



The
Westgate School
#equippedforlife

Employee Policies and Procedures Handbook

October 2021

Will be reviewed when there are changes in legislation or internal procedures

Welcome and introduction

Welcome to The Westgate School. We look forward to a long and successful working relationship with you and sincerely hope that your time with us is enjoyable and rewarding. Simply, we want The Westgate School to be a great place to work and therefore a great place to learn so that staff and students thrive together.

About your employment

You are employed by The Westgate School. In accordance with the Scheme of Delegation, the Governing Body has delegated the running of The Westgate School to the Head Teacher and specifically the appointment, job description and performance management of all members of staff, excluding the Head Teacher. The Governing Body are responsible for the job descriptions, performance management, remuneration and appointment of the Head Teacher of The Westgate School.

Our Values, Mission and Ethos

Our mission is to create a safe and positive environment in which all students reach their true potential and feel prepared for future life through outstanding opportunities and personalised learning. Our aspiration is to nurture and equip our young people to shape and positively impact our ever-changing world. As a school and staff body we pride ourselves on three key behaviours which underpin and provide the foundation for all our interactions and work we do. We are proud and passionate about what we do and how we do it. We are reflective so that *#betterneverstops* and we model this for our young people. We use our emotional intelligence to make a difference and cultivate relationships to support and challenge each other.

Teaching and learning at The Westgate School has its foundations in that the greatest outcome for students is the teachers and we as individuals' will develop if we take control of our own learning and development. The Westgate School is a community built upon Respect. This is respect for others whether it be staff or students as well as self-respect. This respect allows us to develop the values, behaviours and attitudes that we feel are important for our students to possess if they are to be *#equippedforlife*.

We aim to celebrate these values, behaviours and attitudes with our students and staff encouraging them to develop them not only in lessons but also beyond school. Staff are key role models for young people at all times.

This handbook

This handbook is designed to explain the way in which we work and to set out the key procedures, expectations and policies designed to ensure an efficient workplace and a safe and supportive environment for all employees. The health and well-being of staff is at the heart of what we do. In order for staff to thrive we believe that relationships based on trust are key. Kindness, respect and consideration for each other is crucial. We also realise that clarity in terms of this handbook is important to support staff should a need arise. This handbook places the relevant policies and process into one place to ensure the right support at the right time depending on an individual context.

The contents of this handbook do not form part of the terms of your contract of employment unless otherwise stated. The Westgate School may need to alter or amend any policy or procedure

contained in this handbook to ensure that it remains relevant and consistent with the needs of the school. Any change will be notified to all employees and an up-to-date copy of this handbook can be obtained from the School Business Manager, Sandra Venturini, and on the O:Drive using the following [O:\ Staff\Staff Resources\Information\Policies\Policy and Procedures Handbook October 2021.docx](#)

We do expect all our staff to comply with the requirements set out in this handbook to ensure The Westgate School continues to be a great place to work so that staff and students can thrive together. In rare cases where staff may not comply with the requirements in this handbook it could lead to further action in line with the appropriate policy.

Our strength as an organisation is due to the skills and abilities of colleagues like you. We look forward to a long and successful working relationship with you and sincerely hope that your time with us is enjoyable and rewarding.

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1 – KEY PRINCIPLES

This section sets out some of the key commitments made by The Westgate School to its employees – and the key commitments expected from employees in return.

1.1 Health and Safety

The primary duty owed to you by The Westgate School is to ensure that you are safe while you are at work. Similarly, all employees are obliged to carry out their duties in a safe and responsible manner that does not risk harm to either themselves, their colleagues, or any other person.

A detailed Health and Safety Policy identifying the roles and responsibilities of key staff members for ensuring that The Westgate School meets its commitment to health and safety is available from Mr Paul Newport our Facilities Manager and in the shared staff area under policies.

O:_Staff\Staff Resources\Information\Policies\Health & Safety Policy.pdf

O:_Staff\Staff Resources\Information\Policies\Health & Safety Handbook.pdf

Detailed risk assessments have been carried out on all aspects of The Westgate School's activities and steps have been taken to ensure that all work can be done safely. Any employee who is concerned that any aspect of the school's activities poses a risk to health and safety should report this to the Facilities Manager immediately. Genuine concerns about health and safety will always be treated with the utmost seriousness and be thoroughly investigated.

Employees are required to comply with all instructions rules and procedures concerning matters of health and safety. Failure to do so may result in action and could amount to gross misconduct. In particular, where employees are required to wear personal protective equipment specific to their role, then failure to do so will be treated as possible gross misconduct which could result in dismissal.

1.2 Equality

The Westgate School is proud to be an equal opportunities employer. This means that decisions concerning recruitment, promotion, dismissal or any other aspect of employment will be based on the needs of the school and not any assumptions based on sex, race, age, disability, gender reassignment, sexual orientation, married or civil partnership status, pregnancy or maternity, religion or belief. This is an important commitment which all employees are expected to share.

Employees are encouraged to raise with management any discriminatory behaviour, assumptions or attitudes they encounter at work and are entitled to do so free from any reprisal providing they are acting in good faith.

1.3 Dignity at Work

All employees are entitled to a working environment free from bullying and harassment. The Westgate School takes all allegations of such conduct extremely seriously and will not tolerate harassment or bullying behaviour. Complaints will be dealt with under the Bullying and Harassment Policy set out in Section 6.3 of this handbook.

All employees are required to behave towards each other with respect. In particular, offensive behaviour which relates to sex, race, age, disability, sexual orientation, religion or belief, pregnancy or gender reassignment will be treated as gross misconduct and could lead to dismissal.

1.4 Ethical Conduct

We aim for the highest possible standards of ethical conduct in all of its activities and expects the conduct of individual employees to reflect this. Dishonesty of any kind will be treated as a serious matter, which may amount to gross misconduct and therefore to dismissal without notice.

Gifts and Hospitality

The acceptance of gifts and hospitality from pupils/parents, suppliers and potential suppliers must not give the appearance that employees of The Westgate school or its Governors may be unduly influenced in the decisions that they make in respect of pupils/parents, suppliers or in any other aspect of their work. All gifts and hospitality given or received, of whatever value, must be entered in the Register kept by the HR Officer.

No personal gifts of a value in excess of **£30** should be accepted from a pupil / parent, supplier or potential supplier without express permission from your line manager.

Receiving Hospitality and Gifts

If you are approached with a view to a gift being made or hospitality offered, the gift or hospitality should be politely refused. The approach should firstly be reported to the Head Teacher who will advise on whether any further action should be necessary. The Head Teacher should then inform the full governing body with a comment/report being made in the Register.

It is common and cultural for appreciative parents and pupils to register their thanks for the work of staff in the form of a small personal gift. If these are valued at less than £30.00, no reference is necessary to senior staff or record made in the Register. NB: Cash, gifts vouchers and any other items deemed to be of direct monetary value are taxable and need to be declared to HMRC for taxable purposes. However, this does not apply where a voucher exchange can be made for a specific item or service i.e.: not to be 'cashed'.

Seasonal gifts of nominal value e.g.: calendars, diaries need not be added to the Register.

If a significant gift is made or arrives, where it is not possible for it to be refused then The Westgate School should arrange for it to be returned with a polite explanation of the school policy. This should be recorded in the Register.

When a more valuable gift, benefit or service is offered which is for the benefit of the school rather than an individual then it must be referred to the full governing body and details must be added to the Register.

Hospitality in the form of working lunches with light refreshments are perfectly acceptable and are viewed as staff subsistence. These should not be confused with corporate hospitality.

If the staff and governors of the school are offered hospitality or gifts whilst involved in the procurement of goods, services, tenders for work or when liaising with anyone conducting business with The Westgate School other than light refreshments it is their responsibility to report this within a week to first the Head teacher before accepting such a benefit. A report should be added to the Register. In some exceptional circumstances an additional report to the full governing body of the school may be required.

If not accepting a gift would cause a cultural offence then the item should be accepted. The Head Teacher should then add it to the Register and decide whether it would be appropriate for it to be donated to charity; raffled in a school fair or displayed for the education of pupils.

Where a gift is accepted on behalf of the school, the gift remains the property of the school.

Examples of gifts or hospitality that **should not** be accepted are:-

- cash or monetary gifts
- gifts or hospitality offers to a family member
- gifts or hospitality from a potential supplier tendered in the immediate period before tenders are invited or during the tender process.

Non-compliance

In a case where it is believed a member of staff or Governors has not declared a gift or hospitality then a formal investigation should be instigated by the Head Teacher or Chair of Governors. This may take the form of disciplinary procedure in the case of employees if misconduct is indicated

It is also an act of gross misconduct to seek to influence any other person to behave in an improper way or to confer a business advantage on you or The Westgate School through the giving of any gift or hospitality.

1.5 Whistleblowing

The Westgate School encourages employees to raise any concerns that they may have about any wrongdoing at any level within the school community. Wrongdoing in this context means any breach of a legal obligation, risk to health and safety, a criminal offence being committed, a miscarriage occurring or likely to occur or damage to the environment.

Any initial concern should be raised with the Head Teacher. However, if this is not appropriate then you should contact a member of the senior leadership team or the Chair of Governors who will ensure that your concern is properly addressed.

School based employees whose concerns relate to the Head Teacher may wish to approach the Chair of Governors, or any of the individuals listed above.

To allow us to investigate and assess the situation it would be helpful to provide as much information as possible. We encourage you to put your name to allegations, as anonymous concerns are more difficult to investigate and we want to be able to take any appropriate action to protect you and provide you with feedback.

Employees who raise a concern which is in the public interest under this policy are entitled not to be subjected to any detriment as a result. However, the employee must reasonably believe that the disclosure they are making is true.

How will The Westgate School respond?

Your concern will be assessed and what appropriate action will be considered. This may involve a formal review, an internal enquiry or a more formal investigation. You will be told who your point of contact is to be, what further assistance we may need from you and agree a timetable for feedback. If you ask, we will write to you summarising your concern and setting out how we propose to handle it. If we have misunderstood the concern or if there is any information missing, please let us know.

When you raise the concern, please comment on how you think the matter might be resolved. Please tell us at the outset if you have any personal interest in the matter. If we think your concern falls within the Grievance policy or another relevant policy, you will be informed.

Regardless of what action may be appropriate in resolving your concern, we will not tolerate victimisation or harassment against staff who raise concerns and will take all necessary steps to protect you from any detriment.

Wherever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we might not be able to tell you about the precise actions we take where this would infringe the duty of confidence we owe to other persons.

Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

External contacts

The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. If an employee is not satisfied with the schools/Governing Body's response, the employee's manager should ensure that s/he is made aware with whom s/he may raise the matter externally.

For concerns about the safety and welfare of children in our school, the Safeguarding Policy provides details of who to contact. The Designated Safeguarding Lead is Mrs Ditton and Deputy Safeguarding Lead is Mr Crossingham.

Even if your concern proves to be unfounded you will be protected against any reprisals from management, colleagues, or any other employee. Making a deliberately false allegation, however, against The Westgate School, a fellow employee or any other person will be treated as an act of gross misconduct which could result in dismissal.

If you are the subject of an allegation of wrongdoing, then you will be informed of the allegation and given every opportunity to explain the situation and put your side of the story. Disciplinary action will only be taken following a full investigation in accordance with the disciplinary procedure.

Matters of individual concern should be raised in accordance with the Grievance Policy in this Handbook.

1.6 Good Faith and Loyalty

The employment relationship is one built on The Westgate School and we all have a mutual interest in making the relationship a success. The Westgate School has a duty to provide reasonable support to employees and employees have a duty of good faith towards The Westgate School.

In practice this means not doing anything that undermines The Westgate School's position by acting in competition with it, providing information to competitors or undermining The Westgate School's standing with pupils, parents and fellow employees.

1.7 Safer Recruitment Policy

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in education. The Westgate School is committed to safeguarding and promoting the welfare of all pupils in its care. As an employer, The Westgate School expects all staff to share this commitment. For more information please reference The Safer Recruitment Policy.

Aims and Objectives

The aim of the Safer Recruitment policy is to help deter, reject, or identify people who might propose a risk to students or are otherwise unsuited to work in our school, by having appropriate procedures for appointing staff.

The Westgate School has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at The Westgate School based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation.

Those involved in the recruitment and selection of staff must have received appropriate training and that at least one member of every interview panel is accredited in Safer Recruitment Training.

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

The Westgate School will follow this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at The Westgate School.

Recruitment and Selection Procedure

Advertising

To ensure equality of opportunity, The Westgate School will advertise vacant posts to encourage as wide a field of applicant as possible. Any advertisement will make clear The Westgate School commitment to safeguarding and promoting the welfare of children.

The Westgate School will not normally follow an external recruitment process in the case of redeployment, where employees are under notice of redundancy and the vacancy is suitable alternative work, the employee is disabled or for health reasons requires alternative employment.

Employees on temporary contracts can be made permanent without their job being advertised. The Head Teacher may designate some posts as suitable development opportunities for existing employees. These posts will not be advertised externally.

All documentation relating to applicants will be treated confidentially in accordance with data protection legislation.

Application Forms

The Westgate School uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history).

Only applicants that have been shortlisted will be asked for a self-declaration regarding convictions and working with children and any other information which would make them unsuitable for the position. This will be done prior to interview CV's only will not be accepted due to safeguarding protocols. Evidence of right to work will be on the application form.

All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies (e.g. Teaching Regulation Agency).

Job Descriptions and Person Specifications

A job description will be drawn up for the role and finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person specification informs the selection decision and will set out the skills, experience, abilities and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children.

Shortlisting

Shortlisting will be undertaken by at least two people from the recruitment panel. Candidates will be assessed against the person specification.

References

References will only be sought for short listed applicants and will be requested immediately after short listing. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted. In such cases, this reference will be taken up immediately after interview and prior to any formal offer of employment being made. Two professional/character references must be provided and one must be your current or last employer. These will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions. Any discrepancies or anomalies will be followed up.

The Westgate School does not accept open references, testimonials or references from relatives.

Interviews

Assessment will be by face-to-face interview, and the same panel will see all the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria.

Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process.

All applicants who are invited to an interview will be required to bring evidence of their identity, address, right to work in the UK and qualifications. Original document will only be accepted, and photocopies will be taken. Unsuccessful applicant documents will be destroyed following at the end of the recruitment programme.

Offer of Appointment and New Employee Process

The appointment of all new employees is subject to the receipt of a satisfactory DBS Certificate, references, medical checks, copies of qualification and proof of identity. A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

The Rehabilitation of Offenders Act 1974

The exemption provisions under the Rehabilitation of Offenders Act 1974 do not apply to positions which involve working with or having access to pupils. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at The Westgate School.

DBS (Disclosure and Barring Service) Certificate

All staff at The Westgate School require an enhanced DBS Certificate and therefore a DBS Certificate must be obtained before the commencement of employment of any new employee.

It is The Westgate School's policy to re-check employee's DBS Certificates every five years and in addition any employee that takes leave for more than three months (i.e. maternity leave, career break etc.) must be re-checked before they return back to work.

Members of staff at The Westgate School must inform the Head Teacher of any cautions or convictions that arise between these checks taking place as well as their obligation to disclose if they are disqualified 'by association' from providing relevant childcare provision (as defined in the Department for Education's statutory guidance on Disqualification under the Childcare Act 2006).

Portability of DBS Certificates Checks

Staff may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service if their check was issued after 17 June 2013, for a fee of £13 per annum (as at the time of publication), which is payable by the applicant.

Copies of DBS Checks

The DBS no longer issue Disclosure Certificates to employers, however as an employer notification of the DBS check will come direct to us. In some cases we will request to see your certificate.

Dealing with Convictions

The Westgate School operates a formal procedure if a DBS Certificate is returned with details of convictions. In addition, The Westgate School is prohibited from employing you if you are disqualified by association unless there is an alternative suitable role and/or if a waiver is received from Ofsted.

Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence;
- how long ago the offence occurred;
- one-off or history of offences;
- changes in circumstances,
- decriminalisation and remorse.

A meeting will take place to establish the facts with the appropriate member of the leadership team or Head Teacher. A decision will be made following this meeting.

Proof of professional status

Candidates must provide proof of their qualifications by production of original documentation.

Medical Fitness

Anyone appointed to work at The Westgate school will be required to complete a pre-employment fit for work check. No medical information is disclosed to the school unless there are recommendations for your employment.

Induction Programme

All new employees will be given an induction programme which will clearly identify The Westgate School's policies and procedures and make clear the expectation and Code of Conduct which will govern how staff carry out their roles and responsibilities.

Single Centralised Register of Members of Staff

In addition to the various staff records kept at the school and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the Department of Education requirements. This is kept up-to-date and retained by the main school office. The Single Centralised Register (SCR) contains details of the following:-

- all employees who are employed to work at the school;
- all employees who are employed as supply staff (long term) whether employed directly or through an agency.
- all others who have been chosen by the school to work in regular contact with children. This will cover volunteers, governors, peripatetic staff, and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members e.g.: sports coaches etc.

A designated Governor will be responsible for auditing the Single Centralised Register for the school and reporting their findings to the full Governing Body during the Academic year.

Record Retention / Data Protection

The Westgate School will retain all interview notes on all applicants for a period of 6 months, after which time the notes will be destroyed (i.e. shredded). The 6 month retention period is in accordance with the Data Protection Act 1998 and will also allow The Westgate School to deal with any data access requests, recruitment complaints or to respond to any complaints made to an Employment Tribunal.

All information retained on employees is kept in School in the school admin office in a locked and secure cabinet.

On-going Employment

The Westgate School recognises that safer recruitment and selection is not just about the start of employment but should be part of a larger policy framework for all staff. We will therefore provide on-going training and support for all staff, as identified through the annual review/appraisal process.

Leaving Employment

Despite the best efforts to recruit safely there may be a rare occasion when allegations of abuse against children and young people are raised. In these cases, the school's Disciplinary Policy will apply.

In cases of dismissal (or resignation) due to the above behaviour, we are obliged to inform the Department of Education, and the Children's Safeguarding Unit of the circumstances why the employee is leaving our employment. A referral may also be made to the TRA Teaching Regulatory Agency (TRA) in respect of teaching staff.

Monitoring and Evaluation

This policy will be reviewed in line with any changes in legislation or other appropriate guidelines.

2 – HOW WE DO THINGS

This section deals with some important administrative requirements to do with your employment and sets out the standards The Westgate School expects of employees in various situations.

2.1 Proof of Identity

The Westgate School is legally obliged to ensure that all employees are permitted to work in the UK. It is a condition of your employment that you comply with all reasonable requests to provide details of your identity, right to work in the UK and place of residence. This will include allowing the school to take copies of your passport or other appropriate documents and to check their authenticity. Copies of any such documents will be kept in your personnel file indefinitely and the appropriate details added to the Single Central Register.

2.2 Personnel Records/Data Protection

In order to administer your employment efficiently we will maintain a personnel file which contains personal information i.e.; address, date of birth, employment history, periods of sickness absence, disciplinary or grievance issues and any other details relating to your employment.

You must inform us of any changes to this information. Your personnel record will be stored electronically/hard copy and is treated as confidential information. It will not be disclosed to any third party without your consent unless the disclosure is needed to protect the legitimate interests of The Westgate School or to comply with a legal obligation.

The Westgate School is registered with the Information Commissioner and details of its registration can be provided to you on request.

If you have any queries with regards to your personal data, please speak to the HR Officer.

2.3 Dress Code

All staff are expected to dress in business attire during working hours. Staff should wear clothing appropriate to their work area. If you are supplied with a uniform, PPE or protective clothing for your role within school, then you must ensure that you wear these whilst carrying out your duties, as appropriate.

Trainers, jeans, leggings, and other casual clothing are not considered to be appropriate attire, unless there is an organised trip (only if appropriate) or 'dress down- day'.

If your line manager feels that you are dressing in an inappropriate way, they may ask you to dress differently the next time you come into work. A persistent refusal to comply with a reasonable standard set by a manager could amount to misconduct.

Where an employee dresses in a completely inappropriate way they may be sent home to change.

2.4 Timekeeping

Good timekeeping is essential in any team. A late arrival at work can put unfair pressure on colleagues and affect the smooth running of the business. We therefore require all employees to take responsibility for attending work promptly in accordance with their contract of employment.

Where you depend on public transport to come to work you should allow adequate time, including likely delays, for your journey so that you can arrive on time. Similarly, employees who drive to work should make themselves familiar with the level of traffic to be expected and make adequate allowance for rush hour congestion.

Where you are going to be late for work you must contact your line manager or school reception as soon as possible to explain the situation and give an estimate of your arrival time. You must make every effort to talk to your manager directly rather than leave a message with colleagues or send an email or text message.

Persistent lateness without proper acceptable explanation will be monitored, and if necessary, dealt with under the disciplinary procedure.

If personal or domestic circumstances make it difficult for you to attend work on time, then you should discuss this with your line manager. In some cases, we may be able to accommodate a reasonable need for flexibility, but this will be subject to the needs of The Westgate School and the need to avoid placing an unfair burden on your colleagues and should not be at the detriment of the students (see Section 5).

2.5 Adverse Weather and Traffic Disruption

The Westgate School's primary duty is to provide a safe place of work. If adverse weather means that this cannot be achieved, and The Westgate School needs to close, then all employees will be sent home or told not to come in. In these circumstances, employees will be paid in full for any working time that they have lost.

If the school remains open, it is the responsibility of employees to attend work if they possibly can. Whilst we understand that this is not always possible, additional paid leave will not be provided for employees who are unable, for whatever reason, to travel into work.

Where you are not going to be able to get to work you must contact your line manager or member of Senior Leadership and report your absence (see Absence section) as soon as possible to explain the situation. You must make every effort to make the school aware of your absence.

If you are unable to attend work due to severe weather or other travel difficulties this may equate to unpaid leave by agreement with the Head Teacher. There may be circumstances in which employees are able to work at home, but this will be entirely at the discretion of The Westgate School.

2.6 Rest Breaks

The Westgate School encourages all employees to take full advantage of scheduled rest breaks. These are provided not only for comfort, but also to protect the health of employees and prevent excessive fatigue from causing accidents.

You are required to comply with any requirements relating to such breaks as may be in place from time to time.

2.7 Smoking

The Westgate School operates a smoke-free working environment. Smoking (which includes the use of e-cigarettes and personal vaporisers) is therefore strictly prohibited throughout The Westgate School premises. This policy applies to all employees, parents, students, and visitors.

2.8 Computer Use - Including the use of email/Internet

It is very important that The Westgate School can keep its data secure and ensure that computer systems are used only for their proper purpose. To assist with this, all employees are required to comply with instructions that may be issued from time to time regarding the use of The Westgate School owned computers or systems.

You should ensure that when leaving a computer, you lock your terminal, or log off if appropriate.

You must not attach any device to The Westgate School IT equipment without authorisation from the SLT link of the IT dept. Portable IT devices must be kept secure and password protected at all times.

Your computer password is an important piece of confidential information and you should treat it that way. Do not share it with others, and make sure that it is not written down anywhere where an unauthorised person can find it.

Unauthorised access to any of The Westgate School's systems will amount to gross misconduct and could lead to dismissal.

Internet Use

Employees with access to the internet on The Westgate School owned devices should use that access responsibly. Excessive personal use during working hours could be treated as misconduct. From time to time The Westgate School may block access to sites which it considers inappropriate but whether or not a specific site has been blocked, employees must not use the internet to view or download offensive or sexually explicit material. Any attempt to do so may, depending on the circumstances, amount to gross misconduct leading to dismissal.

Employees must not download any software, plugins or extensions on to The Westgate School owned devices unless this is first cleared by an appropriate member of the IT department. Employees should also refrain from downloading music, video or any other entertainment content on any The Westgate School-owned device.

Firewalls and anti-virus software may be used to protect The Westgate School's systems. These must not be disabled or switched off without express permission from management.

Email

All email correspondence should be dealt with in the same professional and diligent manner as any other form of correspondence.

You should be mindful of the fact that any email that you send using your school email account will be identifiable as coming from The Westgate School. You should therefore take care not to send anything via email that may reflect badly on school. In particular, you must not send content of a sexual, racist, offensive or discriminatory nature, junk mail, chain letters, cartoons or jokes from any email address associated with work.

Using a school email address to send inappropriate material, including content of a sexual, racist or discriminatory nature, is strictly prohibited and may amount to gross misconduct. Should you receive any offensive or inappropriate content via email you should inform a member of SLT of this as soon as possible so that they can ensure that it is removed from the system.

You should also take care that emails will be seen only by the person intended. Particular care should be taken when sending confidential information that the email has been correctly addressed, marked 'private' / 'confidential' and not copied into those not authorised to see the information. Sufficient care must be taken when sending confidential information via email and failure to take sufficient care to ensure that it is properly protected could be treated as misconduct and in serious cases, as potential gross misconduct.

Privacy

The Westgate School reserves the right to access and monitor email usage that takes place without notice. You should have no expectation of privacy in respect of personal and school business use of email and the internet whilst at work.

Your email remains the property of The Westgate School and therefore you should not use your school email to send or receive any information that you regard as private. We may, in the course of its school business, read emails that you have sent or received - although in the absence of evidence of wrongdoing we will try to avoid reading personal emails if possible.

2.9 Social Media

An employee's behaviour on any social networking or other internet site must be consistent with the behaviour required of employees generally. Where it is possible for users of a social media site to ascertain who you work for, then you should take particular care not to behave in a way which reflects badly on The Westgate School.

Inappropriate or disparaging comments about the school, colleagues, students or parents will be treated as misconduct as social media interactions can be copied and widely

disseminated in a way that you may not be able to control, The Westgate School will take a particularly serious view of any misconduct that occurs through the use of social media.

If an employee has a social media account, you need to ensure certain steps are considered to minimise the risk of inappropriate students' communications.

School staff's social media profiles should not be available to students. If you have a personal profile on social media sites, you should not use their full name, as students may be able to find them. Staff should consider using a first and middle name instead and set public profiles to private. Staff should not attempt to contact students or their parents via social media, or any other means outside school, to develop any sort of relationship. They will not make any efforts to find students' or parents' social media profiles. Staff will ensure that they do not post any images online that identify children who are students at the school without their consent.

2.10 Telephones

The Westgate School telephones must be used for legitimate business purposes only.

Staff will not use personal mobile phones and laptops, or school equipment for personal use, in school hours or in front of students. You should only be used in private places where there are no students e.g., staff room, office, work room, empty classroom. You will also not use personal mobile phones or cameras to take pictures of students.

2.11 Alcohol and Drugs

The Westgate School's approach to the consumption of alcohol, drugs, and other substances (including legal highs) that have intoxicating and/or behaviour-altering effects or impair judgement (referred to in this policy as "other substances") is based on the need to ensure a safe and productive working environment. Due to the serious nature of the risks posed by the abuse of alcohol, drugs and other substances in the workplace, any breach of the rules in this area will be treated as gross misconduct which will usually result in dismissal.

An employee will be regarded as 'under the influence' of alcohol, drugs, or other substances if their behaviour, speech, ability to concentrate or otherwise perform their duties is in any way affected.

Dependency

Employees who have a dependency on alcohol, drugs or other substances may be offered support and encouraged to seek appropriate counselling or medical help. Absence arising from treatment or counselling related to drug, alcohol or other substance abuse will be treated as sickness absence under the Attendance at Work policy. However, while the school will always try to be supportive toward employees with a drug, alcohol or other substance problem, this will not prevent disciplinary action being taken when employees act in breach of the rules laid out in this policy.

Wherever an employee informs the school that they have a drug, alcohol, or other substance problem this will, as far as possible, be treated in the utmost confidence.

However, the school may need to disclose circumstances to regulatory authorities or others should this be necessary to ensure safety or compliance with legal requirements.

Drugs

The consumption, storage, distribution or sale of illegal drugs or any other behaviour-altering and/or intoxicating substance, including legal highs, on the school's premises or during working time is strictly prohibited. The Westgate School will report any illegal activities to the police or other relevant authorities.

You must not present yourself for work under the influence of illegal drugs or any other substance taken for non-medical purposes. Any offences or cautions outside of working hours must be immediately disclosed to the Head Teacher.

Alcohol

Consumption of even a small amount of alcohol may be sufficient to adversely affect the work of an employee and could pose a risk to health and safety. Remember that alcohol remains in the bloodstream for up to 24 hours following consumption and that the consumption of a significant amount of alcohol in the evening may leave you unfit to work in the morning.

You must not present yourself for work under the influence of alcohol. You must not consume any alcohol during working time, lunchtime or during any break. If you are staying away on a school trip (for example), you should also refrain from drinking alcohol at all times on the basis that you have students in your care and could be called upon at any moment. You may also be required to drive.

Where alcohol is available at the school's organised events or occasions when you are representing the school— even outside working hours - it is important to behave responsibly and not drink to excess. Behaviour that reflects badly on the school could be a disciplinary matter and in serious cases may amount to gross misconduct.

2.12 Driving

Where driving is required as part of your job, it is your responsibility to ensure that you are legally qualified to drive.

If you are required to have a driving licence as part of your job or drive the minibus, licences will go through The Westgate School's inspection procedure which requires us to check individual licences with the DVLA, or as otherwise requested. It is your responsibility to inform the school if you receive any points on your licence. This should be reported to the Facilities Manager.

If you use your own vehicle to drive on work-related business, it is your responsibility to arrange to be insured for that business use. The Westgate School may require you at any time/annually to allow a copy of your insurance and any MOT test certificate to be made and kept in our records.

You are responsible for any driving offences committed while driving as part of your duties, including any parking fines. Dangerous, careless, inconsiderate, or aggressive driving as well

as causing a risk to others can be damaging to The Westgate School's reputation and can amount to gross misconduct. If you are banned from driving for any reason, The Westgate School is not obliged to find alternative work for you and may choose to dismiss you if the ban renders you incapable of performing your duties as required.

It is illegal to use your mobile phone whilst driving which includes texting etc. Employees should **never** use their mobile phone whilst driving on school business unless they do so on a properly installed hands-free system and traffic conditions mean that it is safe to do so. In most cases, it would be preferable to make any calls when the vehicle is stationary.

Any journey carried out on school business must be scheduled in such a way as to allow adequate rest breaks – usually one break of 15 minutes for two hours of driving. Where possible, driving on school business should be avoided either late at night or very early in the morning.

Safety is our prime responsibility, and you should not be required to compromise safety in any way when driving on school business. If you are concerned about any driving requirements you may have, then you should discuss these with the Facilities Manager and appropriate arrangements will be made to ensure that any work-related journey can be completed safely.

Please see our Minibus Policy for further details.

2.13 Medication

Any member of staff taking medication must seek confirmation from their GP or other qualified medical practitioner that such medication will not impair their ability to carry out their duties. If you are taking prescription drugs or any other medicine that may affect your performance at work or your ability to carry out any of your duties, then you must inform your line manager of this.

Any medications (including over the counter medicines such as paracetamol) brought onto site, must be kept always locked away and not left in unlocked draws or handbags etc.

2.14 General housekeeping

Parking

All vehicles parked on The Westgate School's premises must be parked only in the designated parking areas and in such a way as to avoid obstructing access.

The Westgate School accepts no liability for damage to private vehicles parked on Westgate School premises, however it may be caused.

Collections

You must not make any collections from colleagues or undertake any other form of fundraising for charity on The Westgate School's premises without prior authorisation from the Head Teacher.

Staffroom Facilities

Any staff facilities provided by The Westgate School must be kept clean and tidy at all times. This is the responsibility of all employees.

2.15 Gambling

You are prohibited from gambling or betting on The Westgate School's premises whether during or outside of working hours including the use of gambling or gaming websites.

2.16 Personal relationships

Sexual/romantic relationships with students is strictly prohibited. Any employee found to be in such a relationship will be subject to The Westgate School's disciplinary procedure which may result in dismissal on the grounds of gross misconduct. Such relationships will also be reported to the police and LADO (Local Authority Designated Officer).

External and internal applicants for posts will be asked to declare relevant personal relationships when applying for employment to ensure that the member of staff they are related to / in a relationship with, has no involvement in the application process.

Anybody who is uncertain about whether they should take action regarding a personal relationship (whether their own or someone else's relationship that is affecting them) are invited to seek guidance in confidence from the Head Teacher or the Chair of Governors where appropriate (see Whistleblowing Policy).

You should be aware that a breach of this policy could lead to disciplinary action being taken.

2.17 Dealing with the Media

Any enquiries from the press or media about our activities must be referred to the Head Teacher. You must not respond directly to any questions raised by the media.

2.18 Photographs of students

Staff are prohibited from taking photographs of pupils on any personal devices. Breach of this rule will be treated as gross misconduct.

3 – CODE OF CONDUCT

The behaviour of employees is central to the continued success of The Westgate School. This section sets out what is expected of all employees in terms of their personal conduct when at work and their behaviour towards colleagues.

3.1 Staff Code of Conduct

Our Staff Code of Conduct sets out the minimum standard of professional behaviour we expect of all staff. Teaching staff should also refer to and abide by the provisions of the Teacher's Standards (published by the Secretary of State for Education via the Department for Education) and with any revisions or amendments that may be made from time to time. A copy is available from the Head Teacher.

Staff should set a good example to students at all times. Children are at the heart of what we do. We will:

- Maintain high standards in our attendance and punctuality.

- Dress smartly and appropriately for our role and behave as professionals both inside and outside of the classroom.
- Remain the 'adult' in all situations reacting calmly and consistently and choosing kind responses.
- Treat students and others with dignity and respect.
- Never use inappropriate or offensive language in school.
- Show tolerance and respect for the rights of others.
- Demonstrate honesty, integrity, and pride in our school and within the teaching profession.
- Engage in purposeful and professional dialogues with each other in front of children, colleagues, or parents/carers.
- Not use mobile phones in front of children, their parents, or carers, in corridors of the school during the working day, or when on duty.
- Always wear our identity badge.
- Demonstrate a willingness to acquire new skills and knowledge surrounding our professional duties and be prepared to share them effectively for the benefit of all.
- Not undermine fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs.
- Express personal beliefs in a way that will not overly influence students and will not exploit students' vulnerability or might lead them to break the law.
- Understand the statutory frameworks they must act within and adhere to the Teachers' Standards.

3.2 Misconduct

Behaviour which is disruptive, disrespectful to colleagues, or which falls short of the requirements set out in this handbook will be treated as misconduct under the disciplinary procedure. While employees will not usually be dismissed for a first offence a failure to remedy the behaviour or to adhere to required standards may ultimately lead to dismissal once appropriate warnings have been given.

The Westgate School reserves the right not to follow the disciplinary procedure in full for employees who are within the first two years of their employment with The Westgate School.

3.3 Gross Misconduct

Gross misconduct is behaviour which is fundamentally at odds with the employee's duty to The Westgate School their colleagues or the pupils. In accordance with the disciplinary

procedure, gross misconduct will usually result in dismissal without notice, or payment in lieu of notice, even in cases of a first offence.

It is not possible to list every example of gross misconduct which may arise, but the following provides an illustration of the sort of conduct that will fall into this category – some of which are then explained in more detail below:

- Serious breach of our Safeguarding procedures, Code of Conduct or any other serious breach of our policies and procedures;
- Theft;
- Deliberate acts of discrimination or harassment;
- Violent or intimidating behaviour;
- Wilful damage to property;
- Reckless behaviour posing a risk to health and safety;
- Any illegal act during working time or on The Westgate School premises;
- Failure to disclose, if reasonably asked, any criminal conviction/caution not exempt under the terms of the Rehabilitation of Offences Act 1975 and Amendments 2013;
- Failure to immediately notify The Westgate School of any allegation/charge or conviction of any criminal offence brought against you during your employment and/or failure to make any disclosures required under your contract of employment;
- Conviction for a criminal offence that in our opinion may affect The Westgate School's reputation or its relationships with its staff, pupils, parents or the general public, or otherwise affects your suitability to continue to work for The Westgate School;
- Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties;
- Inciting violence or radicalisation;
- Offering alcohol, drugs or any other illegal substances to students;
- Serious breach or failure to provide safe working environment for children and young people;
- Serious breach of 'personal and professional conduct' of the Teachers' Standards;
- Any act described as gross misconduct elsewhere in this policy handbook.

Dishonesty

It is important to stress that any form of dishonesty, however minor, will be regarded as possible gross misconduct. This includes theft of property, whether belonging to The Westgate School colleagues, students or any third party. However, it also includes an employee seeking to gain any advantage through deception - such as making a false claim for expenses or overtime, falsely claiming to be sick or falsely claiming to have completed a particular task.

The Westgate School regards any dishonesty by employees as gross misconduct which could usually result in dismissal.

Refusal to carry out instructions

The Westgate School expects employees to work in a spirit of cooperation with their colleagues and managers for the good of the school as a whole. Employees are required to carry out their managers' instructions and a deliberate and wilful refusal to do so will be gross misconduct.

If you believe that you have been instructed to do something that does not fall within your duties or which is in some other way unreasonable then the appropriate way of dealing with this is to raise a grievance under the grievance procedure (see Section 6). However, doing so will not prevent a refusal to carry out an instruction from amounting to gross misconduct if it is found to have been a reasonable one in all the circumstances.

Breach of a requirement set out in this Handbook

This handbook sets out a number of requirements aimed at ensuring the smooth running of The Westgate School and the fair treatment of all employees. A number of these are so important that any breach of them will amount to gross misconduct and these are clearly identified throughout the handbook.

Your attention is drawn in particular to the following:

- The rules on safeguarding;
- The rules on gifts and hospitality;
- The policy on smoking;
- The policy on alcohol and drugs;
- The rules concerning the use of computers, the internet and email;
- The policy regarding social media; and
- The Minibus policy.

3.3 Allegations of Misconduct and Gross Misconduct

The Westgate School is committed to treating all employees fairly and allegations of misconduct and gross misconduct will be dealt with in accordance with the disciplinary procedure set out in Section 6.4 of this handbook.

4 ATTENDANCE AT WORK & SPECIAL LEAVE

This section sets out the approach The Westgate School takes when you are unable to attend work, are taking annual leave or need time off for exceptional circumstances.

4.1 Unauthorised Absence

The obligation on an employee to attend work at the times agreed is a fundamental part of the contract of employment, to ensure positive outcomes for all.

Unauthorised absence is when someone does not come to work without reason for absence and without contacting The Westgate School. Examples of this are:

- when no contact is made on the day of absence and no Statement of Fitness to Work has been provided
- when no explanation for absence has been given
- when permission for absence is refused, and the employee is subsequently absent
- failure to return from leave without explanation
- other absences of an indeterminate nature

If no contact is made, the appropriate manager must make every effort to contact the employee as soon as possible in the day. Failure to make contact with the employee will be referred to the Head Teacher who will decide what further action to take.

The school reserves the right to make salary deductions for any unauthorised absence, prior notice of which should be given to the employee. Any absence not covered by this handbook or applicable terms and conditions of employment will not be paid.

Upon the individual's return to work, a meeting will be held with the individual's line manager / HR Provider or other appropriate manager to establish the reason for the absence and what support, if any, is required for the individual. Disciplinary action may be taken if unauthorised absence has occurred.

4.2 Medical Appointments

We would expect appointments to see a GP, dentist or optician to be made outside working hours where possible and to keep absences to a minimum.

The Westgate School appreciates that it is not always possible to avoid appointments during the working day and each case will be assessed on an individual basis to decide whether paid leave should be granted.

Employees who have a medical condition which will require regular appointments during the working day should discuss their situation with HR, who may also refer to the SLT link if necessary, so that appropriate arrangements can be made to support you and minimise impact on colleagues and students.

You will be required to provide evidence of any appointment for which time off is needed.

4.3 Ante-natal Care/Adoption Appointments

Pregnancy Related Appointments

Pregnant employees are entitled to paid-time off to attend ante-natal appointments.

Employees are therefore expected to take reasonable steps to arrange routine antenatal appointments at a time that will minimise absence and impact on your department. Part-time workers should attempt to arrange appointments for days when they are not required to work and all employees should try to avoid appointments in the middle of the working day in order to minimise disruption.

If your partner is pregnant, you are entitled to paid time off for up to two antenatal appointments. You should notify your manager of the date and time of the appointment and complete a special leave form. Anything above this will be assessed on an individual basis by the Head Teacher.

Adoption Appointments

Employees who are adopting on their own, or have elected to be the primary adopter may take paid time off to attend up to five adoption appointments in certain circumstances.

If you are the partner of the primary adopter, you may take unpaid time off on up to two occasions to attend an adoption appointment. Anything above this will be considered on an individual basis by the Head Teacher.

4.4 Sickness Absence Policy

Regular and reliable attendance at work is an important commitment that The Westgate School asks all employees to make, to ensure children achieve their personal best. Unjustified or excessive absence can put unfair pressure on colleagues and students, and seriously damage the health of the organisation, operations and outcomes to everybody's detriment.

Nevertheless, the school will always try to be supportive when an employee is genuinely too ill to attend work. This policy sets out The Westgate School's approach and the steps that you need to take if you are off sick.

Reporting Sickness Absence

If you know you are not going to be able to attend work due to sickness, the following will apply:-

All staff need to call the staff absence line before 7.30am on the first day of absence.

Clearly state your name and why you are absent, 'feeling ill' is not sufficient, brief details of your illness must be provided. For teaching staff you will then need to email dl@westgate.slough.sch.uk and cover@westgate.slough.sch.uk your cover work for the day with any instructions. Please also advise your Curriculum Lead and Line Manager of your absence. For all staff please call the school on the first day by 2pm to advise whether you will be returning the following day.

It is not acceptable if you ONLY text your Line Manager/Curriculum Lead.

Please be aware that hangovers are not regarded as legitimate reasons to take sickness absence. Absence by reason of hangovers could lead to disciplinary action. You should also be aware of the rules governing the consumption of alcohol set out in the Alcohol and Drugs Policy section 2.

If you are absent from work due to sickness for more than 7 days (including weekends), you will be required to produce a Fit Note from your GP.

Where any period of sickness absence occurs immediately before or immediately after a period of school holidays, INSET days or annual leave/bank holiday then The Westgate School will require such absence to be certified by a GP at your own expense. The Westgate School will reimburse any costs incurred by the production of an official receipt.

Where you are absent for an extended period of time The Westgate School may refer you to an Occupational Health professional or seek a medical report from your GP. The purpose of this will be to ascertain when you are likely to be able to return to work and to identify any measures that can be taken to help you return as soon as possible. This is to ensure that we support you should you feel anxious in returning to the workplace and to remove any barriers.

Employees who are off sick should not undertake any activities likely to be detrimental to their recovery and should cooperate with the appropriate medical professionals in taking steps to ensure that their recovery is as swift as possible.

The Westgate School will, where appropriate, maintain regular contact with employees who are off sick for an extended period. This will be either by telephone or email from either HR or SLT.

Return to Work

Upon your return to work you may be required to attend a return to work meeting to ascertain your well-being and fitness for work by either SLT or HR during the first day back.

Annual Leave and Sickness Absence

Full time employees may request annual leave during any period of sickness absence in the normal way. If you intend to spend any time away from home during your sickness absence you should inform your manager of this fact in advance and provide contact details. The Westgate School does not expect employees to take holidays while off sick. In exceptional cases only, where this may assist in an employee's recovery, the school may agree to holidays being taken during sick leave. It is essential however that any such holidays are agreed in advance following the normal holiday request procedure.

Phased Return to Work

As an employee recovers from illness or injury it may be possible for them to undertake a limited range of duties as a preparation for returning to normal work. This is done when recommended by an Occupational Health referral. The Westgate School will try whenever appropriate, in light of medical advice, to allow for a phased return to work from any long-term illness. This may involve reducing the employee's hours, or the scope of their duties or both. The purpose of a phased return, however, is to provide a bridge between sickness absence and normal working and so any such arrangements will be time-limited and will not normally extend over more than three months.

Alternative Work

The Westgate School may consider agreeing changes to an employee's duties or other working arrangements when it becomes clear that due to sickness or injury they will not be able to return to normal working. Any such changes will be subject to the needs of the business and there is no guarantee that permanent arrangements of this sort will be possible.

Where duties or working hours are varied in this way then the job being done by the employee will need to be reassessed to determine the appropriate level of remuneration. This will then need to be agreed with the employee. If an agreement is not reached then the school may proceed to dismiss the employee in accordance with the procedure for long-term sickness absence.

Disability and Reasonable Adjustments

The Westgate School is committed to making reasonable adjustments to an employee's duties or working arrangements where they would otherwise suffer a disadvantage arising from any disability.

In order to make appropriate adjustments the school will need to know about any disability the employee may have. Employees who feel that they may require an adjustment should

discuss their situation with their line manager. Any such discussions will be in the strictest confidence although when an adjustment is made it may be necessary to inform other employees of the reason for this. The extent to which details of any disability will be discussed with other employees will be agreed as part of the process of making the adjustment itself.

The purpose of any adjustment will be to ensure that the employee can work effectively in an appropriate role and on appropriate terms and conditions. The Westgate School is not obliged to maintain an employee's level of pay if hours are reduced or the employee is moved to a less senior role as a result of any adjustment. Nor will the school agree to an adjustment which will not result in a commercially practicable working arrangement.

The Westgate School Sick Pay

If you are absent from work due to sickness or injury and you comply with the requirements set out above, you will be entitled to the following "sick pay".

Support staff are entitled, subject to the rules stipulated in the Green Book, to:

- During 1st year of service: 1 month's full pay and after completing 4 month's services, 2 months half pay;
- During 2nd year of service: 2 months' full pay and 2 months' half pay;
- During 3rd year of service: 4 months' full pay and 4 months' half pay
- During 4th and 5th year of service: 5 months' full pay and 5 months' half pay
- After 5 years' service 6 months' full pay: and 6 months' half pay

Teachers will be entitled, subject to the rules stipulated in the Burgundy Book, in any one year to:

- During the first year of service you are entitled to full pay for 25 working days and after completing four calendar months' service, half pay for 50 working days;
- During the second year of service you are entitled to full pay for 50 working days and then half pay for 50 working days.
- During the third year of service you are entitled to full pay for 75 working days and then half pay for 50 working days.
- During the fourth and subsequent years of service you are entitled to full pay for 100 workings days and half pay for 100 working days.

The Westgate School sick pay is inclusive of any SSP (Statutory Sick Pay) to which you may be entitled, and receipt entirely depends on full adherence with this Sickness Policy.

Once your entitlement to Westgate School sick pay has expired, you may continue to receive any SSP entitlement. For the purpose of SSP, your qualifying days shall be your normal working days. SSP is not payable for the first three days of absence.

At the sole discretion of The Westgate School you may receive additional sick pay of such amount as The Westgate School, in its absolute discretion, considers reasonable. Such payment is not contractual and can be withdrawn, withheld, or varied by the Westgate School at any time. Any such sick pay will also be deemed inclusive of SSP.

Recoupment of Sick Pay

In the event that you are incapable of attending work by reason of illness or injuries sustained wholly or partly as a result of actionable negligence, nuisance or breach of any statutory duty on the part of any third party, all payments made to you by the school whether of salary or sick pay are paid by way of a loan refundable to the school and must be recovered from that third party in any claim made by you against them.

The refund to The Westgate School will be limited to the amount of damages successfully recovered in respect of sick pay.

Special Leave

Any leave which falls under the following categories will require a special leave form to be authorised wherever possible prior to taking time off. This may be paid or unpaid at the discretion of the Head Teacher. Forms can be found in the staffroom or the Main Office. Once authorised by the line manager and SLT link manager these should go to Debbie Lamb (Cover Manager).

4.5 Jury Service and other public duties

There are a number of circumstances in which employees have a right to time off from work either with or without pay. These include jury service and certain public duties such as serving as a local councillor, magistrate or school governor. Where a need for such time off arises you should discuss the matter with your line manager who will consider what arrangements should be put in place.

While the school will do its best to accommodate time off in these circumstances, the requirements of an employee's role may mean that the amount of time off granted may be limited.

Where serving on a jury would lead to a level of absence that would be detrimental to the business, the school may require you to seek a deferment.

4.6 Compassionate/Bereavement Leave

In the event an employee suffers a bereavement in their family, the school will exercise its discretion to allow reasonable time off to attend a funeral. What is reasonable will be determined on a case by case basis and the type of leave, whether paid or unpaid, will depend on the circumstances and the relationship the employee had with the individual.

In addition, there may be occasions where it may be necessary for an employee to take compassionate leave. Again, this will be considered on a case by case basis and dependant on circumstances, may be paid or unpaid.

An employee will not be eligible to receive paid bereavement or compassionate time-off benefits while off, or absent from work because of holiday, sickness (paid or unpaid) or for any other reason.

4.7 Parental Bereavement Leave

Employees are entitled to statutory parental bereavement leave (SPBL) if a child for whom they have or were due to have parental responsibility has died or been stillborn after 24 weeks of pregnancy, on or after 6 April 2020.

Leave can be taken as one week, two consecutive weeks, or two separate weeks, at any time within the first 56 weeks after the child's death.

Notification

During the first eight weeks after a child has died, you, or someone on your behalf as necessary, need only give notice to the school to take SPBL before you are due to start work on the first day of leave. If you have already started work, then officially your SPBL period will start on the following day. If you want to cancel it at any time during the first seven weeks you can do so as long as it has not started.

After eight weeks, you need to give at least a week's notice to take SPBL. You can cancel it with a week's notice, or re-book it by giving a week's notice.

When giving notice to take SPBL, you must advise the date of the child's death; when you want your leave to begin; and whether you want to take 1 or 2 weeks leave. You can give notice by telephone or by email or by letter.

Parental Bereavement Pay

To qualify for statutory parental bereavement pay (SPBP) during such leave you must have at least six months' continuous employment and normal weekly earnings of at least the lower earnings limit. It is paid at the same rate as other statutory family leave pay, which is subject to change every year. You can check the most up-to-date figure with your line manager.

To claim SPBP, you must confirm the following information in writing within 28 days of starting any period of SPBL: your name; your entitlement to SPBP; the dates of SPBL you want to claim the pay for; the date of the child's death; and your relationship to the child. You can provide this information at the same time as giving notice to take SPBL, as set out above, so long as it is in writing.

Other leave entitlements

In addition to parental bereavement leave, if you qualified for:

- maternity or paternity leave and pay and your child has died or been stillborn, you are still entitled to such leave and pay.
- adoption leave and pay, then the adoption leave entitlement runs for another eight weeks from the end of the week in which the child died (unless it would already have ended sooner).

If your planned period of SPBL coincides with another statutory family leave right, your SPBL will end at the start of that other leave. If you wish to take SPBL at the end of the other statutory family leave period, then a fresh notice to take the leave will be required, as per the above notice requirements.

Compassionate/Bereavement or Dependants leave may be available under our Compassionate/Bereavement or Dependants Leave Policy at our discretion. Please speak to your Line Manager if you require time off in addition to parental bereavement leave.

4.8 Emergency Time Off for Dependents

The Westgate School recognises that situations arise where you need to take time off work to deal with an emergency involving someone who depends on you. Your husband, wife or partner, child or parent, or someone living with you as part of your family can all be considered as depending on you. Others who rely solely on you for help in an emergency may also qualify.

Provided the reasons for such a request are genuine and you inform the school as soon as possible that you need this time off, you will be allowed up to 3 days in an academic year, paid time off work to deal with such emergencies.

The right to time off only covers emergencies. If you know in advance that you are going to need time off, you will not qualify for this type of leave and you therefore should arrange this with the school by taking another form of leave, such as annual leave, parental leave etc.

If an emergency occurs and it is not possible for you to inform your manager in advance of any absence you should contact your manager as soon as possible to inform them of the situation. Appropriate arrangements may then be put in place.

If you suffer some other personal emergency you should talk to your line manager who will discuss what arrangements can be made to grant you compassionate leave. These arrangements will always be at the discretion of the school and will depend on the circumstances of the case and the impact that any absence on your part may have on the business. However, we will be sympathetic to your need for time off (which may be paid or unpaid at our discretion) to deal with the situation and make any arrangements that may be necessary.

4.8a Other reasons for special leave

The Westgate School recognises that employees may need to take time off for other reasons which are not covered by the above categories. Please ensure you give as much notice as possible to minimise disruption to other staff and students. Also be aware that any request may not be authorised and staff should keep leave to an absolute minimum. As such we will also consider the following on an individual basis:

- Serious illness or death of near relative (up to 5 working days depending on circumstances)
- Attendance at a funeral (1 to 3 days depending individual circumstances)
- Wedding of a close relative (1 day)
- Interview (up to 3 working days)
- Moving house (1 working day)
- Religious Observance (1 working day)
- Graduation celebrations (1 working day)
- Other urgent/important reasons at the discretion of the Head teacher

All of the above are per academic year. Further unpaid leave in addition to the above may be granted by the Headteacher depending on individual circumstances.

4.9 Annual Leave for full time employees

Your individual holiday entitlement, including the calculation of any holiday pay, is set out in your contract of employment. This section of the handbook outlines the general approach taken by The Westgate School to requests for annual leave.

Due to the nature of the school's business, many roles are required throughout the school term time and employees engaged in these roles must take the whole of their holiday entitlement during school closure periods. Your contract of employment will confirm whether you are required to take your holidays during school closure periods. If you are, the rules below will not apply to your employment, and you should refer to your Contract for details as to how annual leave is dealt with.

For full time employees (not teaching staff) you must arrange your annual leave at the mutual convenience of both you and The Westgate School. You must give the school reasonable notice of your intention to take your holiday.

You are not entitled to carry forward any leave from one holiday year to the next (1st April to the 31st March) except in exceptional circumstances and unless you obtain the express prior written authority of the Head Teacher as appropriate. No payments will be made in lieu of holiday not taken except in respect of your last year of employment.

All requests for annual leave must be submitted to the line manager, as appropriate. You are only allowed to take annual leave if it has been approved in advance.

You are not allowed to take more than two consecutive working weeks annual leave unless you have obtained prior written permission of the Head Teacher to do so.

The Westgate School may object to you taking holiday on dates requested by you if it is inconvenient to it. Holiday requests will be granted on a 'first come, first served' basis.

If you start or leave your employment during the holiday year you shall be entitled to pro rata annual entitlement for each week of service in that holiday year.

Upon termination of your employment you will be entitled to pay in lieu of any holiday accrued in your last holiday year but not taken. If you have taken holidays in excess of entitlement The Westgate School shall be entitled to deduct the excess pay from your final salary payment.

The Westgate School may require you to take (or not to take) any outstanding accrued holiday entitlement during your notice period.

Term time only employees

Term-time only employees are not permitted to take holidays during term-time, and so your Contract of Employment will specify that your annual salary represents payment for working 38/39 weeks out of 52 weeks and includes a payment which represents your paid statutory holiday entitlement. Your salary will then be adjusted so that you will be paid in 12 equal

monthly instalments. If you leave our employment please be aware that if you have accrued holiday then this will be deducted from your final salary payment.

4.10 Reserve Forces

The Westgate School supports employees who are also member of the reserve forces. Such employees have specific entitlements relating to time off including arrangements for them returning to work after a period of deployment. Employees who are members of the reserve forces or who are considering joining should discuss the implications with their line manager.

5 – FLEXIBLE WORKING AND FAMILY RELATED LEAVE

The Westgate School understands the particular issues faced by employees trying to balance their work and family life. This section sets out The Westgate School's policies in this area and the specific rights available to employees.

5.1 Flexible Working

The Westgate School will try, subject to the needs of the school, to accommodate requests from employees who wish to make changes to their working hours or days. For example to reduce your hours, number of days worked or start and finish time.

Requests for a change in working arrangements can be made by any employee with at least 26 weeks' continuous service with The Westgate School at the time the request is made. You can only make one application per academic year. Any request needs to be made using The Westgate School's 'FLEXIBLE WORKING REQUEST' form. The request should:

1. set out the change requested; and
2. describe the impact that the change will have on the operation of the business and how any difficulties caused by the change may be addressed.

When a request is received, the employee may be invited to a meeting to discuss the potential change. The meeting will normally be conducted by the Head teacher but this may be delegated to another member of the Senior Leadership Team. The Westgate School will consider requests in a reasonable manner and respond within three months of the date that the request for flexible working was issued.

Should you feel it is necessary you can be accompanied by a fellow employee to assist in making any representations that may be appropriate.

The application may be refused if there is a business reason for doing so and may include one or more of the following:

- a burden of additional cost;
- a detrimental effect on ability to meet work demands;
- an inability to re-organise work among existing staff;
- an inability to recruit additional staff;

- a detrimental effect on quality;
- a detrimental effect on performance;
- an insufficiency of work during the periods you propose to work;
- a planned structural change; and
- any other ground allowed by regulations.

In refusing any request we will explain the reasons for the refusal in writing and may make an offer of an alternative arrangement. Discussions may then take place to try to agree a way forward. If no agreement is reached then the employee's terms and conditions will remain unchanged, subject to the right of the employee to appeal the decision.

Any meetings should take place in a spirit of cooperation with both sides seeking to reach agreement on an appropriate way forward.

Any change in working arrangements which results from this process will be confirmed to you in writing within a month of the change taking effect, including: the agreed change, including changes to working hours, pay, job location and holiday entitlement (if applicable); when the change will start; how long the change will last, if for a fixed period of time; and a review date, if the change will be looked at to ensure that it is working.

Any change permitted by the school will be on a permanent basis and the employee will not have the right to revert back to their previous working arrangement.

This policy will not prevent line managers agreeing to ad hoc arrangements from time to time. However, any such arrangement will not amount to a variation in your terms and conditions of employment unless specifically agreed to the contrary and confirmed in writing. The Westgate School may terminate any such ad hoc agreement at any time and require you to revert to your agreed working arrangements.

As there will inevitably be a limit to the amount of flexibility the school can give without affecting the smooth running day to day and therefore employees must accept that the fact that a particular working arrangement has been granted to one employee does not oblige The Westgate School to grant it to another.

Employees can appeal against a decision about flexible working if they feel the information relied upon was incorrect or incomplete within 14 days of being notified of the decision. An Appeal Panel will be convened to consider the appeal within a reasonable period. The employee may bring a work colleague or Trade Union Representative to accompany them to the appeal meeting. Normally within 14 working days of the Appeal Panel meeting, the employee will be advised in writing of the Panel's decision. Where holiday periods intervene, the Employer will make every effort to notify the employee of the outcome of any decision within 14 working days. If the employee fails to attend two appeal meetings without a good reason, the appeal will be treated as withdrawn. In this situation, the employee will not be able to make another application for 12 months.

5.2 Maternity Leave

All employees who give birth are entitled to take maternity leave which lasts for a maximum of 52 weeks. Employees with at least six months' service will also be entitled to be paid Statutory Maternity pay (SMP) for up to 39 weeks of their absence. Because this is a statutory payment there are a number of procedural requirements that must be met in

order to make sure that an employee qualifies. The most important requirements are set out below, but if you have any doubts about the rules that apply you should speak to a member of the management team who will make sure that you have all the appropriate information.

Notification

To qualify for maternity leave you must provide The Westgate School no later than the end of the 15th week before your EWC (when you are approximately 6 months' pregnant) with the following information:

- that you are pregnant;
- the date of the week your baby is due (your expected week of childbirth or EWC);
- a completed 'Intention to take Maternity Leave' form (this date can be changed later – see below); and
- you must also provide the Westgate School with the original Maternity Certificate (MAT B1) issued by your doctor.

In some circumstances the school may be able to accept other medical evidence of when your baby is due, so if there is any difficulty in providing the MATB1 certificate you should discuss this with your line manager/HR officer.

If you intend to take advantage of the right to shared parental leave, you should inform the school of this fact at the same time as you notify the intended start date of your leave.

The entitlement to take paid time off for antenatal care, risk assessments and protection from discrimination or dismissal won't take effect until The Westgate School is made aware of a pregnancy. It may therefore be beneficial to inform the school of pregnancy at a relatively early stage.

Start of Maternity Leave

Generally, it is up to you to decide when to start your maternity leave. However, your leave cannot begin any earlier than the beginning of the 11th week before your EWC.

Where it is safe to do so, you may choose to continue working right up to your child's birth. However, your maternity leave will begin automatically if you are off sick for a pregnancy-related reason at any stage in the four weeks immediately before your EWC.

If your baby is born before the date that you have notified as the start date for your maternity leave, then your maternity leave will begin on the day following the birth.

You may change the date on which you intend to start your maternity leave, but you must notify the Westgate School of your new start date at least 28 days before the original date given (or the new date, if that is sooner). If there is a reason why you cannot give this notice, then you should explain the situation to an appropriate manager and the Westgate School will attempt to accommodate your changed circumstances. However, the Westgate School may need to insist on delaying the start of your leave until at least 28 days have passed since your notification of a changed date.

When your baby is born you should inform the Westgate School of this fact as soon as is reasonably practicable.

Duration of Maternity Leave

The standard length of maternity leave is 52 weeks. Once you indicate the intended start date of your leave, the Westgate School will send you a written notification of your expected date of return.

Unless you give due notice to the Westgate School of an earlier date of return, it will be assumed that you intend to take your full 52-week entitlement and you will not be expected back at work before your leave ends. You do not then have to give any notice of your return although it would be sensible to contact your manager some time in advance to discuss any arrangements that may need to be made.

At the end of your maternity leave you are generally entitled to return to the same job as you had before your leave began. If you are away for more than 26 weeks, however, there may be circumstances in which that is not reasonably practicable. In that case, the Westgate School will provide you with a suitable and appropriate role at the same level of seniority and on no-less favourable terms and conditions.

Dismissal or Resignation

While on maternity leave you remain employed by the Westgate School and bound by your contract of employment. If you decide that you want to leave your employment you will need to submit your resignation in the normal way.

The Westgate School will not dismiss you for any reason related to your pregnancy or your exercise of any right which arises from it. However, if separate circumstances require your dismissal (for instance, because of redundancy) then that will bring your maternity leave to an end.

If your position becomes redundant during your maternity leave then you will be offered any suitable alternative work that is available.

Maternity Pay

Statutory Maternity Pay (SMP) is paid to employees who have at least 26 weeks' service immediately before the 15th week before the expected week of childbirth and whose pay is above the Lower Earnings Limit for paying National Insurance Contributions (this changes each year). Employees who earn below that amount may be entitled to a state benefit called Maternity Allowance. The Westgate School will provide you with an appropriate form to help you claim this, where appropriate.

To pay SMP, the Westgate School needs to be given at least 28 days' notice that you intend to claim it. This will normally be given when you inform the Westgate School of your intended start date for maternity leave. If it is not possible to give 28 days' notice, you should give as much notice as is reasonably practicable.

SMP is paid for a maximum total of 39 weeks. The first 6 weeks are paid at 90 per cent of your normal weekly earnings¹ and the remaining 33 weeks are paid at a flat rate specified in legislation (this changes each year).

¹ This is based on an average of your total earnings in the eight weeks immediately preceding the 14th week before your expected week of childbirth

Your entitlement to SMP will be affected if you undertake any paid work (other than 'Keeping in Touch' days, described below) or are taken into legal custody at any time during your period of SMP entitlement. You should inform the Westgate School immediately of any such change in your circumstances.

Occupational Maternity Pay

Many employees will be entitled to Occupational Maternity Pay under the Green Book or Burgundy Book as identified under your contract of employment as being applicable to your employment. If you do not qualify under the Occupational Maternity Pay Schemes, you will remain entitled to Statutory Maternity Pay if you meet the eligibility requirements.

Burgundy Book Provisions

If you are under the Burgundy Book (teaching staff), your entitlement will depend upon your length of continuous service with the Westgate School, but also with other local authorities (if applicable).

Employees who have, by the qualifying date (i.e. at 26 weeks prior to the 15th week before your EWC) completed at least 1 year's continuous employment will benefit from the full entitlements under the Burgundy Book scheme as follows:

First 4 weeks of leave: full pay (inclusive of SMP);

Weeks 5 – 6 of leave: 90 per cent of a week's salary (inclusive of SMP);

Weeks 7 – 18 of leave: half pay plus SMP (capped so as not to exceed full pay);

The remainder of the paid leave period (i.e. weeks 19 to 39) will be paid at the prescribed rate of SMP, and weeks 20 to 52 unpaid.

Employees who have, by the qualifying date, less than 26 weeks service with the Westgate School, but more than 1 years' continuous service with one or more local authorities, will be entitled to the same payments as set out above, save for the fact that SMP will be substituted for Maternity Allowance (MA), subject to eligibility.

Any benefits or rights conferred under the Burgundy Book are subject to the rules, conditions and criteria set out within those Agreements being met.

To retain maternity pay received under the Burgundy Book scheme, you are required to complete at least 13 weeks' full time service, or its part-time equivalent, on your return to work. If you were working part-time prior to maternity leave, you are required to complete 13 weeks' part-time service. This period includes both term time and school holidays. There is no need to return to work if you claimed SMP only and there is no need to repay SMP if you do not return for 13 weeks. In the event that you do not return to work for this period, you will be required to repay and OMP the Westgate School has paid to you.

Green Book Provisions

If you are under the Green Book (support staff), and have over one year's continuous local authority service immediately before the 11th week before your expected week of childbirth, you will be entitled to a "top up" during weeks 7 – 18 of your maternity leave (i.e. Occupational Maternity Pay (OMP)), to bring you up to half of your normal weekly earnings

during that period.

The OMP pay detailed at clause 10.28 requires you to declare in writing to the Westgate School an intention to return to work after your maternity leave for at least three months. In the event that you do not return to work for three months following your leave period, you will be required to repay the Westgate School any payments made to you in the 12-week period in excess of SMP or MA, or such part thereof as the Westgate School may decide.

Returning to Work Early

Not every employee will want to take the full 52 weeks of maternity leave. Some may simply want to return to work early and others may wish (with their partner) to take advantage of the right to shared parental leave (see below).

In order to make arrangements to accommodate an early return the Westgate School is entitled to ask for 8 weeks' notice of the new date, and if that is not given may delay your return until 8 weeks have passed since your notification.

In any event the law requires that you must not be permitted to return to work during the two weeks immediately following the birth.

Returning to Work Late

Following your maternity leave, you are required to return to work on the date notified to you as your expected date of return. If you are unwell on that date then you should follow the sickness absence procedure set out in Section 6.2 of this handbook.

If you are entitled to begin some other period of leave (such as annual leave or parental leave) then you should ensure that you have followed the appropriate procedure for taking such leave as set out in this handbook.

Maternity Suspension (Health and Safety Reasons)

Depending on the nature of your job, there may be circumstances in which it is unsafe for you to continue working while you are pregnant. In some circumstances the law requires a pregnant employee to be suspended on full pay or transferred to alternative duties. Jobs which may come under this category are identified in the risk assessments that the Westgate School has carried out under its health and safety policy. If you are affected by any health and safety issues connected with your pregnancy then the Westgate School will discuss any detailed arrangements that need to be made until it is safe for you to return to your original duties.

Miscarriage and Stillbirth

Sadly, not all pregnancies end with a healthy baby. In the tragic circumstances where a stillbirth occurs after 24 weeks, this is treated as childbirth, and an employee is entitled to maternity leave and other rights.

A miscarriage or stillbirth prior to this stage is treated as sickness and therefore the sickness absence policy arrangements will apply. However, if a premature birth and death occur prior to 24 weeks and the birth is registered, then this is also classed as childbirth and again

maternity and other rights would be applicable.

The Parental Bereavement Leave and Pay Act gives all employed parents a day-one right to two weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy.

The leave is a day-one right, but employees must have 26 weeks of service at the time of the bereavement. Parental bereavement leave can be taken as a single block, or as two separate weeks and employed parents will have a window of 56 weeks to use the entitlement – which is intended to cover the first anniversary of the death.

The Westgate School will give sympathetic consideration to the circumstances of each individual employee and where necessary, grant special leave or sick leave as appropriate. Such consideration will be decided on the basis of the individual circumstances, with advice as appropriate from a registered medical practitioner and in conjunction with the agreement in each case of the Head Teacher.

5.3 Adoption Leave

Employees who are matched with a child for adoption may be entitled to take up to 52 weeks' adoption leave.

Adoption leave is also available to individuals fostering a child under the "Fostering for Adoption" scheme.

Where two parents are adopting a child, only one of them may take adoption leave, and the other (whether a man or woman) is entitled to take paternity leave. If both adoptive parents qualify, they may each take shared parental leave.

The arrangements for taking adoption leave are similar to the arrangements for taking maternity leave, but there are several important differences. The key ones are set out below, but if you believe you are entitled to adoption leave you should discuss the situation with an appropriate manager who will ensure that you have all the necessary information.

Notification

If you intend to take adoption leave you should notify the Westgate School of this within seven days of being notified that you have been matched with a child for adoption (or as soon as is reasonably practicable).

Your notification should set out:

- the date when the child is expected to be placed with you; and
- the date when you want to start your adoption leave.

As with maternity leave, you can change your mind about the start date provided the Westgate School is given at least 28 days – or as much notice as is reasonably practicable.

The Westgate School is entitled to require proof of the adoption which usually takes the form of a matching certificate provided by the agency placing the child.

Adoption leave is the same in duration as that of maternity leave and will last for 52 weeks unless you choose to return early or take advantage of shared parental leave. You may choose to start the leave from the date when the child is placed with you or at any time in the preceding two weeks.

If, for any reason, the placement is brought to an end – for example because the match turns out to be unsuitable – then adoption leave will continue for 8 weeks beyond the end of the placement. After that period you will be expected to return to work as normal.

Adoption Pay

The arrangements for statutory adoption pay are similar to those for SMP (set out above).

Returning to Work Following Adoption Leave

Your return to work at the end of your adoption leave is on the same basis as for the end of maternity leave (set out above).

5.4 Paternity Leave

Employees with six months' service will be entitled to take paternity leave if they expect to have parental responsibility for a child and they are either the mother's partner or one of the adoptive parents. The purpose of the leave must be either to care for the child or to provide support for the child's mother or adoptive parent.

There are a number of administrative requirements that must be met in relation to taking paternity leave and employees should discuss their plans with their line manager at as early a stage as possible. The following paragraphs set out the basic requirements, but there are additional requirements that must be met when adopting a child from overseas and employees in this position should talk to their manager who will make sure that full information is provided.

Employees entitled to take paternity leave are entitled to take either one or two weeks of leave. If two weeks are taken they must be consecutive and no individual days can be taken except with the agreement of the Westgate School. Please complete a Paternity Leave Request Form.

Paternity leave cannot start before a child is born and must be taken at some stage within the first eight weeks following birth (except when the child is born prematurely in which case the leave must be taken within the eight weeks following the expected week of childbirth).

Most new parents choose to begin paternity leave on the date their child is born, but you may if you wish begin the leave at any time you choose provided that the whole of the leave is taken by the end of those eight weeks.

In order to qualify for paternity leave you must notify the Westgate School at least 15 weeks before the expected week of your child's birth or within 7 days of having been notified that a child will be placed for adoption. Your notification should specify how much leave you intend to take and when you intend the leave to begin. Should your plans change, you will need to give the Westgate School 28 days' notice of any revision.

Paternity leave is payable at the statutory rate, which is subject to change every year. You can check the most up-to-date figure with your line manager.

Maternity Support Allowance

Employees who are subject to the Green Book are entitled to Maternity Support Allowance. This will apply where the employee has been nominated by an expectant mother (who does not have to be an employee of the Westgate School to assist in the care of her child and to provide support to her around the time of birth. If you are nominated, you may take up to 5 days paid time off at or around the time of childbirth. If you are the father, then you may elect to take your Maternity Support Allowance initially, followed by a week's paternity leave (as opposed to taking two weeks paternity leave), in order to get the benefit of full paying during the first week.

5.5 Parental Leave

Parental leave is a flexible form of unpaid leave designed to help employees spend time caring for their children. Parental leave can be taken up until the child's 18th birthday and is available to employees who have at least one year's service and who have formal parental responsibility for a child.

The basic entitlement is to 18 weeks of unpaid leave in respect of each child.

Parental leave must usually be taken in blocks of one week or more and no more than four weeks' leave will be granted in a single year. However, more flexibility is available in respect of disabled children and you should discuss your requirements with your line manager if this applies to you.

A request to take parental leave should be submitted 21 days in advance. While the Westgate School will always try to accommodate requests for parental leave, it has the right to postpone any leave for up to six months in order to accommodate business need.

No postponement will be required if you choose to take your first instalment of leave immediately after the birth or adoption of your child. In such circumstances you need only inform the Westgate School of your intention 21 days before the expected date of birth or placement. The leave will then begin automatically when your child is born or placed with you.

Parental leave is an entitlement that can be transferred from one employment to another. You may therefore join the Westgate School with some outstanding parental leave attaching to a particular child. In such circumstances you should be aware that the qualifying period for taking parental leave still applies and you will need to have been employed for at least one year before you can resume taking parental leave.

5.6 Shared Parental Leave

Shared parental leave is a flexible form of leave available to both parents designed to encourage shared parenting in the first year of a child's life. It allows a more flexible pattern of leave than the traditional arrangement under which the mother takes extensive maternity leave and the father takes a short period of paternity leave.

Employees who give birth or adopt remain entitled to take the full 52 weeks of leave if they choose to do so and the arrangements described above for maternity and adoption leave continue to apply. However, an employee may choose to share part of that leave with their partner provided that certain qualifying conditions are met. When leave is shared in this way, there is no need for the 'primary' leave taker to have returned to work. Both parents can be on leave at the same time, provided that the combined amount of leave taken by the parents does not exceed 52 weeks and provided that all of the leave is taken before the end of 52 weeks following the birth of the child or its placement for adoption.

Generally, parents will qualify for shared parental leave provided that both are working and that each has at least 26 weeks' service with their respective employers. To exercise the right, both parents must inform their employer that they intend to take shared parental leave – usually at the same time as the employer is notified that an employee is pregnant or plans to adopt. They must also give an indication of the pattern of leave that they propose to take.

A parent proposing to take a period of shared parental leave must give the Westgate School 8 weeks' notice of any such leave. Depending on the circumstances, it may be possible for the Shared Parental Leave to be taken in intermittent blocks, with one parent returning to work for a time before taking another period of shared parental leave. Such an arrangement can only be made with the agreement of the Westgate School. While every effort will be made to accommodate the needs of individual employees, the Westgate School may insist on shared parental leave being taken in a single instalment. Any decision as to whether to permit intermittent periods of leave is entirely at the Westgate School's discretion.

An employee absent on shared parental leave will be entitled to a weekly payment equivalent to the lower fixed rate of SMP. The number of weeks for which payment will be made will vary depending on the amount of SMP paid to the mother while on maternity leave. Essentially, if the mother ends (or proposes to end) her leave with 10 weeks of SMP entitlement remaining, the parent taking shared parental leave will be entitled to be paid for the first 10 weeks of leave.

Because of the number of options available, shared parental leave can be quite a complicated entitlement. If you want to take advantage of shared parental leave you should discuss this with your line manager who will check that you qualify and help guide you through the procedure.

5.7 Keeping in Touch Days

Employees during a period of maternity, adoption or shared parental leave are entitled to up to 10 keeping in touch days (KIT days). These allow the employee to attend work to catch up on the latest developments, undergo training or some other development activity, or to take part in important meetings without losing their right to subsequent pay entitlements. Employees on shared parental leave are entitled to a further 20 KIT days.

These 'keeping in touch days' are entirely voluntary and employees will not be required to take part, nor is the Westgate School under any obligation to arrange for keeping in touch days. These should be arranged in advance with your SLT subject link and HR to ensure that the requested day can be accommodated.

Any payment for attending work on such days will be agreed between the Westgate School and the employee at the time the keeping in touch day is arranged. There is no legal requirement to receive pay for these days.

5.8 During Maternity/Adoption or Shared Parental Leave

The Westgate School is keen to keep in touch with employees who are on extended periods of leave, to inform them of any news and consult them over any changes which may take place in the business. However, we appreciate that many employees would prefer to be left alone at this very important time in their lives. In order to get the balance right, your manager may, before your leave begins, discuss with you how best we can keep in touch while you are away.

Please be aware, however, that if an important issue arises on which you need to be consulted, the Westgate School may have a legal obligation to discuss the issue with you and keep you informed.

6 – HOW WE RESOLVE ISSUES FORMALLY

When problems arise in the employment relationship it is important that they are dealt with fairly and promptly. This section sets out the procedures that the Westgate School will follow in such cases.

6.1 Performance Improvement Procedure

The Westgate School aims to ensure that all employees are given the support needed to ensure that they are able to thrive, develop and be reflective in their roles. Where there are issues with performance then the employee should receive feedback from their line manager setting out any concerns. Discussions should take place about how that performance can be improved. This procedure is designed to be used when such informal discussions do not lead to the employee's performance improving to an acceptable level.

Where an employee's poor performance is believed to be the result of deliberate neglect, or where serious errors have been made to the detriment of the Westgate School then it may be more appropriate to use the disciplinary procedure. Which procedure to use shall be at the discretion of The Westgate School.

The Westgate School also reserves the right not to follow this procedure in full for employees who are within their first two years of employment with The Westgate School.

If there are performance issues with NQTs/ECTs following the ECF, the statutory guidance published by the Department for Education from will be followed where appropriate.

The references to timeframes undertaken by the Westgate School in this policy refer to periods which fall within usual 'teaching' days in the school year (normally 195 days),

irrespective of whether staff work 'all year round' or during term time only. The reason for this is that this process will often involve a member of the Senior Leadership Team (SLT), who will normally not be available outside the 195 teaching days. However, wherever possible, the school will do what it reasonably can to resolve issues at the earliest opportunity but it is a natural consequence of the school calendar that there will be periods of time that the SLT are not available and therefore procedures may have to be placed on 'hold' until the relevant manager returns to school. For clarification, if you are appealing a decision, you must do so within 5 working days of being informed of the outcome in writing.

The Right to be Accompanied

Employees are entitled to be accompanied at any meeting from stage 2 of the Performance improvement Procedure held under this procedure by a fellow employee or trade union official of their choice. The Westgate School will provide any chosen companions with appropriate paid time off to allow them to attend the meeting. It is, however, up to the employee in question to arrange for a companion to attend the meeting.

If your chosen companion cannot attend on the day scheduled for the meeting then the Westgate School will agree a new date. This will usually be within 5 working days of the date originally scheduled. If your companion is not available within that timescale then you may need to find someone else to take their place.

The Companion's role is to advise you during the meeting and make representations on your behalf. However, both you and your companion are required to cooperate in ensuring a fair and efficient meeting. The companion is not entitled to answer questions on your behalf.

Stage One

Whilst The Westgate School will always look to support employees through effective guidance and The employee's manager will inform them of the nature of the problem and confirm this in writing. The employee will be invited to a meeting to discuss the issues raised by the manager's concerns. The meeting will be conducted by the Head Teacher or your line manager and will consider any representations the employee may make about their performance, whether it needs to be improved, and if so what steps can be taken to help the employee reach the appropriate level.

Following discussion of the problem, the manager may choose to take no further action; to refer the matter for investigation under the disciplinary procedure or to issue a formal Performance Improvement Plan.

Performance Improvement Plan

A Performance Improvement Plan (PIP) is a series of measures designed to help improve the employee's performance. Each measure will ideally be agreed with the employee, though the Westgate School reserves the right to insist on any aspect of the PIP in the absence of such agreement.

Each PIP will be tailored to the particular situation, but will contain the following elements:

Timescale: the overall timescale in which the necessary improvement must be achieved will be set out, together with the timescale for reaching individual milestones where appropriate.

Targets: The PIP will specify the particular areas in which improvement is needed and set out how and on what criteria the employee's performance will be assessed. Where appropriate, specific targets will be set which will need to be achieved either by the end of the plan or at identifiable stages within it.

Measures: The PIP will specify what measures will be taken by the Westgate School to support the employee in improving their performance. Such measures may include training, additional supervision, the reallocation of other duties, or the provision of additional support from colleagues.

Feedback: As part of the PIP the employee will be given regular feedback from their line manager indicating the extent to which the employee is on track to deliver the improvements set out in the plan

If at any stage The Westgate School feels that the PIP is not progressing in a satisfactory way, a further meeting may be held with the employee to discuss the issue. As a result of such a meeting the employer may amend or extend any part of the plan.

Review

At the end of the PIP the employee's performance will be reviewed. If satisfactory progress has been made the employee will be notified of this fact in writing. If the manager feels that progress has been insufficient then they may decide to extend and/or amend the PIP to such extent as seems appropriate. Alternatively the manager may refer the matter to a meeting under Stage Two of this procedure.

Following the successful completion of a PIP the employee's performance will continue to be monitored. If at any stage in the following 12 months, the employee's performance again starts to fall short of an acceptable standard, their line manager may decide to institute stage two of this procedure.

Stage Two

If a PIP has not led to sufficient improvement in the employee's performance, the employee will be invited to attend a formal performance management meeting. The invitation will set out the respects in which the manager believes that the employee's performance still falls short of an acceptable standard.

The formal meeting will be conducted by a member of the senior leadership team.

At the formal meeting, the employee will be given an opportunity to respond to any feedback of their performance and to make representations about any aspect of the way in which the process has been managed.

If the formal meeting concludes that reasonable steps have been taken which should have allowed the employee to perform to an acceptable standard but that these measures have not worked then a **formal final warning** may be issued. The warning will explain the nature of the improvement which is required in the employee's performance and state that the improvement must be immediate and sustained. It will also explain that if this improvement does not take place then the employee may be dismissed. Where it is appropriate, the warning may be accompanied by an extended or revised PIP.

The warning will remain current for a period of 12 months, after which time it will cease to have effect.

Stage Three

If an employee has been issued with a warning under Stage Two which remains current, and the manager believes that the employee's performance is still not acceptable then the matter may be referred to a further performance management hearing.

The employee will be informed in writing of the grounds of which the hearing is being convened and in particular will be told of the respects in which their performance continues to fall below an acceptable standard.

The hearing will be chaired by an appropriate senior leader / panel.

At the meeting the employee will be able to respond to any criticisms made of their performance and make representations about how the situation should be treated.

Following the meeting, if the Chair / Panel finds that your performance is unsatisfactory, they may consider a range of options including:

- dismissing you; or
- as an alternative to dismissal redeploying you into another suitable job at the same or a lower grade; or
- extending an active final written warning and setting a further review period (in exceptional cases where we believe the requisite improvement is likely within a short period of time).

Dismissal decisions can only be taken by the Head Teacher or Governing Body. It may even be appropriate for more than one person to chair the hearing (i.e. a Panel). The Panel will normally comprise of two or three decision makers who have not been materially involved in the process to date (and taking availability into account).

Any dismissal under this procedure will be with notice or payment in lieu of notice and the decision to dismiss together with the reasons for dismissal will be set out in writing and sent to the employee.

Appeals

An employee may appeal against any decision taken under this procedure. The appeal should be submitted in writing within one week of the action complained of. An appeal hearing will then be convened to consider the matter. Any appeal will be heard by an Appeals Panel, normally consisting of two or three Governors who have not been materially involved in the process to date).

Any PIP that is in force, together with any measures or objectives included within it, will continue in place during the appeal process.

The outcome of the appeal will be confirmed to the employee in writing explaining the grounds of which the decision was reached. The outcome of the appeal will be final.

Redeployment

If it becomes clear that an employee would be better suited to a different role within The Westgate School, any offer to redeploy the employee will be entirely at The Westgate School's discretion and will only be made when The Westgate School is confident that the employee will be able to perform well in the redeployed role and where there is a suitable available vacancy.

Redeployment may be offered as an alternative to dismissal where The Westgate School is satisfied that the employee should no longer be allowed to continue to work in their current role. While the employee is free to refuse any offer of redeployment, the only alternative available in these circumstances will usually be dismissal.

6.2 Sickness Absence Procedure

The Westgate School may need to dismiss an employee whose attendance does not meet an acceptable standard either because of a long-term absence or because of a series of short-term absences. Such dismissals do not depend on any wrongdoing on the employee's part and do not mean that The Westgate School does not accept that their absences are genuinely due to illness or injury. Rather, dismissal is recognition that unfortunately the employee is no longer able to perform their role or attend work on a sufficiently regular basis to make their continued employment a viable option.

Short-term Absence

An employee who The Westgate School considers to have an excessive sickness absence record will be spoken to informally and usually have specific attendance targets set. We define excessive for monitoring purposes as:

- 3 separate absences in a working 6 month period on a rolling 6 month basis
- 8 working days
- The frequency or pattern of absence causes concern for the manager

The employee will be invited to a meeting to discuss their attendance. The meeting will usually be conducted by SLT or HR officer and the employee will have a right to be accompanied by a fellow employee or a trade union official on the same basis as set out in the performance management procedure.

At the meeting the employee will be asked to explain the level of their absence. Where there is any indication that the absences are caused by an underlying medical condition then the matter may be dealt with under the procedure for long-term absence set out below. The Westgate School may also seek medical evidence from either the employee's doctor or an occupational health specialist in which case the meeting will be adjourned for a report to be obtained

Subject to any medical evidence, the person conducting this first-stage meeting may decide to issue a warning to the employee setting out The Westgate School's expectations regarding attendance and indicating the level of improvement needed. A review period will normally be set which may range from one month to 12 months depending on the circumstances.

If the employee's attendance does not improve to the extent required, they will at any stage in the review period be invited to attend a second-stage meeting to discuss the matter. The

meeting will again be conducted by a member of the leadership team or HR officer and the employee will be entitled to be accompanied by a fellow employee or trade union official. This meeting may result in an extension of the review period or the issuing of a final written warning requiring the employee's attendance to improve and setting out the level of improvement required over a specified period of up to one year.

If the employee does not meet this standard and there is no underlying condition where reasonable adjustments would assist the employee to attend, then they may be dismissed. A final meeting will be convened and at this stage and normally the Head Teacher or a member of the Governing Body will chair the meeting.

Any representations made by or on behalf of the employee will be considered and the employee will once again have the right to be accompanied by a fellow employee or trade union official.

Any dismissal arising out of this meeting will be with notice as per the contract of employment.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated. A panel of Governors (usually two or three), who have not been materially involved in the process to date, will Chair the Appeal.

Long-term Sickness Absence

Where an employee is absent for an extended period – or it is clear that their absence is likely to continue for some time – then The Westgate School will want to investigate the prospects for their return and consider what actions can be taken to facilitate this. The extent to which The Westgate School can continue to accommodate an employee's absence will depend on a range of factors, including the role of the employee and the prevailing circumstances of the business.

The Westgate School may seek medical advice as to the employee's condition either from the appropriate professionals caring for the employee or from a specialist occupational health practitioner. The focus will be on ascertaining when the employee will be able to return to work and what steps The Westgate School can take to facilitate this.

An employee is not obliged to consent to any medical reports or records being shared with The Westgate School as part of this process. However, in the absence of medical evidence The Westgate School will have to work on the basis of what information is available in reaching its decision.

One or more meetings will be arranged with the employee to discuss their condition, the prospects for any return to work, and whether anything more can be done by The Westgate School to help. The employee will be entitled to be accompanied at the meeting by a fellow employee or trade union official.

Every effort will be made to make suitable arrangements for the meeting to allow the employee to attend. Where the employee is simply too ill to take part in the process, however, The Westgate School may proceed to dismissal in the absence of a meeting taking into account any representations made on the employee's behalf.

Where it appears that the employee will be unable to return to work within a reasonable time frame then The Westgate School may need to consider dismissal. Any dismissal will be with notice in line with the contract of employment.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated. Any appeal would be heard by a panel which may include the governing body or the Headteacher if they were not previously involved in the dismissal.

Please note that hospitalisation and relevant recovery is not classed as sickness absence.

6.3 Bullying and Harassment Procedure

Bullying or harassment in any form is completely unacceptable. Usually what constitutes as capable of amounting to bullying or harassment is a matter of common sense and The Westgate School expects employees to consider how their words and actions may be seen by others and avoid behaving in such a way as to cause offence or create an unpleasant working environment.

Employees should be aware that what one person considers to be a harmless joke may be offensive to others. It is the responsibility of each individual employee to ensure that their behaviour does not cause offence and to stop immediately if a colleague tells them that their behaviour is unwanted or offensive to them.

It is also extremely important that the views of those who object to behaviour in this way are respected and that they are not subjected to any adverse comment or behaviour.

Making a Complaint

Employees who feel that they are being bullied or harassed in the workplace or that such behaviour is taking place should raise their concerns with their line manager or if that is not appropriate with an appropriate person in HR. Every attempt will be made to treat allegations in confidence. However, if The Westgate School decides that formal disciplinary action needs to be taken then it may be necessary to disclose enough information to the accused employee to enable them to put their side of the story.

All complaints will be taken seriously and fully investigated. Disciplinary action will be taken where it appears to The Westgate School that an employee has engaged in bullying or harassment. In serious cases this may result in dismissal for gross misconduct.

Because of the serious nature of such complaints, the making of any malicious or deliberately false complaint will itself be treated as gross misconduct which could result in dismissal.

6.4 Disciplinary Procedure

The Westgate School always tries to deal with disciplinary issues fairly and promptly. This procedure sets out the framework under which allegations of misconduct will be investigated and considered. While the procedure set out in this policy will be appropriate in most cases, there may be situations in which it is not practicable to comply with a particular requirement of it. When this happens The Westgate School will do its best to deal with the

matter fairly and will pay particular attention to the need to give the employee every opportunity to explain their version of events.

The Westgate School reserves the right not to follow this procedure in full for employees who are within their first two years of employment with The Westgate School.

The Westgate School and its Governing Body has overall responsibility for staffing matters and dismissals. However, responsibility for dismissal decisions has been delegated to the Head Teacher, therefore formal hearings to consider dismissal may be heard solely by the Head Teacher. A panel of one or more Governors may be convened to hear the matter in situations where it is not appropriate for the Head Teacher to perform this function. It is not appropriate for Staff Governors to be members of disciplinary or appeal panels.

Informal Action

Most minor acts of misconduct can be dealt with informally through discussions between an employee and their line manager. This may consist of management guidance or an informal warning given orally or in writing. These steps are an everyday part of the management process and no formal procedure needs to be followed in respect of them.

Where informal action of this kind fails to resolve an issue, or where the misconduct alleged is considered too serious, then the matter will be dealt with formally under this procedure.

The references to timeframes undertaken by The Westgate School in this policy refers to periods which fall within usual 'teaching' days in the school year (normally 195 days), irrespective of whether staff work 'all year round' or during term time only. The reason for this is that this process will often involve a member of the Senior Leadership Team (SLT), who will normally not be available outside the 195 teaching days. However, wherever possible, the school will do what it reasonably can to resolve issues at the earliest opportunity but it is a natural consequence of the school calendar that there will be periods of time that the SLT are not available and therefore procedures may have to be placed on 'hold' until the relevant leader returns to school. For clarification, if you are appealing a decision, you must do so within 5 working days of being informed of the outcome in writing.

Investigation

If it is alleged that you have committed misconduct, an appropriate investigation will be carried out aimed at gathering all of the relevant evidence. You may be interviewed as part of this investigation and will have the opportunity to point the investigator towards any evidence that you feel is relevant. The right to be accompanied (see below) does not apply to any investigatory interview. However, we may allow you to bring a companion depending on the severity of the issue and the complexity of the investigation. You may also be permitted to bring a companion if it helps you to overcome any disability, or any difficulty in understanding English.

Suspension

If an allegation of gross misconduct is made against you, you will not normally be suspended until an initial investigation has been undertaken, you have had opportunity to respond and alternatives to suspension have been considered.

Once satisfied that suspension is the appropriate course of action in the circumstances, the Head Teacher or a person nominated on their behalf (and/or the Chair of Governors of The Westgate School) may suspend you from work on full pay (unless your contract deems suspension will be unpaid), whilst the matter is being dealt with. It should be noted that

suspension itself is not a disciplinary penalty and the period of suspension will be as short as reasonably practicable. The purpose of a suspension is either to allow a more in-depth investigation to take place, or to protect the interests of The Westgate School, its employees and students.

During any period of suspension you may be instructed not to contact other members of staff except for the purposes of preparing for any disciplinary hearing, where specific arrangements will be made with you. Appropriate support during the period of suspension may be offered to you.

If, on completion of the investigation and the full disciplinary procedure The Westgate School is reasonably satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Hearing

Once the investigation has been carried out, the investigating officer will make a decision about whether there is sufficient evidence to warrant a disciplinary hearing. If there is sufficient evidence you will be informed of this and an appropriate date for the hearing will be arranged. This will take place within normal working hours wherever possible.

To ensure that you have adequate time to prepare for the hearing, The Westgate School will provide you in advance with a copy of all the written evidence that will be considered at the hearing. In exceptional cases The Westgate School may need to withhold the identities of certain witnesses or hold back sensitive items of evidence. This will only be done where it is considered necessary to protect individuals or the essential interests of The Westgate School and every effort will be made to ensure that you are given as much information as possible so that a fair hearing can be conducted.

You will be given sufficient notice of any hearing to allow you to prepare for it. While this will vary from case to case, The Westgate School will generally try to give at least two days' notice of any hearing and in complicated cases a longer period of notice may be given.

The purpose of the hearing will be to consider the evidence gathered during the investigation and to consider any representations made by you or on your behalf. The hearing will be conducted by an appropriate manager / leader who, wherever possible, has not previously been involved in the case and who was not responsible for carrying out the investigation.

The Right to be Accompanied

Employees are entitled to be accompanied at any disciplinary hearing by a fellow employee or trade union official of their choice. The Westgate School will provide any chosen companion with appropriate paid time off to allow them to attend the hearing. It is, however, up to the employee in question to arrange for a companion to attend the hearing.

If your chosen companion cannot attend on the day scheduled for the hearing then The Westgate School will agree a new date. This will usually be within 5 working days of the date originally scheduled. If your companion is not available within that timescale then you may need to find someone else to take their place.

The companion's role is to advise you during the hearing and make representations on your behalf; it is not to answer questions for you. However, both you and your companion are

required to cooperate in ensuring a fair and efficient hearing. The companion cannot answer questions on your behalf.

Evidence

The hearing will consider any evidence you choose to present. Should witnesses be prepared to appear on your behalf they will be permitted to do so provided that their evidence is relevant to the issues that need to be decided. The Westgate School will not compel or require any employee to appear as a witness on your behalf and in most circumstances evidence arising from the investigation will be presented in written form. You will be entitled to challenge any of the evidence presented but will not be entitled to cross-examine witnesses.

Disciplinary Action

After considering all of the evidence, including any submissions made by you or on your behalf, the manager/ leader conducting the hearing will decide on the outcome. If misconduct is found to have taken place then the usual outcome will be a **written warning** which will be placed on your personnel file.

A warning will stay active for a period of 12 months, after which it will not be taken into account in any future disciplinary action.

If however a further instance of misconduct is found to have occurred (in accordance with this procedure) during the currency of a warning – or if any misconduct is considered to be serious enough to warrant it – then, subject to the formal process above being followed, you will be issued with a **final written warning**.

A **final written warning** will usually remain active for 12 months, but a longer period may be specified if the manager conducting the hearing feels that the circumstances warrant it.

An employee who is found to have committed further misconduct during a period covered by a final written warning will, following a hearing conducted in accordance with this procedure, generally be dismissed.

Dismissal

An employee will not normally be dismissed under this procedure for a single instance of misconduct unless a final written warning is already in place. However, where gross misconduct is found to have occurred then dismissal without notice or payment in lieu will be the usual outcome.

In appropriate cases, some other action short of dismissal such as demotion, deduction of pay or transfer and/or no pay progression may be taken if it is allowed for in the employee's contract of employment. Dismissal decisions can only be taken by The Governing Body who may delegate this responsibility to the Head Teacher. In the case of Head Teachers the Board of Directors will conduct the disciplinary hearing. It may even be appropriate for the hearing to be chaired by more than one person (i.e. a panel of two or three decision makers). Anybody who has been previously materially involved shall not be a member of this panel. If a decision to dismiss is made you will be provided in writing an outline of the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

Gross misconduct is misconduct that is so serious that it fundamentally undermines the relationship between employer and employee. If you are accused of gross misconduct this

will be made clear when you are invited to a disciplinary hearing. A wide range of behaviours can amount to gross misconduct but the most common involve dishonesty, violent or aggressive behaviour, the wilful destruction of The Westgate School's property or a deliberate refusal to obey a reasonable instruction. Further details of what constitutes gross misconduct are found in the section 3.3.

Appeal

If you wish to appeal against a disciplinary decision you must do so within 5 working days of the date of the letter notifying you of the decision. Any appeal will be heard by the an appeal panel which may include Governor or members of the leadership team and their decision is final. It will be for the Governing Body to decide who comprises the Appeal Committee and the number of governors to be involved, taking into account matters such as availability but it shall not normally be less than two governors. The Head Teacher and any other member of the Governing Body who has previously been materially involved shall not be a member of the appeals committee. The result of the appeal hearing will be final. In the case of Head Teacher of The Westgate School, the appeal hearing will be conducted by the Governing Body who have not previously been materially involved in the disciplinary hearing.

Allegations of abuse

If an allegation of abuse is made against a member of staff, The Westgate School will have due regard to applicable DfE statutory guidance when dealing with an allegation that an employee has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

If there is a conflict between this Disciplinary Policy and applicable DfE statutory guidance, the statutory guidance will prevail in those limited circumstances.

Any allegations of abuse as outlined above must be reported to the Local Authority Designated Officer (LADO). No investigations should be started until the referral has been made and LADO have authorised that an investigation may take place. This is because the Police may need to be first involved.

All dismissals, or potential dismissals (including resignations) involving child welfare issues will be notified to the Disclosure and Barring Service by the Head Teacher or Chair of Governors of The Westgate School.

Criminal allegations

Where your conduct is the subject of a criminal investigation, charge or conviction The Westgate School will investigate the facts (to the extent it is permitted) before deciding whether to take formal disciplinary action.

The Westgate School will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, or if an

investigation has been prohibited /delayed by a third party (e.g. the police), The Westgate School may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

Referrals to the TRA Teaching Regulation Agency (TRA)

The Westgate School shall report any matters of serious misconduct (as required by relevant applicable legislation) to the regulator of the teaching profession, currently the TRA, together with full disclosure of all relevant documentation relating to the allegation and any related investigation and/or outcome process.

For clarity, in the event of a notification to the TRA, The Westgate School shall not be obliged to await the decision of the TRA. The Westgate School shall arrive at its own decision about any alleged misconduct and once the appeal process outlined above has been exhausted, there shall not be any further right of appeal irrespective of any differing outcome from the TRA (and/or the Disclosure & Barring Service).

Employee Absence during disciplinary procedure

It is important that disciplinary issues are dealt with promptly. The Westgate School may therefore need to proceed with a disciplinary hearing even if the employee is absent due to ill health or simply does not attend. Before hearing the matter in an employee's absence, The Westgate School will attempt to arrange the hearing in such a way that the employee will be able to attend or to submit written representations to the hearing and/or to arrange for an appropriate representative to attend the hearing on their behalf.

6.5 Grievance Procedure

The Westgate School aims to be responsive to concerns raised by employees and if you are unhappy with something affecting you at work you are encouraged to raise this with your line manager. If that is not possible then you should speak to a member of the Senior Leadership team who will try to assist you in resolving any issue you may have. The following procedure is designed to be used when these informal attempts to resolve any dispute have not been successful.

Raising a Grievance

If you feel that the matter needs to be raised formally you should raise a grievance by making a written complaint, stating that it is being made under this procedure. You should give as much information about your grievance, including any relevant dates and times, as you can, so as to allow for any investigation into your concerns to take place.

A grievance will normally be dealt with by your line manager and should be addressed to them directly. Where the grievance is directly concerned with your line manager's behaviour, however, you should submit your grievance to the Head Teacher who may decide to chair proceedings at this stage, or may arrange for another member of the leadership team to deal with it. Head Teachers should raise their grievance with the Chair of Governors, who will agree with the Governing Body of The Westgate School a format for a formal procedure. If the Head Teacher wishes to raise a grievance against the Chair of Governors he/she should contact the members of The Westgate School.

Grievance Hearing

A grievance hearing will then be arranged so that you can explain the issue and suggest how it can be resolved. You will have the right to be accompanied by a fellow employee or trade union official as described above. The appointed chair conducting the hearing will consider what you have said and may either deal with the matter immediately or decide to carry out further investigations. In that case the hearing will be adjourned until the investigation has been completed.

Once the investigations are concluded, if new information comes to light, if it is considered appropriate, you may be invited in to a reconvened meeting, to have the opportunity to consider and respond to the findings of the investigation. Following this a decision on the outcome of your grievance will be made.

Allegations of Misconduct

Where an employee is making allegations of misconduct on the part of other employees then The Westgate School may need to carry out an investigation into the allegations and pursue the matter through the disciplinary procedure. Where this happens the grievance may need to be adjourned until the disciplinary process has been concluded.

Relationship with Other Procedures

Where your grievance relates to the conduct of other procedures such as the disciplinary or performance management procedures then The Westgate School may choose to either delay the consideration of the grievance until that procedure has been completed.

Alternatively, The Westgate School may deal with the grievance in the course of that procedure or by way of appeal if that appears to be a fairer or more straightforward way of dealing with the issue.

Appeals

If you are dissatisfied with the outcome of a grievance then you may appeal. You should submit your appeal in writing within 5 working days of being informed of the outcome of your grievance. Your appeal should be directed to the person named in the grievance outcome letter. An appeal hearing will then be convened and conducted by a Panel of Governors (normally two or three) who have not been materially involved in the process to date. In the case of Head Teacher the appeal panel will consist of Members not previously involved in the matter.

You will have the right to be accompanied at the appeal by a fellow employee or trade union official as described in Section 6.1.

The outcome of any appeal will be final.

Timeframes

The references to timeframes undertaken by The Westgate School in this policy refer to periods which fall within the usual teaching days in the school year (normally 195), irrespective of whether staff work 'all year round' or during term time only. The reason for this is that this process will often involve a member of the Senior Leadership Team (SLT), who will normally not be available outside the 195 teaching days. However, wherever possible, The Westgate School will do what it reasonably can to resolve issues at the earliest opportunity, but it is a natural consequence of the school calendar that there will be periods of time that the SLT are not available and therefore procedures may have to be placed on

'hold' until the relevant manager returns to school. For clarification, if you are appealing a decision, you must do so within 5 working days of being informed of the outcome in writing.