contract of employment and for whatever reason.

56.17 If an employee's performance during the notice period falls below the required standards, the School may address this as a performance or disciplinary matter and may refer to this in any references given on the employee's behalf.

56.18 During the notice period, the School may restrict an employee's duties, contact with students, colleagues and suppliers, access to information or resources and impose any other reasonable practices, to better facilitate a handover and/or to protect business interests.

57. RETIREMENT

- 57.0 Following the removal of the default retirement age with effect from October 2011, the School will not assume that employees will retire at any specific age and consequently Line Managers will need to talk to employees to understand their intentions.
- 57.1 It is not permissible to dismiss older employees on grounds of retirement. Employees can voluntarily retire at a time of their choosing and draw any occupational pension they are entitled to, subject to the provisions of the scheme at the time. The School's schemes set out the earliest dates at which an employee can access their benefits. Employees are encouraged to take independent financial advice before making a decision about early retirement and/or the early taking of pension.
- 57.2 To assist with workforce succession planning both managers and employees are encouraged to discuss future short-term and long-term plans.
- 57.3 If an employee decides to retire and access their occupational pension, in line with scheme rules, formal notice should be given in writing to HR in line with the terms of an employee's contract. HR will write to the employee and acknowledge their retirement and action the retirement date on the HR system. The appropriate pension scheme will then be informed by the Payroll & Pensions Specialist and the employee.
- 57.4 Should an employee wish to withdraw a notification of retirement this will be considered. However, there is no obligation for the School or the pension scheme to accept this.

Pension Contributions

- 57.5 For information regarding Occupational Pension schemes, contact the Payroll & Pensions Specialist for appropriate contact details.

Voluntary Severance and Retirement

- 57.6 Information regarding the effect on retirement benefits relating to employees who take voluntary severance may be obtained from the appropriate pension scheme.

Redundancy

- 57.7 Paid Information regarding the rules for redundancy can be obtained from the appropriate pension scheme.

Retirement on the grounds of Ill Health

- 57.8 Members of the Local Government Pension Scheme and Teachers' Pension Scheme whose employment is terminated because of permanent incapacity caused by ill health will become entitled to the immediate payment of retirement

benefits provided specific conditions are met. There are no reductions applied to pension benefits and in certain cases, extra membership is given automatically to increase benefits (known as 'ill-health enhancement'). For more information please contact the Payroll & Pensions Specialist.

- 57.9 In cases where an employee's long-term ability to work is likely to be significantly affected by ill health, the employee may become eligible for ill-health retirement under the terms of their occupational pension scheme of which they are a member. The ill-health provisions and the procedures for ill-health retirement differ slightly between pension schemes. The appropriate pension scheme will provide detailed information (and assistance in making an application if appropriate) on request, along with support from the Payroll and Pensions Specialist.

Re-employment after Retirement

- 57.10 Employees who retire can seek re-employment via the School's normal recruitment procedures. Any re-employment should not form a part of a retirement package.
- 57.11 To show retirement there should be a break in the continuity of employment of at least one month. Any re-employment should be in a different post from that which the employee has retired from.
- 57.12 Depending on the pension scheme the employee is retiring from, they may or may not be eligible to re-join the scheme.

Flexible/Phased Retirement

- 57.13 Flexible retirement may be an attractive option for keeping key staff working after a 'retirement' age of 55. Flexible retirement means being able to draw a portion of their retirement benefits, whilst continuing in pensionable employment and building up further pension rights. In general terms, this means that an employee can take flexible retirement at any point from age 55 with the agreement of the School, and draw part of their accrued benefits. To do so, they must reduce both their working hours and salary within the provisions of the pension scheme guidelines. The appropriate pension scheme should be consulted for further information. Flexible/phased retirement must be approved by the School. Please contact HR for more details.

Financial Advice

- 57.14 On request, the Payroll & Pension Specialist will provide employees with standard information on the occupational pension scheme of which they are a member to help them plan their retirement. Additionally, they will endeavour to help employees in obtaining answers to more complex queries from the relevant scheme administrator. However, the School is unable to offer financial advice to employees. Therefore, all employees are advised to consider obtaining independent financial advice when planning their retirement.

Other Pension Arrangements

57.15 When planning for retirement, employees should take into consideration any state pension entitlements or alternative pension benefits that they have. The School cannot provide information about these arrangements.

Disputes

57.16 Employees who are unhappy with a decision in respect of their retirement arrangements are advised to contact HR in the first instance to determine whether an informal resolution can be achieved.

58. REDUNDANCY

58.0 The intention of the School is that job security will be maintained wherever practicable and every effort will be made to avoid compulsory redundancies. However, it is recognised that circumstances may arise that result in the School seeking a reduction in staffing levels necessarily brought about by economic, technical or organisational constraints affecting operational needs or other organisational issues.

58.1 This procedure recognises the benefit of early consultation with recognised trade unions and the importance of planning resources to avoid or minimise the need for redundancies.

58.2 This procedure outlines the processes and the consultation that will take place to ensure compulsory redundancies are avoided if at all possible, and where they do take place, that they are conducted in as fair a manner as possible.

Scope

58.3 This procedure applies to all employees employed by the School under a contract of employment. Employees with more than 2 years' continuous employment as of the proposed date of dismissal are entitled to a redundancy payment. This procedure does not cover the routine expiry of fixed term contracts at the expected end date of the contract. If, however, a fixed term contract ends unexpectedly and an employee has more than 2 years' continuous employment with the School they will be entitled to a redundancy payment.

Definitions

58.4 Redundancy is the termination of the employment contract by the School because there is, or there is expected to be, a reduced need for a particular kind of work at a particular place of work, for example:

- the School has ceased (or intends to cease) carrying on the business for the purposes of which the employee works;
- the School has ceased (or intends to cease) to carry on the business in the location of which an employee works;
- the School does not require employees to carry out work of a particular kind anymore; or
- the School does not require employees to carry out work of a particular kind in a specific location anymore.

Avoiding Compulsory Redundancies

58.5 Where any plans compel the School to contemplate or plan for collective redundancies it recognises the benefit of early and meaningful consultation with recognised trade union representatives and employees and also recognises its statutory obligations in respect of consultation. Formal consultation will include consideration of the steps to avoid or minimise compulsory redundancies (see examples listed below) and will be with a view to reaching an agreement.

58.6 Union representatives will be given timely access to all the necessary material and information to enable an informed dialogue regarding the School's financial position. This might include consideration of the School's performance, funding and future plans to identify any economic, technical or organisational issues affecting the need for changes in the size of the workforce.

Collective Consultation

58.7 Where the steps outlined above fail to remove the potential redundancy situation, and the School proposes to dismiss employees as redundant, for the purposes of collective consultation the School will provide recognised trade union representatives with the following information:

- the reasons for the proposals;
- the number and description of employees whom it is proposed to dismiss as redundant;
- the total number of employees of that description employed at the institution;
- the proposed method of selecting the employees who may be dismissed;
- the proposed method of carrying out the dismissals with due regard to any agreed procedure, including the period over which the dismissals are to take effect; and
- the proposed method of calculating the amount of any redundancy payments made to employees who may be dismissed.

58.8 The School will engage in consultation with recognised trade union representatives on the above, and the representatives will actively engage in the consultation process with the School, with a view to reaching an agreement about ways of:

- avoiding the dismissals;
- reducing the number of employees to be dismissed; and
- mitigating the consequences of the dismissals.

58.9 This will include regular meetings and consideration of the steps outlined in the paragraph below.

58.10 In attempting to avoid compulsory redundancies, consideration will be given to the appropriateness of the following measures on each occasion that a redundancy situation arises:

- trying to make financial savings in other areas;
- reduction of staff levels by natural wastage;
- redeployment to other parts of the organisation (this may include conducting skills audits and, where necessary, providing training);
- reduction or elimination of overtime working;
- restricting or freezing external recruitment;
- restricting or freezing the engagement of external contractors and agency staff;
- reducing working hours (by agreement with staff);
- considering volunteers for part-time and flexible working;

- considering volunteers for job sharing;
- sabbaticals and unpaid leave, or secondments;
- seeking alternative funding, e.g. where funding for a particular project has expired; and
- seeking applications for voluntary redundancy.

58.11 In line with the duty to consult collectively, the School will give trade union representatives reasonable time and opportunity to consider the information provided, seek clarification, discuss the proposals with management and put forward their views or proposals. The School will carefully consider the trade union representative's submissions and respond as appropriate. Regular meetings will be held between management and trade union representatives for this purpose. Trade union representatives will make every effort to attend consultation meetings. The School's responses will be confirmed in writing, explaining any changes to the original proposals, the reasons for rejecting any alternative proposals and confirming the final proposals.

58.12 The School will adhere to the minimum periods for consultation that are in place through legislation at the time of any redundancy proposal. The minimum period for consultation is currently prescribed by S188 of the 'Trade Union and Labour Relations (Consolidation) Act 1992', which requires that consultation with recognised trade unions (or employee representatives) must:

- Follow 'collective consultation' rules if the School is making 20 or more employees redundant within any 90 days period at a single establishment.

58.13 There are no set rules to follow if there are fewer than 20 redundancies planned, but the School will fully consult with employees and their representatives.

58.14 If the School is making 20 or more employees redundant it will notify the Redundancy Payments Service (RPS) by filling out an HR1 Form before consultation starts.

58.15 The School will engage with recognised trade unions at as early stage as possible to allow meaningful consultation on whether the proposed redundancies are necessary and how they could be avoided.

58.16 Once consultation is genuinely complete and if following the consultation process, it is still necessary to make redundancies, then the employees affected will be notified, together with details of the criteria adopted to determine their selection for redundancy.

Equality and Diversity Considerations

58.17 In accordance with its statutory obligations under the equality duties, the School will assess the impact, or potential impact, of any business plan or proposal that may result in redundancies, on equality and diversity. This must include consideration of how the proposal will impact, or has the potential to impact, on employees on grounds of protected characteristics as listed in the Schools Equality Statement. This assessment should be carried out in consultation with

recognised trade union representatives as soon as the business plan (which may result in redundancies) is proposed.

Individual Consultation

58.18 In addition to consulting with recognised trade union representatives, the School will inform and consult with the individual employees potentially affected. This will include discussion about how the School can mitigate the potential redundancy by such means as transferable skills and redeployment options, including the potential for retraining. Employees will be offered the opportunity to be accompanied by a trade union representative or work colleague at all individual consultation meetings.

Selection Criteria

58.19 If, having considered the measures to avoid or minimise redundancy, the number of employees still exceeds requirements, the proposed criteria for selecting employees for redundancy will be discussed with the recognised trade union representatives and individuals as part of the collective and individual consultation processes.

58.20 It is preferable to determine selection criteria appropriate to a particular situation rather than specify criteria to be applied in each and every situation. In this way, the School can identify an objective selection process that will help to ensure the retention of a balanced workforce appropriate to the needs of the School at the time in question and future years. However, the School will ensure that, on each occasion, the selection procedure will be fair, objective, consistent and non-discriminatory.

Procedure for Selection

58.21 Where an employee is provisionally selected for redundancy, they will be invited to attend a meeting with an appropriate senior manager. At this meeting, the employee will be offered the opportunity to be accompanied by a trade union representative or work colleague. The purpose of the meeting is to inform and consult with the employee about the redundancy situation, explain the basis for the employee's selection and enable the employee to respond. The employee may ask questions about the selection criteria, the manner in which they have been applied and make representations as to why they should not be selected for redundancy. The School will take into consideration any representations made by the employee before making any decisions. The School will also consider, in consultation with the employee, any remaining options available which could avoid redundancy. This may require further consultation meetings, depending on the circumstances.

58.22 If, after individual consultation, the School still proposes to select the employee for redundancy, the employee will be invited to attend a meeting with an appropriate senior manager. The employee has the right to be accompanied at this meeting by a trade union representative or work colleague. At this meeting the School will review the situation and make a final decision regarding whether

or not the employee will be dismissed by reason of redundancy, taking into consideration the outcome of the consultation process and any further representations made by the employee at the meeting. The decision will be confirmed in writing as soon as possible after the meeting.

- 58.23 If notice of dismissal by reason of redundancy is given, the employee's contractual or statutory period of notice (whichever the greater) will apply.

Time off During Notice Periods to Assist with Job Seeking

- 58.24 It is recognised that certain employees under notice of dismissal for redundancy have a statutory right to reasonable time off with pay during working hours to look for work or make arrangements for training for new employment.
- 58.25 To qualify for the statutory right to time off in these circumstances, employees must have been continuously employed for at least 2 years.

Redundancy Pay

- 58.26 In calculating redundancy pay due regard will be given to contractual terms and statutory provisions set out in legislation that is current at the time of any redundancy process. Currently, this is set out in S162 Employment Rights Act 1996.
- 58.27 Employees with at least 2 years' continuous service will qualify for a statutory redundancy payment. Continuous service with an 'associated employer' under the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 will be counted for redundancy pay purposes.

Social Networking

- 58.28 All employees are required to adhere to the Social Networking Guidelines when going through the consultation process. Employees should be aware that the use of Social Media in a way that may be reasonably deemed as deliberate or inadvertent misuse which could be a breach of the guidelines, may lead to disciplinary action under the School's Disciplinary Procedure. Serious breaches of these guidelines, for example, incidents of bullying of colleagues or social media activity causing serious damage to the School, may constitute gross misconduct and may lead to action under the Disciplinary Procedure up to and including dismissal. Please see the School's Social Networking Procedure for full guidelines.

Appeal

- 58.29 All employees will have the right to appeal against dismissal for redundancy. To exercise this right the employee must set out their grounds for appeal in writing and send it to the Principal within 10 working days of receiving written confirmation of the decision.

- 58.30 The appeal will normally be heard by the Principal unless the Principal has been involved in the decision-making process in relation to the redundancy, where the appeal will be heard by an appropriate elected member of the Governing body.
- 58.31 At the appeal meeting the employee will have the right to be accompanied by a trade union representative or work colleague.

STANDARDS/KEY PERFORMANCE INDICATORS

Responsibility for monitoring and reviewing this staff procedure handbook lies with the Vice Principal (People Services). It will be reviewed annually. The annual review may include consultation with recognised trade union representatives.

EQUALITY STATEMENT

The Northern School of Art is committed to providing an inclusive learning and working environment that recognises the value of every individual regardless of their background or personal characteristics and aims to ensure that all employees and Institution users are treated fairly and equally. It aims to do this by encouraging a culture which actively welcomes, respects, promotes and embraces diversity; employs fairness in all aspects of employment and teaching and thereby creating and sustaining a positive and supportive environment for all members of its community.

All information put into the public domain should be fully accessible to all, regardless of any disability. Wherever possible the font Arial should be used with minimum font size 12, and essential text should never be embedded within graphics. All public information should include a statement that it is available in large format, with the name, email and telephone number of the marketing department who can arrange it, e.g. this information is available in large format print. If you need it in a different format please contact HR by emailing hr@northernart.ac.uk or calling 01642 856126.

EQUALITY AND DIVERSITY IMPACT ASSESSMENT SCREENING

Under the Equality Act, there are nine protected characteristics:		
gender reassignment marriage and civil partnership pregnancy and maternity	race religion or belief age	sex sexual orientation disability

Assessment:

Is this policy/procedure relevant in terms of equality related to the protected characteristics above? Yes ☒ No ☐ If no, please state why not:	
This is general policy/procedure relating to all staff.	
Is there potential for any negative or positive impact on people with protected characteristics? Yes ☐ No ☒ If yes, Please provide details:	
Positive	Negative
Could this policy or procedure discriminate or unfairly disadvantage people with protected characteristics? Yes ☐ No ☒ If yes, please provide details:	
The procedures have an inclusive approach to staff from all backgrounds.	
Conclusion:	
☒ No barriers identified	
☐ Adaptions or changes to the policy or procedure to eliminate bias	
☐ Barriers and impact identified, however, having considered all available options there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore, proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.	

Completed by:

Name:	Amy Crossland	Job Title:	Vice People (People Services)
Name:	Martin Raby	Job Title:	Principal

APPROVAL PROCESS

This document was APPROVED by Principalship on:	September 2024
Principalship member with primary responsibility:	Amy Crossland, Vice Principal (People Services)
Other staff consulted by primary Principalship member:	Martin Raby, Principal
	John Waddington, Vice Principal (HE)
	Stuart Slorach, Vice Principal (Resources)
	Rob Kane, Vice Principal (FE)
	Mike Wheaton, Vice Principal (Planning & Strategy Implementation)

Elements of this document have been reviewed and approved by School Committees:

Section	Committee	Approval Date
N/A		

APPENDIX 1 – HOW TO ACCESS FORMS AND ADDITIONAL INFORMATION

Please note all forms and additional information relating to these procedures can be accessed via the VLE by following the below file paths:

Forms

The Northern School of Art VLE/Home/Human Resources/HR Forms

Or by clicking this link [HR Forms](#)

Additional Information – HR Procedures

The Northern School of Art VLE/Home/Human Resources/Additional Information – HR Procedures

Or by clicking this link [Additional Information - HR Procedures](#)

Any out-of-date forms that staff send to HR will be returned and staff will be asked to complete the correct form before it can be accepted.

For staff who do not have access to a computer please contact HR who can supply a copy of the appropriate form.