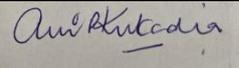


# Staff Policy Group

Person responsible for this policy/procedure:	Ani Kukadia, Proprietor
Policy reviewed by:	Nicki Jennings
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Signature of Proprietor:	

## Disciplinary and capability procedure

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## **1/ Introduction**

We recognise that during your employment with us your capability to carry out your duties may deteriorate. This can be for a number of reasons, the most common ones being that either the job changes over a period of time and you fail to keep pace with the changes, or you change (most commonly because of health reasons) and you can no longer cope with the work.

## **2/ About this procedure**

This procedure is intended to help maintain standards of conduct and performance and to ensure fairness and consistency when dealing with allegations of misconduct or poor performance.

Minor conduct or performance issues can usually be resolved informally with the relevant line manager. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.

This procedure applies to all employees of West Lodge Independent School, regardless of length of service. It does not apply to agency workers or self-employed contractors.

This procedure does not form part of any employee's contract of employment and we may amend it at any time.

This procedure can also be found in and forms part of West Lodge Independent's School Staff Handbook.

## **3/ Job changes and general capability issues**

If the nature of your job changes or if we have general concerns about your ability to perform your job, we will try to ensure that you understand the level of performance expected of you and that you receive adequate training and supervision. Concerns regarding your capability will normally first be discussed in an informal manner and you will be given time to improve.

If your standard of performance is still not adequate you will be warned in writing that a failure to improve and to maintain the performance required could lead to your dismissal. We will also consider the possibility of a transfer to more suitable work if possible.

If there is still no improvement after a reasonable time and we cannot transfer you to more suitable work, or if your level of performance has a serious or substantial effect on our West Lodge or reputation, you will be issued with a final warning that you will be dismissed unless the required standard of performance is achieved and maintained.

If such improvement is not forthcoming after a reasonable period of time, you will be dismissed with the appropriate notice.

#### **4/ Personal circumstances and health issues**

Personal circumstances may arise which do not prevent you from attending for work but which prevent you from carrying out your normal duties (e.g. a lack of dexterity or general ill health). If such a situation arises, we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice. Under normal circumstances this can be most easily obtained by asking your own doctor for a medical report. Your permission is needed before we can obtain such a report and we will expect you to co-operate in this matter should the need arise. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

There may also be personal circumstances which prevent you from attending work, either for a prolonged period(s) or for frequent short absences. Under these circumstances we will need to know when we can expect your attendance record to reach an acceptable level. This may again mean asking your own doctor for a medical report or by making whatever investigations are appropriate in the circumstances. When we have obtained as much information as possible regarding your condition, and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

#### **5/ Short service staff**

We retain discretion in respect of the capability procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal.

#### **6/ Investigations**

Before any disciplinary hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing.

In some cases of alleged misconduct, we may need to suspend you from work while we carry out the investigation or disciplinary procedure (or both). While suspended, you should not visit our premises or contact any of our clients, customers, suppliers, contractors or staff, unless authorised to do so. Suspension is not considered to be disciplinary action.

You may be accompanied at an investigation meeting by a trade union representative or a colleague or any other person.

##### **6.1 The hearing**

We will give you written notice of the hearing, including sufficient information about the alleged misconduct or poor performance and its possible consequences to enable you to prepare. You will normally be given copies of relevant documents and witness statements.

You may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as your companion.

You should let us know as early as possible if there are any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered.

We will inform you in writing of our decision, usually within one week of the hearing.

## **7/ Disciplinary matters**

### **7.1 Introduction**

It is necessary to have a minimum number of rules in the interests of West Lodge Independent school.

The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.

Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.

The following rules and procedures should ensure that:

- the correct procedure is used when requiring you to attend a disciplinary hearing;
- you are fully aware of the standards of performance, action and behaviour required of you;
- disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
- you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind;
- other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee at all stages of the formal disciplinary process;
- you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and
- if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

### **7.2 Disciplinary rules**

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this handbook, a breach of other specific conditions, procedures, rules etc. that are contained

within this handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters. In addition, the following standards for Head Teachers, Teachers and support staff and set the minimum requirements for staff's practice and conduct and may be used as a reference in a disciplinary matter.

[January 2015 National Standards of Excellence for Headteachers](#)

[June 2013 Teachers' Standards](#)

[Professional Standards for Teaching Assistants](#)

[Professional Standards for HLTAs](#)

## **8/ Unsatisfactory conduct and misconduct**

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- failure to abide by the general health and safety rules and procedures;
- smoking in designated non-smoking areas;
- persistent absenteeism and/or lateness;
- unsatisfactory standards or output of work;
- rudeness towards parents/guardians, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
- failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
- failure to carry out all reasonable instructions or follow our rules and procedures;
- unauthorised use or negligent damage or loss of our property;
- failure to report immediately any damage to property or premises caused by you;
- loss of driving licence where driving on public roads forms an essential part of the duties of the post;
- a breach of OFSTED regulations;
- use of company (Able Healthcare) vehicles without approval or the private use of our commercial vehicles without authorisation;
- failure to report any incident whilst driving our vehicles, whether or not personal injury or vehicle damage occurs;
- carrying unauthorised goods or passengers in our commercial vehicles or the use of our vehicles for personal gain; and
- unauthorised use of e-mail and internet.

These are examples only and not an exhaustive list

## **9/ Serious misconduct**

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.

You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

**10/ Gross misconduct**

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct.

10.1 Gross misconduct will usually result in dismissal without warning, with no notice or payment in lieu of notice (summary dismissal).

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

- (a) theft or fraud;
- (b) physical violence or bullying;
- (c) deliberate and serious damage to property;
- (d) serious misuse of the organisation's property or name;
- (e) deliberately accessing internet sites containing pornographic, offensive or obscene material;
- (f) serious insubordination;
- (g) unlawful discrimination or harassment;
- (h) bringing the organisation into serious disrepute;
- (i) serious incapability at work brought on by alcohol or illegal drugs;
- (j) causing loss, damage or injury through serious negligence;
- (k) a serious breach of health and safety rules;
- (l) a serious breach of confidence, trust or integrity.

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

**11/ Disciplinary procedure**

Disciplinary action taken against you will be based on the following procedure:

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
Unsatisfactory Conduct	Formal verbal warning	Written Warning	Final written warning	Dismissal
Misconduct	Written Warning	Final written Warning	Dismissal	

Serious misconduct	Final written warning	Dismissal
Gross misconduct	Dismissal	

We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal.

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.

In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

### 11.1 Disciplinary authority

The operation of the disciplinary procedure contained, in the previous section, is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher or lower level of seniority, in the event of the appropriate level not being available, or suitable, progressing any action at whatever stage of the disciplinary process.

	PERSON AUTHORISED TO TAKE DISCIPLINARY ACTION IN THE CASE OF:	
	MANAGEMENT	OTHER EMPLOYEES
Formal verbal warning	The Proprietor	The Head Teacher
Written warning	The Proprietor	The Head Teacher
Final written warning	The Proprietor	The Head Teacher
Dismissal	The Proprietor	The Proprietor

## 12/ Period of warnings

### 12.1 Stage 1: Formal verbal warning.

A formal verbal warning will normally be disregarded for disciplinary purposes after a three-month period.

### 12.2 Stage 2: First written warning.

Where there are no other active written warnings on your disciplinary record, you will usually receive a first written warning. It will usually remain active for six months.

### 12.3 Stage 3: Final written warning.

In case of further misconduct or failure to improve where there is an active first written warning on your record, you will usually receive a final written warning. This may also be used without a first written warning for serious cases of misconduct or poor performance. The warning will usually remain active for 12 months.

#### **12.4 Stage 4: Dismissal or other action.**

You may be dismissed for further misconduct or failure to improve where there is an active final written warning on your record, or for any act of gross misconduct. Examples of gross misconduct are given elsewhere in this document. You may also be dismissed without a warning for any act of misconduct or unsatisfactory performance during your probationary period. We may consider other sanctions short of dismissal, including demotion or redeployment to another role (where permitted by your contract), and/or extension of a final written warning with a further review period.

### **13/ Grievance procedure**

Most grievances can be resolved quickly and informally through discussion with your line manager. If this does not resolve the problem you should initiate the formal procedure set out below.

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

This procedure does not form part of any employee's contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of any case.

#### **13.1 Step 1: written grievance**

You should put your grievance in writing and submit it to your line manager. If your grievance concerns your line manager you may submit it to an appropriate senior manager.

The written grievance should set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved so that we can investigate it.

#### **13.2 Step 2: meeting**

We will arrange a grievance meeting, normally within one week of receiving your written grievance. You should make every effort to attend. 117.52 You may bring a companion to the grievance meeting if you make a reasonable request in advance and tell us the name of your chosen companion. The companion may be either a trade union representative or a colleague, who will be allowed reasonable paid time off from duties to act as your companion.

If you or your companion cannot attend at the time specified you should let us know as soon as possible and we will try, within reason, to agree an alternative time.

We may adjourn the meeting if we need to carry out further investigations, after which the meeting will usually be reconvened.

We will write to you, usually within one week of the last grievance meeting, to confirm our decision and notify you of any further action that we intend to take to resolve the grievance. We will also advise you of your right of appeal and to whom you may appeal.

### **13.3 Step 3: appeals**

If the grievance has not been resolved to your satisfaction you may appeal in writing to the person specified in your letter (see paragraph 3.4), stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within two weeks of receiving the appeal. This will be dealt with impartially by a manager who has not previously been involved in the case. You will have a right to bring a companion (see paragraph 3.2).

We will confirm our final decision in writing, usually within one week of the appeal hearing. There is no further right of appeal.

## **14/ General notes**

If you are in a leadership or managerial position, then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.

In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.

Gross misconduct offences will result in dismissal without notice.

You have the right to appeal against any disciplinary action.

## **15/ Appeals**

You have the right to lodge an appeal in respect of any capability/disciplinary action taken against you.

If you wish to exercise this right you should apply, within one week, either in writing to the person indicated in your individual Statement of Main Terms of Employment.

The appeal hearing will, where possible, be held by someone other than the person who held the original hearing. However, it may be necessary, because of the size of West Lodge Independent School, for the appeal to be heard by the person who took the original action and it is therefore important that your appeal gives details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances.

You may be accompanied at the appeal hearing by a fellow employee of your choice or trade union representative.

If you are appealing on the grounds that you have not committed the offence, it may be necessary for the person conducting the appeal to have a complete re-hearing so that there can be a reappraisal of all matters before a decision is made to grant or refuse the appeal.

The result of the appeal will be made known to you in writing, normally within five working days after the hearing. This is the final stage of the appeal process.

## 16/ Links with other policies and documents

- West Lodge Independent School Staff Handbook
- West Lodge Independent School Staff Code of Conduct
- This procedure is written with reference to the [ACAS Code of Practice for disciplinary and grievance procedures](#)

Managing allegations of abuse against staff policy

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## **1/ Introduction**

Keeping children safe in education is our first priority and duty at West Lodge Independent school. We practice our legal and moral duty to ensure every child and young person is protected from harm. We believe that allegations and complaints against staff can be minimised by having:

- Safer Recruitment strategies in place
- Appropriate induction and training
- An open and transparent safeguarding culture
- A professional/staff code of conduct
- Regular briefing and discussion of safeguarding issues
- A curriculum which ensures that children are aware of safeguarding issues

## **2/ Scope**

This policy applies to all cases in which it is alleged that a current member of staff or volunteer has:

Behaved in a way that has harmed a child, or may have harmed a child, or

Possibly committed a criminal offence against or related to a child, or

Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children

It applies regardless of whether the alleged abuse took place in the school or elsewhere. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement. This policy should be read alongside our full Safeguarding Policy.

## **3/ Suspension**

Suspension will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an

individual if we have considered all other options available and there is no reasonable alternative.

### **3.1 Alternatives to suspension**

Based on an assessment of risk, we will consider alternatives such as:

Temporary redeployment to another role within the company, Able Healthcare Ltd so that the individual does not have direct contact with the child or children concerned

Providing an assistant to be present when the individual has contact with children

Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children

### **4/ Definitions for outcomes of allegation investigations**

Substantiated: there is sufficient evidence to prove the allegations

Malicious: there is sufficient evidence to disprove the allegation and there has been deliberate act to deceive

False: there is sufficient evidence to disprove the allegation

Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)

Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made

### **5/ Procedure for dealing with allegations**

In the event of an allegation that meets the criteria above, the Head Teacher, and where the Head

Teacher is the subject of the allegation the Proprietor, will take the following steps:

Discuss immediately, the allegation with the designated officer at the local authority (LADO). This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager (Head Teacher or Proprietor) may, on occasion, consider it necessary to involve the police before consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police). In our County, contact should be made with:

Rennie Everett or Dian Campbell

LADO Team 0300 123 2044

LADO@suffolk.gov.uk

Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the Designated Officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.

Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with pupils at the school is justified or whether alternative arrangements such as those outlined above (see Section 2 Suspension) can be put in place. Advice will be sought from the LA Designated Officer, police and/or children's social services, as appropriate.

If immediate suspension is considered necessary, agree and record the rationale for this with the LA Designated Officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details.

If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the LA Designated Officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.

If it is decided that further action is needed, take steps as agreed with the LA Designated Officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.

Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. Employee assistance support is available to all staff and details can be found in the Staff Handbook

Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.

Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence).

Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.

## **5.1 Informing Ofsted**

We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or

looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the case manager will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

## **6/ Timescales**

Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week

If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days.

If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days.

## **7/ Specific actions**

### **7.1 Action following a criminal investigation or prosecution**

The Proprietor and/or Head Teacher will discuss with the Local Authority's Designated Officer whether any further action, including disciplinary action, is appropriate and, if so, how

to proceed, taking into account information provided by the police and/or children's social care services.

### 7.2 Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the academy ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager and the academy's personnel adviser will discuss with the designated officer whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the case manager and personnel adviser will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

### 7.3 Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or

children who made the allegation, if they are still attending the academy.

### 7.4 Unsubstantiated or malicious allegations

If an allegation is shown to be deliberately invented, or malicious, the Head Teacher, or other appropriate person in the case of an allegation against the Head Teacher, will consider whether any disciplinary

action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

## **8/ Confidentiality**

The academy will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The case manager will take advice from the local authority's designated officer, police and children's

social care services, as appropriate, to agree:

Who needs to know about the allegation and what information can be shared

How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality

What, if any, information can be reasonably given to the wider community to reduce speculation

How to manage press interest if, and when, it arises

## **9/ Record-keeping**

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

A clear and comprehensive summary of the allegation

Details of how the allegation was followed up and resolved

Notes of any action taken and decisions reached (and justification for these, as stated above)

If an allegation or concern is not found to have been malicious, the school will retain the records of the

case on the individual's confidential personnel file, and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel

file.

## **10/ References**

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

## **11/ Learning lessons**

After any cases where the allegations are substantiated, we will review the circumstances of the case

with the local authority's designated officer to determine whether there are any improvements that we can make to the Trust's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

Issues arising from the decision to suspend the member of staff

The duration of the suspension

Whether or not the suspension was justified

The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

## **12/ Monitoring arrangements**

In line with other linked policies such as Safeguarding and Child Protection Policy, this policy will be reviewed by the Head Teacher every year. This will be shared with the proprietor who will then approve the policy.

## **13/ Link with other policies**

This policy should be read in conjunction with the following documents:

- Safeguarding and Child Protection Policy
- Staff Handbook

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## **1/ Introduction**

West Lodge Independent School recognises that its staff can sometimes be put in situations where there is a potential risk of violence or abuse. As an employer, West Lodge School is required in law to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees. Staff members also have a responsibility to take reasonable precautions to safeguard themselves, the young people they support and members of the public. We aim to ensure that staff have clear information, training and guidance on how to reduce risk and respond to incidents, by supporting staff at all levels to develop and implement safer working practices, and by supporting staff following an incident.

## **2/ Purpose**

West Lodge Independent School is committed to providing safe working environments for colleagues, where they feel protected from undue risks and from physical and verbal aggression. The school recognises that lone workers face particular risks and challenges and need to be supported, through training and supervision, to manage these risks effectively.

This policy is designed to alert staff to the risks presented by lone working, to identify the responsibilities each person has in this situation, and to describe procedures which will minimise such risks. It is not intended to raise anxiety unnecessarily, but to give staff a framework for managing potentially risky situations.

## **3/ Persons Affected**

This Lone Working Policy and procedure applies to all staff and volunteers whose duties for the school *may* require them to work by themselves and without close or direct supervision within or away from the school site.

## **4/ Framework**

West Lodge Independent School works to offer exceptional learning programmes for all of its children and young

people, and to enhance the overall quality of their lives and life chances.

In some circumstances this may necessitate some lone working, particularly if staff visit children and young people in their own homes, or when they accompany a child or young person to a visit or activity. The school has a duty to assess risks to lone workers and take

steps to avoid or control risks where necessary to ensure that they are not put at more risk than other colleagues.

The procedures will include:

- Assessment of individual risk of young person in the form of a Pupil Individual Risk Assessment (PIRA)
- Assessment of activity risk.
- Management responsibility.
- External support structures.

West Lodge School promotes safe working practices, and support for lone workers is an essential part of these practices, and the same principles apply, particularly:

- A commitment to supporting staff and managers both in establishing and maintaining safe working practice
- Recognising and reducing risk.
- A commitment to the provision of appropriate support for staff.
- A clear understanding of responsibilities.
- The priority placed on the safety of the individual over property.
- A commitment to providing appropriate training for staff.
  - Equipment such as mobile phones, personal alarms and torches will be made available as appropriate.

## 5/ Definitions

**Lone workers:** Lone workers are defined as “those who work by themselves without close or direct

supervision in a fixed establishment, like working alone in an office; or as mobile workers working away from a fixed based.

**Workplace:** A workplace is any place where a member of school staff carries out their duties. It may include children’s homes, community settings and schools.

**Risk Assessment:** A risk assessment should help Head Teacher decide on the right level of supervision.

**Risk assessments:**

- should involve workers when considering potential risks and measures to control them;

- take steps to ensure risks are removed where possible, or put in place effective control measures, provide instruction, training and supervision;
- review risk assessments periodically or when there has been a significant change in working practice.

## 6/ Responsibilities

Staff have responsibilities to take reasonable care of themselves and other people affected by their work activities and to co-operate with the school in meeting their legal obligations under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999.

It is not expected that colleagues, volunteers or the proprietor should ever knowingly or deliberately put themselves in danger for any reason, at any time.

Arrangements for staff who work off the school site will be overseen by the Head Teacher who will, at all times, know the location of the member of staff.

It is expected that the Head Teacher will:

- make sure that they, their staff and volunteers are familiar with this policy and procedure and the risk assessment system.
- ensure that lone workers can be traced at all times, and given assistance if required.
- make certain that risk assessments are completed before allowing colleagues to work alone and that colleagues who work alone are suitably trained, experienced and supported.
- will keep contact details for all lone working colleagues in a secure place, and pass these details to the police if an colleague cannot be located after a period of working alone. The Lone Worker Personal Information Form (see Appendix 2) may be used.

It is expected that colleagues whose role requires them to work alone will:

- follow the Lone Working Policy, its procedures and any guidance given by the Head Teacher. Failure to do so may invoke use of the Disciplinary Procedure.
- follow instructions given by the Head Teacher
- will carry out thorough risk assessments, considering the additional risks associated with lone working, each pupil's needs and any previous incidents of challenging behaviour or drug and alcohol misuse (if known).
- ensure that risk assessments must be approved by a Head Teacher before the work begins.
- inform the Head Teacher of any new information about a pupil which may influence risk assessments and ensure that the risk assessment is updated accordingly.

## 7/ Procedures

Each activity which necessitates lone working must be risk assessed following the guidelines in the school's Health & Safety Policy before the work begins.

A pupil's individual risk assessment written and based on information received when the pupil was referred, must be reviewed and up to date, and then signed off by Head Teacher before a visit is made to a pupil's home.

Visits do not need to be risk assessed for each individual visit, but a risk assessment must be updated if significant new information is discovered relating to the pupil or members of their household, or if there is an incident involving a member of staff from the school.

The issues highlighted in the School Safety Procedure (Appendix 1) must be addressed as part of the Risk Assessment process.

The Head Teacher will need to consider and plan the training and support that staff will need before they work alone.

No staff team member may work alone until the Head Teacher is satisfied the colleague has the appropriate level of training, experience and capability to do so.

This will form part of each colleague's training. Some colleagues may have medical conditions such as

unstable epilepsy or diabetes which may make them unsuitable for working alone.

It is expected that two colleagues will attend any first visit to a pupil's home, especially when little reliable information is known about the pupil. This can be achieved by working together with colleagues from other partner agencies (including where appropriate/relevant, Children's Home, Social Worker etc).

Lone workers must always carry a work mobile and check this before and when they arrive for a visit. If they have no reception (or if their phone's battery has run out) they should contact the Head Teacher either from a landline, payphone, or another mobile phone. A next steps risk assessment will be conducted and agreed during this phone call.

Any plans to work outside of office hours must be discussed with, and agreed by the Head Teacher who must be aware always of any staff members working alone.

Colleagues should not allow any unexpected visitors into the building.

### **7.1 Guidelines:**

It is the responsibility of the Head Teacher to ensure that each young person has a current and updated individual pupil risk assessment (PIRA). Contained within this document will be individual strategies to minimise the risks to the pupil and to ensure that their behaviour/presentation does not impact on individuals and groups in the community.

1. Any member of staff who will be working with a young person on a specific activity off school site must have read the pupil's individual risk assessment. This ensures that the lone worker is familiar with all presenting issues relating to the young person that may affect the method of approach to the work undertaken. It is the responsibility of all staff to ensure that any potential lone worker has read and understood this information.
2. To enable a pupil to undertake an activity, the chosen activity must have been risk assessed to ensure that all appropriate precautions have been taken to minimise the risk to the pupil, the lone worker and the community.
3. As with the pupil individual risk assessment the lone worker must ensure that they have read the activity risk assessment and supporting protocols/strategies and adhere to the precautions identified within this document.
4. If the identified activity raises a new set of circumstances then before this activity takes place, the activity will be risk assessed to ensure compliance with health and safety.
5. Ensuring that the lone worker has read the activity risk assessment will be the responsibility of the individual staff themselves.
6. Once a lone working exercise has been identified it is the responsibility of the employee not to place themselves in a vulnerable situation. This will be done by communicating with key staff at school to ensure that all preventative measures are in place.

7. Phone contact will be available at all times through the mobile phone allocated to the lone worker for the activity. It is the lone worker's responsibility to identify a number they will phone for support if needed prior to lone working with the young person. Under normal circumstances, this will be the Head Teacher.

## **8/ Personal Safety**

Understanding, recognising and responding to risk in a planned manner will ensure that the lone worker can adjust their practice to safely support a young person. This will include access to a mobile phone and planning the activity with support from the Head Teacher. However, the lone worker must not assume that having a mobile phone and a back-up plan is sufficient safeguard in itself. The first priority is to plan for a reduction of risk. Staff should take all reasonable precautions to ensure their own safety, as they would in any other circumstances.

To ensure the continuing safety of the member of staff it is the responsibility of West Lodge Independent School to put in place effective safety measures.

It is not wise to rely on alarm systems or breakaway techniques to get you out of trouble. There are a number of things a member of staff can do to avoid issues in the first place. The school has a responsibility as an employer to ensure the health, safety and welfare of staff, but employees also have a duty to take reasonable care themselves.

This policy is intended not to raise anxiety levels, but to recognise potential dangers and to encourage all staff to take positive steps to reduce risk, for yourself and for service users in your care.

### **8.1 Be aware of the environment**

Know what measures are in place where you work: check out alarm systems and procedures, personal alarms, exits and entrances, and the location of the first aid supplies.

Make sure that any vehicle you are using and mobile phone is in good working order, and that electrical and other mechanical equipment is safe to use. Check the instructions for use, and ensure that faults are reported /dealt with.

If your work takes you into areas which are isolated, poorly lit at night or known for high crime rates, arrange to check in when the visit is over, or work with a partner.

If a potentially violent situation occurs, be aware of what might be used as a weapon against you, and of possible escape route

Try to maintain a comfortable level of heating and lighting in buildings you control.

## **8.2 Be aware of yourself**

Think about your body language. What messages are you giving?

Think about your tone of voice and choice of words. Avoid anything which could be seen as sarcastic or patronising.

Think about what you are wearing. Is it suitable for the task? Does it hamper your movement? What signals does it send out? In a potentially risky situation, does a scarf or tie offer an opportunity to an assailant?

Be aware of your own triggers – the things that make you angry or upset.

## **8.3 Be aware of other people**

Take note of their non-verbal signals.

Be aware of their triggers.

Don't crowd people – allow them space.

Make a realistic estimate of the time you will need to do something, and don't make promises which can't be kept, either on your own or someone else's behalf.

Be aware of the context of your meeting – are they already angry or upset before you meet, and for what reason?

Listen to them, and show them you are listening.

## **9/ Monitoring and Review**

The ongoing implementation of the Lone Working Policy will be monitored through the supervision process.

Lone working and risk assessment will be regular agenda items for team meetings.

Any member of staff with a concern regarding these issues should ensure that it is discussed with their line manager in the first instance.

The policy will be reviewed as part of the regular cycle of annual review, unless changing circumstances require an earlier review.



## Appendix 1: School Safety Procedures

School safety procedures requires the Head Teacher to consider, assess and manage specific local situations. This section gives a framework for drawing up safety precautions based on local knowledge and requirements.

No.	Area of risk	Safe practice: (issues for consideration delete/edit as required and/or appropriate)
1	Building	<p>Last person in building/locking up procedure. Key holders responding to intruder alarm – in twos, plus access to information for securing the building after a break-in if necessary Use of personal alarm systems. High Alert system, i.e. asking colleagues to remain in the vicinity if a High Level Risk contact is to take place.</p>
2	Cultural	<p>Raising awareness of specific cultural issues e.g. working with people of opposite gender. Documenting and sharing information on good practice. Highlighting ‘no go’ areas such as red-light districts. Raising awareness of staff or volunteers who may live locally and therefore may be more vulnerable.</p>
3	Localities	<p>Where workers may be working ‘on the move’ e.g. with Travellers living on the roadside or those doing ‘unattached youth work’, good map references and other details may need to be phoned in before work commences. Identify any ‘safety zones’ i.e. neighbours, local agencies, nearby police stations etc. where known help might be found in an emergency. Use of information from partner agencies that might be able to provide information on ‘violent’ households. Does the colleague/volunteer have any medical conditions affecting their ability to work alone?</p>
4	Personal information	<p>Up-to-date – accessible information including:</p> <ul style="list-style-type: none"> <li>• Physical description (written).</li> <li>• Home address &amp; telephone number.</li> <li>• Car registration.</li> <li>• Mobile numbers.</li> <li>• Nearest relative/house mates.</li> </ul> <p>Checklist of general presentation of staff/volunteers including:</p> <ul style="list-style-type: none"> <li>• Suitable attire</li> <li>• Displaying jewellery</li> <li>• Carrying valuables discreetly (including mobile phones).</li> </ul>

**Appendix 2: Lone worker personal information form**

Before a colleague begins lone working, the following details must be recorded on the Staff Area of the school's drive. The Head Teacher is responsible for ensuring details are recorded and kept up to date.

Name:
Home Address:
Personal Mobile Phone:
Work Mobile Phone:
Emergency Contacts:
Gender:
Height:
Ethnic Origin:
Date of Birth:
Car Make and Colour:
Car Registration Number:
A current photograph must be uploaded to a secure area of the school's drive.

This information will be shared with the police in the event that a lone worker cannot be contacted.