



# Employee Handbook

## Policies and Procedures

Version 1 February 2022

# Welcome

Welcome to the Heart Teaching Policy and Procedures Handbook. This handbook has been produced to help you navigate your way through all our policies and procedures.

The purpose of this handbook is to give you as much information as possible about your terms of employment, what our expectations around your behaviours are and the policies you will need to understand and adhere to.

This handbook does not form part of your Contract of Employment, however it should be read in conjunction with your Contract of Employment.

This handbook is by no means an exhaustive guide to your employment with us; however, it has been developed to act as a resource and reference for you.

This handbook will be updated as required and you will be notified of any changes as they occur.

If you have any questions about the content, please do not hesitate to contact [Justin Brown](#) or [Faith Ashby](#)



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# 1. Probationary Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn.*

## Introduction

The probationary period is a trial period during which the performance, conduct and attendance of an employee new to Heart Teaching, or new to a different role, is assessed by their Manager.

This policy outlines the structure in place to ensure a robust and fair probationary review process operates in Heart Teaching.

## Probationary Periods



The minimum probationary period is normally **3 months**, however certain roles may require a longer probationary period which could initially be **6 months**.

Employees should refer to their offer letter or terms of employment to understand the length of their probationary period.

Probationary periods normally apply to new employees joining Heart Teaching, however, an employee who changes to a different role, is promoted and/or moves department may also be subject to a probationary review period.

Where a new role is substantially different normally a probationary period will apply.

This policy applies to employees who:

- New employees
- Employees taking on a new or substantially different role within Heart Teaching, which may include promotion or secondment
- Employees who are in their probationary period
- Employees who have had their probationary period extended, including where there is a change in organisational structure

## **Our Commitment**

Heart Teaching is committed to providing coaching, support, training and resources to ensure all employees are supported to achieve successful performance during their probationary period.

## **Procedure**

During the probation period, employees will be monitored against employment practices, policies and standards of Heart Teaching. This includes (but is not limited to) management of attendance, performance and disciplinary.

For disciplinary concerns, Heart Teaching may choose to use the disciplinary procedure if felt appropriate and the probationary period will not usually be confirmed until the disciplinary matter is resolved.

Managers will normally meet with their employees on a regular basis to discuss their progress during the course of their probationary period. This is an opportunity for both the employee and the Manager to express views on progress (both acceptable and in need of improvement), seek support, guidance or clarification and work towards set goals and objectives.

Meetings may take place in ways which permit flexibility and informality, for example by telephone or via Microsoft Teams/Zoom.

## **Completing of the Probationary Period**

Where an employee has successfully completed the probationary period, they will be informed by their manager and the employee will receive confirmation in writing that their probation has been successfully passed.

A copy of this letter will be recorded on their personnel file

Where an employee does not successfully complete the probationary period and has therefore been unsuccessful in their appointment, their manager will arrange a meeting to explain the reasons why.

This meeting will normally take place on or around the end of the probationary period.

## **Extending a Probationary Period**

If there are concerns related to the employee's performance, attendance or conduct during their probationary period then it may be extended. The employees' manager may consider extensions to the probationary period in blocks of 1/2/3 months. Heart Teaching may consider extensions up to a total of 12 month's employment.

A letter confirming the probation outcome will be provided to the employee and recorded on their personnel file, this along with the areas of improvement that are expected to be achieved and maintained to successfully pass probation.

## 2. Internet, E-Mail And Social Media Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn.*

### Introduction

This policy includes access to, and use of, the Internet and sending and receiving e-mail or text/twitter messages. Employees should read the policy carefully and make sure that they comply with the rules and guidance. A breach of the rules may result in legal claims against the employee and Heart Teaching, and will be regarded as a disciplinary matter and dealt with in line with the Company disciplinary procedure. Serious breaches will be treated as gross misconduct and could lead to summary dismissal.

### Scope

This policy applies to all employees working on any computer equipment (desktop, laptop, handheld computers, workstations) belonging to Heart Teaching, either in its offices or elsewhere. It also applies if employees bring their own laptop, palmtop or electronic diary to work.

### General Rules

The systems are for business purposes.

Ownership, storage and disclosure – Heart Teaching own all electronic documents and files that employees create. Remember that e-mails:

- Are stored and may be inspected at any time;
- Are recorded and a hard copy can be made of them;
- Can be read by people other than the addressee; and
- May need to be disclosed in litigation.



A high degree of caution must be exercised when issuing information to outside individuals or companies. Sensitive confidential information should never be transmitted to outside individuals or companies via the facilities without the authorisation of their Manager. Care must be used in addressing data or messages to make sure that they are not sent to the wrong individual or company. In particular, exercise care in using e-mail distribution lists to make sure that all addressees are appropriate recipients of the information.

It is unlawful to send unsolicited emails or mobile telephone text messages to individuals with whom there is no existing customer relationship unless those individuals have given their consent. Any unsolicited communications sent must include wording in the title or in the text enabling the receiver to opt-out of further contact in the future. If an employee is informed that an individual with whom Heart Teaching has an existing relationship or who has previously consented to receiving information wishes to opt-out of receiving such communications in the future, they must update the data relating to that individual immediately or inform their team leader/ Manager immediately and on no account must they continue to communicate with that individual by such means.

Employees should take care to ensure that all messages sent via email are courteous, professional and business-like and do not contain any material, which would reflect badly on Heart Teaching's reputation or standing. Email messages must not contain derogatory remarks about another person, as this may constitute libel. If an employee receives mail containing material that is offensive or inappropriate to the office environment then they must delete it immediately. Under no circumstances should such mail be forwarded internally or externally.

Provided that it does not interfere with their performance or that of the Company's systems the facilities *may* be used, *within reason*, for personal communications or to send and retrieve personal messages and to browse external web-sites for personal use although this should be done outside office hours or during their lunch break and be kept to a reasonable limit. If there is any evidence that this privilege is being abused then the privilege may be withdrawn. The content of personal e-mails must also comply with the restrictions set out in this policy.

The following uses of the facilities are expressly prohibited:

- Viewing internet sites which contain pornographic, obscene, abusive, slanderous or otherwise offensive material or downloading/forwarding such material.
- Communications that are in violation of company policy including, but not limited to, the transmission of defamatory, obscene, offensive or harassing messages, or messages that disclose information without appropriate authorisation.
- Duplicating copyrighted or licensed software or other information without the appropriate authorisation.
- Forwarding or otherwise perpetuating "chain-letter" type e-mail within or outside the organisation.
- Removal of any hardware or software from the premises without prior approval.

Employees should also not store large quantities of e-mail or downloaded files or attachments. The retention of such data utilises large amounts of storage space on both network servers and PCs, and adversely affects system performance. Employees should delete any e-mail messages sent or received that no longer require action or are no longer relevant. Employees should make hard copies of any information that they need to retain for

record-keeping purposes. Employees are expected to take responsibility for their own housekeeping by keeping email boxes to a manageable size. Email box sizes may be limited by IT to maintain the efficiency of the system.

Employees should contact Heart Teaching immediately if they receive any suspect documents, e-mail messages or computer virus alerts. They must not open attachments to any email message whose address them that they do not recognise. They should not forward them to any other internal or external user without the approval of a Director. Any files or software downloaded from the Internet or brought from an employee's home must be virus-checked before use.

Passwords should be kept secure and are required to be changed regularly. To protect passwords, employees should not access the facilities in the presence of others and confidential information should never be left open on the screen when equipment is unattended.

Employees should only be accessing internet information that is appropriate to their job and must not:

- Access or download screen-savers, games or other 'recreational' software;
- Commit to expenditure or action that which has not been authorised;
- Provide any details about Heart Teaching , including Company e-mail address, to any third party on the internet unless they have authorisation to do so and it is in the normal course of business;
- Register with any specialist internet site unless they have a business reason;
- Set any automatic redirect of e-mail from other accounts to their Heart Teaching account without authorisation;
- Breach any applicable legislation.

Sites visited via the Internet are traceable, if they receive unauthorised material or gain accidental access immediately exit the site.

### **Protection of the System**

Employees will be held responsible for all actions committed under their username and password.

Network connections – employees must not connect a modem to any of Heart Teaching computers or plug unauthorised hardware into the Company network without permission.

Unauthorised software may only be installed by Heart Teaching.

Heart Teaching uses anti-virus software, which will be updated regularly.

Malicious Codes (including viruses) – remember that:

- Employees should be aware of the potential dangers of accepting programs from other sources or unsolicited software;
- Employees must not execute a program or open a document if they are uncertain of the expected results or do not know the source; and



- If employees detect a malicious code, they must notify the management immediately.

### Legal and Reputational Risks

All employees must comply with the relevant laws and regulations for the use of Company systems. If they are in any doubt as to whether an e-mail might infringe any of the below, they should speak to their Manager before sending it:

- Defamation – its global nature and the ease with which e-mail can be circulated increases the risk of libel action.
- Entering into contracts – a legally binding contract can be entered into by e-mail. Employees should include appropriate disclaimers to avoid entering into unintended contractual commitments.
- Discrimination/harassment – all employees must behave in line with the law on discrimination and harassment.
- Offensive material – all computer material is subject to the Obscene Publications Act 1959. Creating, sending, storing, displaying, posting e-mail messages or material which is obscene, abusive, insulting, violent, sexual or in any way offensive is not allowed.
- Copyright – it is an offence to copy any item of software without the appropriate permission.
- Disclosure – unless material is protected by privilege, Heart Teaching are required to disclose the existence of any material, including e-mails that may help or harm a party's case in the context of court litigation.
- Computer misuse – offences such as hacking, electronic eavesdropping and virus infection are prohibited by law. The maximum penalty is five years' imprisonment, an unlimited fine, or both.

### Monitoring and Interception

Heart Teaching respect employees right to privacy but have to balance this with its business requirements and the need to protect the company from harm. For this reason the Company may monitor and audit the use of its own systems.

Automatic virus scanning – Heart Teaching use anti-virus software to scan all incoming and outgoing e-mail and attachments to detect and block malicious codes which could cause serious damage or loss.

Complaints – if Heart Teaching are made aware of possible misuse of its systems, or receive a complaint, they will normally review the content of the relevant material or messages.

Absence – to ensure that Heart Teaching can deal with issues arising whilst a member of staff is out of the office, it may occasionally be necessary to monitor and review the content of an individual's e-mails.

Postmaster – e-mails sent to the Company Postmaster address, or misaddressed will be opened and read by designated members of staff.

### Etiquette

Below are some general dos and don'ts for the responsible and effective use of e-mail by employees:

- Check e-mails each working day, or arrange for another member of staff to do so for them.

- Take care when drafting and checking e-mails.
- Avoid using capitals as this is regarded as the equivalent of shouting.
- Keep messages polite in tone and sign off with the appropriate signature file.
- Avoid exchanges which are abusive or critical of others.
- Consider whether e-mail is the best form of communication in the circumstances. A phone call, face to face discussion or a letter may be more appropriate.
- Make it clear when an e-mail communicates a formal decision.
- If they have authority to send a message on behalf of someone else, make it clear that they are acting with their authority.

### The Use of Social Media and Networking Sites

This policy outlines Heart Teaching's position on the use of social media and networking sites whilst at work and in the course of company business. This policy has been created to outline and protect the commercial aspects of the business, Heart Teaching's reputation and the reputation of its employees.

This policy must be read in conjunction with an employee's contract of employment and they should pay particular attention to the following:

- Intellectual Property Rights.
- Confidential Information.
- Data Protection.
- Heart Teaching's Information Technology and Telecommunications Policy.

Breach of this policy may lead to disciplinary action including, in appropriate cases, dismissal. For the avoidance of doubt, this policy is intended to survive termination of the employment relationship.



#### Personal Use

Heart Teaching allows access within reason to networking sites and other social media at work for personal use, and all employees are expected to use their lunch break for such activity.

#### Business Use

As a company, Heart Teaching recognise the benefit of using business social media and networking sites to assist employees in the course of their role.

All employees must use the contact details, including but not limited to e-mail address, telephone number, or other appropriate Heart Teaching related information at all times. They must also ensure that any reference to Heart Teaching describes Heart Teaching accurately and that any text is a true reflection of the Company business and meets the Company standards of professionalism.

All employees should be aware that any contacts they make for business purposes, whether or not they use their Heart Teaching contact details, will become the property of Heart Teaching pursuant to the confidentiality provisions within the contract of employment. As such Heart Teaching advise employees not to mix personal contacts with business contacts within networking sites.

### **Creation of a Business Community**

A business community is defined as: a network of contacts populated by clients and/or candidates used for business purposes in an employee's role at Heart Teaching.

Should an employee create a business community to assist with their duties, they must adhere to the following:

- Gain approval from a senior manager to set up a business community. Therefore, personal accounts or email addresses should not be used, but only accounts set up using the Heart Teaching name and e-mail address.
- Heart Teaching must have full access to this community therefore a senior manager at the Company should be able to access this community at any time.
- Each business community developed on these sites for business purposes should be created with the full knowledge of, and must have been signed off by a Director of Heart Teaching.
- Heart Teaching may review the content of such sites and lists contained within the sites to ensure correct usage.
- The information and contact details uploaded onto the site and the information received in it are and will remain the property of Heart Teaching

Should an employee have any questions regarding this policy they should refer, in the first instance to a Director at Heart Teaching.

## 3. Equal Opportunities

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn.*

It is Heart Teaching's policy to treat all job applicants and employees fairly and equally, regardless of sex, pregnancy or maternity, trans-gender status, sexual orientation, religion or belief, marital status, civil partnership status, age, race, colour, nationality, national or ethnic origins or disability, or any other grounds (whether prohibited by legislation or otherwise).

Heart Teaching is totally committed to creating a working environment in which all its employees are treated with dignity and respect, which is free from unlawful discrimination, victimisation or harassment.

The non-discrimination principle inherent in this policy includes the prohibition of discrimination against an individual because he or she associates with someone of a particular race, religion, sexual orientation, age, etc., for example an employee who is married to someone of a minority ethnic origin or who socialises with gay or lesbian friends. The prohibition on discrimination applies equally to situations where someone thinks or perceives (whether rightly or wrongly) that a colleague is of a particular race, sexual orientation, religion, age, sex or that he or she has a disability, is a trans-gender person, or is pregnant.



The policy applies to the process of recruitment and selection, promotion, training, conditions of work, pay and benefits and to every other aspect of employment, including general treatment at work and the processes involved in the termination of employment.

Where increased pay and/or enhanced benefits are offered to employees on the basis of length of service, these are intended to reward loyalty, maintain motivation and reflect higher levels of relevant experience.

The policy applies to job applicants (both internal and external) and all employees and other workers whether full time, part time, temporary, seasonal or contractual.

When establishing criteria for recruitment and promotion into vacant posts, the employer will consider carefully whether any minimum or maximum number of years of relevant experience is necessary for effective performance of the job. Such restrictions will not be imposed unless there is a proper job-based reason why they are necessary.

Heart Teaching does not operate any compulsory retirement age, and each employee may choose for him/herself when to stop working, subject to him or her continuing to be sufficiently fit to perform his or her job to a satisfactory standard.

Employees who are disabled or become disabled in the course of their employment should inform a director at Heart Teaching, about their disability. Management will then arrange to discuss with the employee what reasonable adjustments to his or her job or working conditions or environment might assist him or her in the performance of his or her duties. The employee will also be encouraged to suggest any adjustments that he or she believes would be helpful. Careful consideration will be given to any proposals and, where reasonable and reasonably practicable, such adjustments will be made. There may, however, be circumstances where it will not be reasonable or reasonably practicable for the company to accommodate proposals put forward by the employee.

This policy will be monitored on a regular basis by senior management. Where there are issues with the way the policy is working, these will be looked at closely with a view to identifying measures to improve the effectiveness of the policy.

Every manager and employee has personal responsibility for the implementation of this policy. Any instance of doubt about the application of the policy, or other questions, should be addressed to a director at Heart Teaching, as should any requests for special training.

Heart Teaching take this policy very seriously. A breach of this policy is considered to be gross misconduct and disciplinary action, including dismissal for serious offences will be taken against people who do not comply with it.

### **What is Discrimination?**

Broadly, a person has been discriminated against if:

- They have been treated less favourably than another person because of one of the protected characteristics detailed above; because of an association with someone with a protected characteristic; or because others believe they possess a protected characteristic;
- A procedure or practice places a group of employees at a disadvantage on any of the above grounds;
- They suffer harassment because of a protected characteristic; or
- They have been victimised.

### **What is Harassment?**

Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment is unlawful where it is motivated by one of the grounds set out above but Heart Teaching include more general harassment within its definition. Although not exhaustive, the following are examples of types of behaviour that may amount to harassment:

- Physical assault;
- Physical or verbal abuse;
- Threats;
- Suggestive comments or gestures;
- Offensive gestures, language, gossip or jokes;

- Insulting or abusive behaviour or comments;
- Isolation or exclusion;
- Bullying;
- Unreasonable persistent criticism or humiliation.

### What is Sexual Harassment?

Sexual harassment may take many forms, from relatively mild sexual banter to physical violence. Employees may not always realise that their behaviour constitutes sexual harassment but they must recognise that what is acceptable to one person may not be acceptable to another. Sexual harassment may be physical, verbal or non-verbal. Examples include:

- Insensitive jokes and pranks that contain a sexual element;
- Remarks or banter that have a sexual content;
- Lewd comments about appearance;
- Unnecessary and unwelcome body contact;
- Displays of sexually offensive material, e.g. pin-ups, e-mails with offensive attachments;
- Requests for sexual favours;
- Speculation or gossip about a person's private life and sexual activities;
- Threatened or actual sexual violence;
- Threat of dismissal, loss of promotion etc. for refusal of sexual favours;
- Emails of a sexual nature.

### What is Victimisation?

Someone is victimised where they suffer unfavourable treatment because they have, in good faith, made a complaint under this policy, acted as a witness or accompanied a complainant to a hearing.

### Responsibilities

It is every employee's obligation to be sensitive about the impact that they have on others and behave in a way that supports this policy when dealing with everyone that they come into contact with as part of their employment with Heart Teaching. The Company policy is not designed to discourage normal social relations among colleagues or with the public but aims to prevent discrimination, harassment and victimisation.

Heart Teaching's policy applies not only at Heart Teaching's premises but anywhere an employee is working as part of their employment with Heart Teaching. This includes any social occasions or member meetings organised by Heart Teaching or that they attend on behalf of Heart Teaching.

Employees must not condone discrimination, harassment or victimisation by others. They should report any incidents that they believe to be discriminatory to **Faith Ashby, Director**.

### The Complaints Procedure

Heart Teaching aim to resolve any complaints as quickly as possible. All complaints will be treated seriously and confidentially. Only complaints that relate to a breach of this policy should be made using this procedure.

### **WHAT DO I DO IF I AM EXPERIENCING DISCRIMINATION, HARASSMENT OR VICTIMISATION?**

All employees should consider whether it is appropriate to raise the matter directly with the person concerned in order to resolve the problem. If it is not, they should speak to a director at Heart Teaching.

Following an employee's discussion, they will be asked to choose one of the following options:

- Agree that no further action is necessary;
- Agree to discuss the complaint with the individual who is alleged to have caused offence;
- Ask Heart Teaching to help to resolve the matter through informal and/or discreet approaches; or
- Make a formal written complaint to Heart Teaching.

If an employee is not satisfied with an informal approach, a formal complaint can be made at any stage.

### **HOW DO I MAKE A FORMAL COMPLAINT?**

All employees should make their complaint in writing and sign and date the letter. they will be heard by a director at Heart Teaching and will find out the result of their complaint within **10 working days** of the receipt of the letter. An employee may ask that someone of the same sex hears their complaint. If the request is reasonable in this particular circumstance, a different person than that chosen initially by Heart Teaching, may need to be selected to hear the complaint. If the employee is interviewed as part of their complaint, they will have the same right to be accompanied as in the Company grievance procedure.

If the complaint, at any stage of the process, has resulted in a disciplinary investigation against another person, the case will not normally be reopened if they escalate the complaint to the next stage.

### **WHAT WILL HAPPEN AFTER I HAVE MADE MY COMPLAINT?**

Where a formal complaint is made, a full investigation will be conducted.

The first step is to investigate the allegations carefully and as discreetly as possible. This will involve hearing detailed accounts from all parties. Other members of staff may also be asked to provide information.

Documents, e-mail and other evidence may be considered. A full record of the progress and outcome of the investigation and any steps taken will be reported to the complainant.

Those conducting the investigation will not be parties directly involved in the allegation.

### **WHAT WILL HAPPEN IF A FORMAL COMPLAINT ABOUT A PERSON IS UPHELD?**

Where a formal investigation has been conducted and where it has been reasonably concluded that some form of discrimination, harassment or victimisation may have taken place, those responsible will be subject to the Company's normal disciplinary procedures.

Action will not normally be initiated without the agreement of the complainant but there are some circumstances where Heart Teaching may need to pursue the matter formally. For example, if other people could be at risk if no action is taken.

The outcome of the disciplinary procedures will depend upon the circumstances. Serious acts of discrimination, harassment or victimisation will be regarded as gross misconduct and may lead to instant dismissal.

#### **AM I PROTECTED IF I MAKE A COMPLAINT, ACT AS A WITNESS OR ACCOMPANY A COMPLAINANT TO A HEARING?**

Yes. Any acts of retaliation or intimidation against an employee will be treated as a disciplinary offence. Having said this, an employee who maliciously makes an unfounded complaint will be subject to disciplinary action.

#### **WHAT IF THE COMPLAINT IS ABOUT SOMEONE WHO IS NOT EMPLOYED BY THE HEART TEACHING?**

Appropriate action to deal with the problem will be discussed with the employee making the complaint.

#### **SPECIAL REQUIREMENTS RELATING TO EQUAL OPPORTUNITIES**

Heart Teaching understand that people's needs at work are different and that some employees may have special requirements. For example, employees of a particular religion may need somewhere quiet to pray during their lunch break, need to take holiday on a particular day for a religious event, or need to have somewhere to store specially prepared foods. Alternatively the employee may have a disability and may feel that they need to have changes made to their workplace to help them do their job.

Heart Teaching will accommodate employees requirements where it is possible and practical to do so.

Employees will need to make the Company aware of any situations that may result in accommodating such change.



# 4. Prevention of Bullying and Harassment in the Workplace

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn.*

## Introduction

Heart Teaching's aim is to provide a working environment that respects the rights of each employee and where colleagues treat each other with respect. Any behaviour that undermines this aim is unacceptable.

Heart Teaching does not tolerate any form of bullying or harassment under any circumstances.

While implementing and upholding this policy is the duty of all Managers, all employees have a responsibility to ensure that bullying or harassment does not occur within the workplace.

Heart Teaching's policy applies to all employees and extends to include non-permanent workers such as job applicants, secondees, contractors, agency workers, temporary workers, consultants, ex-employees and all other workers.

Heart Teaching have a "zero tolerance" policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

## Key Principles

Heart Teaching will provide and sustain a safe working environment in which everyone is treated fairly. Those working or dealing with the Company must not encounter harassment, intimidation or victimisation of any kind, including on the basis of:

- Gender
- Race, skin colour, ethnic, origin, national origin, nationality
- Sexual orientation
- Trans-sexualism – gender reassignment
- Disability – or reasons relating to it
- Marital status,
- Religion / Religious beliefs – or lack of either
- Deeply held personal beliefs – or lack of them
- Age
- Pregnancy
- Membership or non-membership of a Trade Union
- Employment Status e.g.: part-time or fixed term

- Carrying out health and safety duties
- Criminal record
- Health or weight
- Physical characteristics
- Social class
- Willingness to challenge harassment – being ridiculed or victimised for raising a complaint



Every employee carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, every employee has a responsibility to report any instance of bullying or harassment which they witness, or which comes to their attention.

All employees have responsibly to act as role models, pro-actively addressing instances of bullying and harassment. Managers will also be fully aware of their responsibility

### Harassment

Harassment may be defined as any conduct which is:

- Unwanted by the recipient
- Is considered objectionable
- Causes humiliation, offence, distress or other detrimental effects

Harassment may be an isolated occurrence or repetitive and it may occur against one or more individuals.

Harassment may be, but is not limited to:

<b>Physical</b>	ranging from unnecessary touching, patting, pinching or assault, any gestures of an intimidating nature or any aggressive behaviour
<b>Verbal</b>	unwelcome remarks, open hostility, innuendos, suggestive remarks and propositions, malicious gossip, offensive jokes/songs and banter, offensive or crude language, rude or vulgar comments
<b>Non-Verbal</b>	wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper and computer generated, including offensive screen savers) offensive literature, graffiti and computer imagery, offensive letters or emails, social media messages, text messages or WhatsApp messages on mobile phones.

<b>Isolation</b>	none co-operation and exclusion or isolation from social activities
<b>Coercion</b>	pressure for sexual favours (e.g.: to get a job or be promoted) and pressure to participate in political, religious or trade union activities, etc.
<b>Intrusion</b>	following, pestering, spying, etc.

Harassment at work is completely unlawful under the Equality Act 2010.

Heart Teaching together with any Manager who fails to take steps to prevent harassment or investigate complaints, may be held liable for their unlawful actions and be required to pay damages to the victim as will the employee who has committed the act of harassment.

Harassment on any grounds is also a criminal offence, primarily under the Protection from Harassment Act 1997. This means that employees who suffer harassment may contact the police

Those found guilty face fines or may have periods of imprisonment, anywhere from six months up to two years.

Additionally, an employee harassed by a colleague may sue that colleague personally for the damage and distress caused.

### **Bullying**

Bullying is unlikely to be a single or isolated instance; it is a gradual wearing down process. It is usually but not exclusively, repeated and persistent behaviour, which is offensive, abusive, intimidating, malicious or insulting making victims feel demeaned and inadequate.

Bullying includes but is not limited to

- Conduct which is intimidating physically abusive or threatening
- Conduct that denigrates, ridicules or humiliates an employee especially in front of other colleagues
- Humiliating an employee in front of colleagues
- Picking on one person when there is a common problem
- Persistent criticism
- Shouting at an employee to get things done
- Constant undervaluing an employee's effort
- Consistently undermining an employee and their ability to the job
- Setting unrealistic targets or excessive workloads
- 'cyber bullying' e.g. bullying via email - this should be borne in mind where employees are working remotely and are managed by email. Care and sensitivity should be practiced with regard to the choice of content and language
- Setting an employee up to fail e.g.: by giving inadequate instructions or unreasonable deadlines.
- Ignoring or deliberately excluding someone
- Withholding information or supplying incorrect information.
- Constantly changing targets.

***Harassment and Bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of perpetrator that is the determinant as to whether harassment or bullying has occurred.***

### **Making a Complaint**

An employee wishing to make a complaint of harassment or bullying are encouraged to first discuss the matter informally with their Manager, or a Manager they feel comfortable to speak with on this matter. Should the issue not be resolved at this stage or the employee feels unable to raise the issue informally then a formal resolution should be sought.

No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no Manager perpetrator shall threaten either explicitly or implicitly the employee making the complaint.

Such conduct will be treated as a very serious disciplinary offence. Similarly, Managers are required to act on any complaint of harassment or bullying.

Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action being taken.

### **Continuing to work together whilst under investigation**

Whether a complaint is upheld or not, Heart Teaching recognise that it may be difficult for the employees concerned to continue to work in close proximity to one another during the investigation.

As a matter of principle, the Company will normally remove the employee who is the alleged harasser or bully, rather than the employee who is the complainant.

It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or liability and no detriment to either party will be taken as a consequence.

### **Confidentiality**

All matters relating to the investigation will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary action.

However, it will be necessary that the employee who is the alleged harasser or bully is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses

All complaints of harassment or bullying whether raised formally or informally will be recorded on the employees personnel file and the incident will be monitored

### **Procedure**

#### **Informal Resolution**

Very often employees are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to a greater understanding and agreement that the behaviour will cease.

Employees are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that their actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the employee making the complaint should keep a copy of any documentation and where possible the times and dates of incidents should be recorded.

If the employee feels unable to approach the alleged harasser, a work colleague could be asked to speak to them on behalf of the employee making the complaint.

An individual who is made aware that their behaviour is unacceptable should:

- Listen carefully to the complaint and the concerns raised
- Respect the other persons point of view. Everyone has a right to work in an environment free from harassment or intimidation
- Understand and acknowledge that it is the other persons reaction/perception to another's behaviour that is important
- Agree the aspects of behaviour that will change
- Review their general conduct/behaviour at work and with workplace colleagues

### Formal Resolution

If the employee feels unable or unwilling to deal with the matter informally, or if the alleged harassment continues, or the allegation is so serious as to prevent use of the informal procedure, a formal complaint in the form of a grievance should be raised by the employee with their Manager, or if they feel unable to do so, with another more senior Manager.

The grievance procedure will be adapted to take account of the sensitivities of such a situation.

Complaints will be investigated swiftly and confidentially while ensuring the rights of both the alleged victim and the alleged harasser or bully are protected.

If further action is to be taken the normal disciplinary procedure for misconduct/gross misconduct shall apply and the employee making the complaint will be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstance that prevent them from doing so. They are also entitled to be accompanied by a work colleague.

### Appeals

Appeals against decisions taken under the Bullying and Harassment at Work Policy and Procedure shall be dealt with as follows:

- Appeals against a disciplinary sanction will be dealt with in accordance with the appeals process in the Disciplinary Procedures
- Appeals by a complainant about the outcome of any inquiry will be dealt with in accordance with the appeal process in the Grievance Policy

### Records

- Where the complaint is informal and resolved at this stage, no record will be kept on personnel files
- Where the complaint is not substantiated following formal investigation, no records will be retained
- Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personnel file and supporting documentation retained in a separate file for a period of **twelve months**
- Where the matter proceeds to a disciplinary hearing then the storage of records will be in accordance with the disciplinary procedure

# 5. Sickness Absence Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn at any time.*

## Introduction

Heart Teaching is committed to ensuring the health and wellbeing of all of its employees. This policy therefore sets out the key points in relation to the management of sickness absence as well as the provision for wellbeing in the workplace.

## Sickness Absence

In the unfortunate instance an employee is taken ill and unable to attend work, the Company's primary concern is their health. In managing their absence from work, their key aims with this policy are to:

- provide key information on the process from the beginning of the absence to the employee returning to work and onwards
- give clear information on how to notify the Company of any absence
- provide information on sickness payment; and
- assist with an employee's transition back into the work environment.

## Notification of Absence

Employees are required to telephone their Manager before **7.30am** on the day of absence and every day thereafter unless signed off by a doctor and the Company are notified of this previously. All employees need to ensure they call their Manager as oppose to **text, WhatsApp or e-mail**, unless extenuating circumstances apply, such as loss of voice, in hospital etc. and give the reason for the absence and if possible the expected date of return. A friend or relative notifying the employees Manager is only acceptable if the employee is unable to do so themselves.

## Return to Work Meeting

All employees health and wellbeing is of paramount importance, therefore after a period of illness an employee's Line Manager will arrange to meet with them to understand the reasons for their illness, their Manager will also look at how the Company can best help in their recovery and understand whether any adjustments will need to be made for as easy a return to work as possible.

All employee absences will be recorded by their Manager and in some instances a return to work meeting may be conducted

## Self-Certification and FIT notes

For any sickness absence that is over 7 calendar days a note will be required from the employee's medical practitioner, however all employees are able to self-certicate for up to 7 days.

A copy of a FIT note, if applicable, will be held in an employee's personal file and only the employee and their Line Manager will be able to see or access this information.

## Payment for Sickness

An employee may be entitled to Statutory Sick Pay (SSP) if they satisfy the relevant statutory requirements. Qualifying days for SSP are Monday to Friday. The rate of SSP is set by the government in April of each year. No SSP is payable for the first three consecutive days of absence. It starts on the fourth day of absence and may be payable for up to 28 weeks.

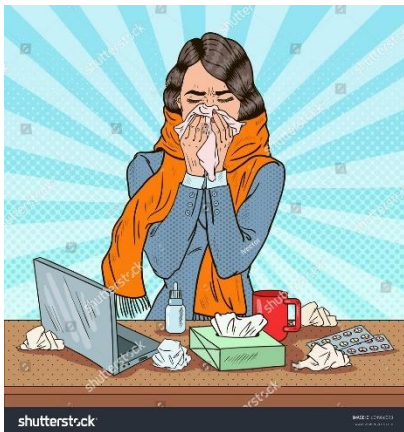
Return-to-work interviews

After a period of sick leave an employee may be required to attend a return to work interview with their Manager. The purposes of this may include:

- ensuring an employee is fit for work and agreeing any actions necessary to facilitate their return
- confirming they have submitted the necessary certificates
- updating the employee on anything that may have happened during their absence
- raising any other concerns regarding their absence record or their return to work.

## Long Absence or Short Persistent Absence

The length of time lost through illness must, be monitored to ensure that each employee is able to do their job, effectively and without putting themselves or others at risk. It is not the intention of Heart Teaching to penalize the genuinely sick, however, it must be recognized that when an employee is medically unfit to carry out their contractual duties they may not be able to continue in their employment.



An employee's sickness absence will be considered on an individual basis with their Manager ensuring the provision of appropriate support, where appropriate. However, it is recognized that in some cases levels or patterns of absence could be unacceptable and formal management action may need to be taken.

Employees who become aware that they have an illness problem are encouraged to inform their Manager at the earliest opportunity. All such requests will be dealt with as speedily and compassionately as possible.

Medical examinations

Heart Teaching may request an employee to consent to a medical examination by a doctor or occupational health professional or other specialist nominated by and at the expense of Heart Teaching.

The employee would be asked to agree that any medical report produced may be disclosed to a nominated person within the Company and that they may discuss the contents of the report with the specialist and with Company advisers. All medical reports will be kept confidential.

## Overview of Procedural Stages

In the case of persistent absence, the following procedures may be applied:

**Stage 1**

In situations where an employee's sickness record is giving cause for concern, then the employees Manager will discuss those concerns with them, providing them with the necessary support and counselling where appropriate.

**Stage 2**

If there is no obvious improvement in the health of the employee or any sign of absence patterns emerging, then the Manager may arrange a further meeting to review the employees' situation more formally.

The employee would be given the outcome of the meeting in writing and where appropriate they will be given notice that their level of absence is unacceptable, and a reasonable period of time offered to improve.

**Stage 3**

If the employee fails to improve their absence in the given time scales, then a formal second review meeting will be undertaken. The employee would also be offered the opportunity for appropriate representation at this time.

Prior to this meeting the employee may be required to be seen by the Occupational Health or a Doctor who will give their opinion on the employees' health.

Where appropriate they will be given notice that their level of absence is unacceptable and that they are given a reasonable period of time during which to reduce their level of absence. The employee will also be informed at this stage if any further absences may result in their employment being terminated due to incapacity.

**Stage 4**

If there is still no improvement within the laid down timescales a review will be held with the appropriate Manager. The employee will be offered the opportunity for appropriate representation at this meeting. The Manager will review all the available evidence including a doctor's report (if the employee has given the authority for one to be obtained).

If there are no special circumstances that are causing such levels of absence, the employee will be dismissed on the grounds of incapacity and their inability to meet the acceptable levels of attendance required by the Company.

**Appeal**

Every employee has the right to appeal against the outcome of any formal review stage of the absence procedure. The basis of an appeal will normally relate to one of the following:

- The policy has not been followed correctly
- The resulting action was inappropriate
- The need for such action was not warranted

All appeals should be put in writing to the appointed person.



The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for the appeal and should be lodged within **7 days** of receipt of the issue of a formal letter.

An appeal hearing will usually be arranged within **7 days** of receipt of the appeal letter. An appeal against dismissal will be considered in the same way and will be heard by a nominated Manager who has not previously been involved in the situation.

The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of employment or pay.

### **Unauthorised Absence**

Absence for any reasons other than authorised holiday or sickness will be treated as unauthorised absence by the Company and may result in disciplinary action being taken as well as non-payment of salary.

## 6. Special Leave And Time Off

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn.*

### Time off for Public Service Policy

Should an employee wish to enter public service (Justice of the Peace, Local Councilor, School Governor etc.) they should obtain written approval from a director in advance.

### Public Service

If they already hold such a position on joining the Heart Teaching, they should obtain a director at Heart Teaching's written approval for it to continue. Certain public duties carry a statutory right to reasonable time off, although there is no legal obligation for the time to be paid. Circumstances may dictate some use of discretion; in this instance the employee should discuss this with a director at Heart Teaching.

Management should be given adequate notice of these duties and they should make every effort to make up any time spent on public duties.

### Jury Service and Witnesses

If an employee is called for Jury Service or are requested to attend Court as a witness, they should advise a director at Heart Teaching immediately and produce the Court forms requesting their attendance. Employees will be eligible for paid leave whilst attending Court subject to their claiming any 'loss of earnings' allowances to which they are entitled, and which are deemed as compensation for employers. If, whilst on Jury Service, an employee is released during their normal working hours, they should return to work unless otherwise instructed by the Court or their Manager.

### Time off for Medical Appointments

Doctor, dentist and hospital appointments should be arranged outside normal office hours whenever possible. If this is not possible, an employee should seek the prior approval of their consultant, or a director at Heart Teaching and try to arrange appointments at times that cause the least disruption to their work, i.e., early morning or late afternoon. Every effort should be made to make up the time.

### Time Off for Dependents

The right to time off for dependents applies to all employees, regardless of gender, age, or length of service.

Employees will be entitled to reasonable unpaid time off in an emergency to provide assistance or take appropriate action to care for a dependent. For the purposes of the policy, the definition of a "dependent" includes spouse, partner or civil partner, parent, child, person who lives in the same household as the employee but who is not his or her lodger, employee or boarder. A dependent, therefore, does not have to be related to the employee.

Reasons to request such time off include:

- A dependent is suddenly taken ill or has been assaulted or injured.
- A dependent gives birth.
- A dependent dies.
- Existing arrangements for the care of a dependent are unexpectedly disrupted or come to an end, e.g., an employee's child-minder calls in sick.
- The employee's child is involved in an incident at school.

The amount of time off will vary with the differing circumstances of an emergency. Heart Teaching will apply a fair and consistent approach when considering each case on its own merit, with one or two days normally being deemed sufficient for an employee to deal with a family emergency and, if necessary, to make alternative arrangements for the continuing care of the dependent.

Should an employee need to take time off work to deal with an emergency, they must notify Heart Teaching as soon as is reasonably practical, and in most cases on the day of the incident and inform their consultant or a director at Heart Teaching of the reason for the absence and how long the absence from work is expected to be.

If an employee does not comply with the notification requirements, Heart Teaching may treat the absence as unauthorised leave.

Employees have the right not to be victimised, dismissed or subjected to any detriment for exercising their statutory right to take time off for dependents.

#### *Compassionate Leave*

Compassionate leave may be granted at the discretion of a director at Heart Teaching for reasons such as serious illness or injury, or death (including attendance at the funeral) of a partner, close relative, or arranging care for a close relative who is not a dependent. For the purposes of this policy a close relative is defined as spouse, partner, civil partner, children, siblings, mother, father and grandparents.

This leave will usually be paid up to 5 days, dependent upon the situation. If the employee requires additional leave they may request this in writing and Heart Teaching will consider their request. Any additional leave will usually be unpaid, or annual leave may be taken.

#### **Religious Holiday Leave**

Should an employee require time off to observe fast days, to celebrate religious festivals or attend ceremonies, which do not fall on a UK Bank or Public Holiday Heart Teaching will at their request consider adjusting their working hours to enable them to take part in the religious observance or allow them time off work. Heart Teaching shall be under no obligation to either grant leave or adjust working hours if this is not reasonably possible. Any such time shall be taken as part of the employees accrued holiday entitlement.

All employees will, of course, be treated equally in this respect, whatever their religion or belief.

## 7. Flexible Working

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

The following policy and procedure relating to flexible working does not form part of the employees' terms and conditions of employment. However, it does acknowledge the statutory qualified right of all eligible employees to apply for flexibility in their working arrangements.

Heart Teaching recognizes the contribution of all its employees and also understands that, at some time in their working lives, employees may wish to work more flexibly. All employees with at least 26 weeks' continuous service have the statutory right to apply for flexible working.

Flexible working is about reviewing employees' working patterns to see whether it is possible to implement different arrangements: any arrangements must, however, always take into account the need for Heart Teaching to achieve its core business purpose as efficiently as is possible.

There are a variety of flexible working options. A request for flexible working can be a request to change:

- The number of hours the employee works.
- The times at which the employee is required to work.
- Where the employee works, usually a request to work fully or partly from home.

Heart Teaching recognizes that a full range of flexible working will not be appropriate for all areas of its business.

Employees should be aware that if they request and are granted flexible working, this represents a permanent variation to their contract of employment (unless Heart Teaching agrees otherwise). In certain circumstances, Heart Teaching may agree to the change on a trial basis. If an employee's circumstances subsequently change in relation to the need for flexible working, there is no statutory right for a return to the terms and conditions that applied to them prior to flexible working being granted.

Heart Teaching will:

- Consider requests for flexible working by eligible employees who put in a written request (email accepted).
- Follow the correct procedure as outlined in this policy.
- Reject an application where it is considered that granting flexible working would be detrimental to the business needs of the company.

No employee will be treated less favourably, suffer a detriment or be dismissed because they request flexible working or move to flexible working.

### Procedure - Eligibility

To be eligible to make a request for flexible working, a person must satisfy the following conditions. He or she must:

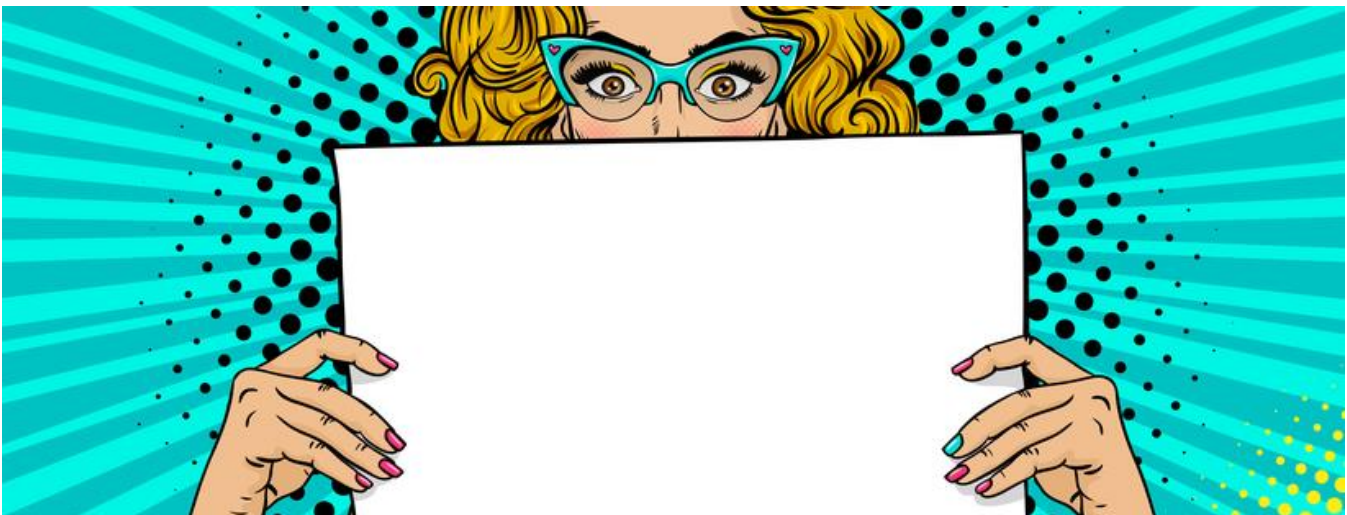
- Be an employee.
- Have worked for Heart Teaching continuously for at least 26 weeks as at the date the application is made.
- Not have made another application to work flexibly during the previous 12 months.

### Making a request

An application for flexible working must be in writing (email) and include the following information:

- The date of the application, the change to working conditions the employee is seeking and when they would like this change to come into effect.
- The effect, if any, the employee thinks the requested change will have on the employer and how, in their opinion, any such effect might be dealt with.
- A statement that it is a statutory request and if and when they have made a previous application for flexible working.

The application should be signed and dated.



### The meeting and discussion

Following receipt of a valid written request for flexible working, the employer will arrange a meeting with the employee to discuss his or her request and will consider the request reasonably within a reasonable timetable.

All requests will be decided, including any appeal, within three months of first receipt of the request, unless an extension of time is agreed.

The employee has the right to be accompanied at this meeting by a colleague of his or her choice. The employee will be informed of this prior to the discussion.

The employee's request will be considered carefully weighing the benefits of the requested changes in working conditions against any adverse business impact of implementing the changes.

Once Heart Teaching has made a decision on the request, the employee will be informed of this in writing (email) as soon as is reasonably possible.

If the request is successful, or subject to certain modifications, the employer will discuss with the employee how and when the changes might best be implemented.

#### *Rejection of the request*

If the request for flexible working is rejected, it will be for one or more of the following reasons that are set out in the legislation.

- The burden of additional costs.
- An inability to reorganise work amongst existing staff.
- An inability to recruit additional staff.
- A detrimental effect on quality.
- A detrimental impact on performance.
- A detrimental effect on ability to meet customer demand.
- Insufficient work for the periods the employee proposes to work.
- A planned structural change to the business.

#### **Further action if request is rejected**

If a meeting is arranged to discuss an application for flexible working, including any appeal, and the employee fails to attend and a rearranged meeting without a good reason, the request will be considered to have been withdrawn.

## 8. Health And Safety Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

Heart Teaching recognise that the health and safety of employees and others who may be affected by the organisations operations, is of primary importance in the successful conduct of its business.

It is the policy of Heart Teaching that the company will, so far as reasonably practicable, ensure:

- The provision of adequate control of the health and safety risks arising from its work activities and in compliance with the provisions of the Health & Safety at Work Act 1974;
- All office equipment is provided and maintained in a safe condition and without risk to health and that systems of work which are safe and without risk to health are established and followed;
- Arrangements are made and complied with for the safe use, handling, storage and transport of articles for use at work;
- Employees are provided with such information, instruction, training and supervision as is necessary to secure their safety and health at work and the safety of others that may be affected by their actions;
- Employees' place of work is safe and provided with adequate means of access and egress; and the working environment is safe and without risks to health and that adequate arrangements are made for their welfare whilst at work;
- Regular fire drills are conducted by the premises management and all fire equipment is supplied and maintained at all times; and
- Employees are consulted regarding health, safety and welfare matters and are encouraged to bring any concerns to the attention of the Heart Teaching management team.

### **Employee Responsibilities:**

All employees have a duty, whilst at work, to take reasonable care for the health and safety of themselves and of other people who may be affected by their acts or omissions and to co-operate with Heart Teaching in fulfilling its statutory duties. Employees should not interfere with, or misuse, anything provided in the interest of Health & Safety.

### **Accidents at Work – Accident Reporting:**

All accidents, injuries and cases of ill-health caused by, or affecting, their work must be reported without delay. If they are injured, no matter how slight the injury may appear, employees must always report it to a Director and ensure that they are seen by the appointed person and that the details of their accident or injury are entered in the Accident Book.

- All employees are required to not work if they have taken medication or any other substance which could adversely affect their ability to work safely.
- If an employee sees a situation in which a potential accident could occur or where an injury could be sustained by anyone in the building they should report it immediately to a senior manager.

- All employees must report any damage to Heart Teaching property.
- All employees must read and comply with all notices, instructions, hazard & warning signs provided from time to time for their information.

#### First Aid Provision:

Heart Teaching have a First Aid Box in the office. **Scott Wilton** is the appointed first aider.





## 9. First Aid Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn at any time.*

### Introduction

It is the policy of Heart Teaching to make provision for First Aid and the training of 'First Aiders' in accordance with the First Aid Regulations (1982). The Safety Officer is responsible for ensuring the Regulations are implemented and for identifying training needs.

### First Aid Box

There is no mandatory list of items that should be included in a first-aid container and the decision on what to include is obtained from the information gathered during the risk assessment process.

As a guide where no special risk arises, Heart Teaching recognise that a minimum stock of first aid items would be normally be:

Suggested First Aid Box Contents	
Guidance card	1
Individually wrapped sterile adhesive dressings (assorted sizes and appropriate to work.	20
Sterile eye pads	2
Individually wrapped triangular bandages (preferable sterile)	4
Safety Pins	6
Medium sized individually wrapped sterile un-medicated wound dressings (approx 12cm x 12cm)	6
Large sterile individually wrapped un-medicated wound dressings (approx 18cm x 18cm)	2
Disposable gloves	1

The First Aiders are responsible for ensuring the contents of the first aid box are regularly checked and are constantly sufficient. The First Aid Box should never contain tablets and medication. All items in the First Aid Box will not be kept beyond their expiry date.

Heart Teaching have a first aid box located in the kitchen.

### First Aiders

**Scott Wilton** is the trained First Aider. Should any employee, visitor or third party feel unwell or be involved in or need to report an accident they should contact a Director of Heart Teaching or the trained First Aider. In case of serious illness or injury, a Director or First Aider will arrange for the person affected to attend the nearest hospital.

# 10. Fire and Emergency

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn at any time.*

## Introduction

All Employees, visitors and third parties must observe the evacuation procedures laid down in the event of a fire or any other emergency. Everyone needs to be familiar with the location of the emergency exits, assembly points and first aid box. Procedures to be carried out in the event of fire or emergency.

Building layout drawings showing fire alarms, the location of extinguishers and escape routes will be clearly displayed.

A fire is potentially the most serious incident that can occur in the premises. It is important that all employees are aware of how to protect themselves and other people.

On discovering a fire or being informed of an emergency:

- Employees will need to raise the alarm immediately by setting off the fire alarm which are located at the front and back of the building.
- If it is a small fire and an employee can tackle it without any risk to themselves, they can try to attempt to extinguish it using the correct fire extinguisher.

All new fire extinguishers are coloured red and have a small colour coded band. Employees need to take care to ensure they know the contents of the red fire extinguishers before using them.

The main extinguishers situation around the officer are:

- Water
- Foam Spray
- Dry Powder
- CO2

It is very dangerous to use the wrong firefighting equipment and tackle a blaze that an individual cannot cope with – therefore if in doubt the fire needs to be left and the building evacuated.

## Fire Safety

Upon hearing the fire alarm employees are required to:

- Remain calm and assist visitors out of the building
- Leave the building immediately
- Move quickly and quietly, without running.
- Where possible close windows and always close doors .
- Go straight to the designated assembly point
- Make sure that all employees are accounted for
- Not to re-enter the building until the all clear has been given.

## Employees Fire Safety Induction

Employees need to ensure the following has been explained to them as part of their induction into the Company and are fully aware of :

- The fire warning system process
- Location of call points and the sound of the alarm
- Means of escape in the area which they work
- Location of the fire assembly point and where to report in the event of a fire or emergency evacuation
- Actions to be taken in the event of a fire
- Location of the nearest fire equipment
- Periodic fire drills
- The need to ensure fire doors are kept always closed

### **Maintenance and Testing of Fire Equipment**

The Fire Safety Service and Test Records form should be completed regularly. The Directors or the building landlord are responsible for the maintenance and testing of any fire equipment.

### **Emergency Evacuation & Fire Alarm Testing**

The Row will be responsible for ensuring a Fire Drill is conducted at least once and preferably twice a year and a record kept of every Drill.

Fire evacuation procedures are displayed in the main office.

The Fire alarm will be tested every week (same time and day), should the fire alarm be activated outside the test day and time then employees need to treat this as an actual real fire situation and adhere to the points above.

### **Fire Safety Service and Testing**

#### **Automatic Fire Detection and Alarm System**

The Row

The above will test fire detection and safety equipment, alarm systems and emergency lighting a minimum of every 12 months and maintain records of such testing.

# 11. Manual Handling Policy and Risk Assessment

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

## Introduction

The aim of this policy is to ensure, so far as is reasonably practicable, the health, safety and welfare of all employees while they are at work, in relation to manual handling activities, and to comply with all relevant legislation, including the:

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999
- Manual Handling Operations Regulations 1992 (as amended 2002)
- Personal Protective Equipment at Work Regulations 1992 (as amended).

Statistics show that manual handling is one of the most common causes of injury in the work environment and such injuries could have long-term effects for an employee.

This policy is intended to reduce the risk of manual handling injuries and provide guidance on the measures that should be taken to ensure safe lifting and carrying.

## Eliminating hazardous manual handling activities

Heart Teaching will ensure that operations which involve manual handling are reduced, so far as is reasonably practicable.

## Assessment of risk

Faith Ashby will carry out an assessment of the risks of manual handling activities as required. Any identified risks will be reduced to the lowest level reasonably practicable. Should an employee have any concerns regarding their manual handling activities, they should contact Faith Ashby immediately before attempting to lift the item in question.

The following factors will be considered during any assessment.

## The Task

Bending and stooping to lift a load significantly increases the risk of back injury.

Items should ideally be lifted from no lower than knee height and no higher than shoulder height.

Outside this range, lifting capacity is reduced and the risk of injury is increased.

If items must be lifted from above shoulder height, a stand or suitable means of access should be used.

Items which are pushed or pulled should be as close to waist level as possible. Pushing is preferable, particularly where the back can rest against a fixed object to give leverage.

Carrying distances should be minimised, especially if the task is repeated.

Repetitive tasks should be avoided where possible. Tasks that involve lifting and carrying should be designed to allow for sufficient rest breaks to avoid fatigue. Employees should avoid tasks that require twisting the body where possible.

### **The Load**

The load should be kept as close as possible to the body to reduce strain and should not be of such size as to obscure vision.

An indication of the load's weight and centre of gravity should be identified before attempting to lift the load.

Unstable loads should be handled with caution.

The change in centre of gravity is likely to result in overbalancing.

Employees should ensure there is a secure handhold, using gloves where necessary to protect against sharp edges or splinters.

### **The Employee**

Consideration must be given to an employee's age, body weight and physical fitness.

Regard must also be given to their personal limitation; employees must not attempt to handle loads that are beyond their capabilities and assistance must be sought when necessary.

Employees undertaking lifting or carrying will be given suitable instruction, any required training and information to undertake the task with minimum risk.

### **Other Factors**

Use of personal protective equipment (PPE) may be necessary whilst carrying out manual handling activities.

If the use of PPE restricts safe and easy movement, this should be reported to the main office.

## Employee responsibilities

Employees must:

- report (in confidence) any personal conditions which may be affected by manual handling activity
- comply with instruction and training provided
- ensure their own health and safety is not put at risk when carrying out manual handling activities
- report any problems relating to the activity

## Information

Suitable information will be provided to employees required to carry out manual handling activities. Training needs will be identified and reviewed by the Company

Employees will be informed of approximate weights of loads to be handled and objects with an uneven weight distribution.

## Employer's responsibilities

Heart Teaching, will:

- identify all manual handling tasks and situations where there is a risk of injury
- avoid manual handling tasks, wherever practicable
- assess and reduce unavoidable risks
- provide employees with adequate information, instruction and any required training to enable them to perform their work safely
- ensure that adequate resources are made available to fulfil the requirements of this policy
- review this policy at least annually, or more frequently if significant changes occur.

# Manual Handling Risk Assessment

## Manual handling risk assessment record

Summary of tasks that are routinely carried out, but not likely to present a significant risk:

Risk Rating Key	
Low	Minor injury possible
Medium	Injury leading to absence is likely
High	Serious injury is likely

Description of task:	Reason why risk is not considered significant:	Date for review:

Summary of tasks that are routinely carried out and considered to be tasks that can be removed or streamlined:

Description of task:	Recommendations on how the task could be removed or streamlined:	Target date for implementation

Summary of tasks that are routinely carried out and are tasks that cannot be removed or streamlined and require more detailed assessment:

Description of task:	Date assessment carried out:	Date for review:

Signed (Assessor):

Date:

## Risk assessment checklist

### Significant Risk

This form need only be completed for tasks that have been identified by the filtering process as presenting a significant risk and cannot be easily removed.

Tasks covered by this assessment:	
Assessor:	

	If yes, tick appropriate level of risk			Problems occurring from the task	Possible remedial action required
	Low	Med	High		
<b>Do the tasks involve:</b>					
Holding loads away from the body?					
Twisting?					
Stooping?					
Reaching upwards?					
Large vertical movements?					
Carrying long distances?					
Strenuous pushing and pulling?					
Unpredictable movement of loads?					
Repetitive handling?					
Insufficient time for rest or recovery?					
A work rate imposed by the process?					
<b>Are the loads:</b>					



Heavy?					
Bulky/unwieldy?					
Difficult to grip?					
Unstable/unpredictable?					
Intrinsically harmful?					
<b>Does the working environment have:</b>					
Constraints on posture?					
Poor floors?					
Variations in levels?					
Hot/cold humid conditions?					
Strong air movements?					
Poor lighting?					
<b>Individual capability:</b>					
<b>Does the job:</b>					
Require unusual capability?					
Present a hazard to those with a health problem?					
Present an additional hazard to those who are pregnant?					
Require special information and training?					
<b>Other factors:</b>					
Is movement or posture hindered by clothing or PPE?					

Signed (Assessor):	
Date:	

Ref	Hazards	Who is at risk?	Controls in place	L	S	RR	Adequately controlled?
1.	<i>Task:</i> twisting	Employees					
2.	<i>Task:</i> stooping	Employees					
3.	<i>Task:</i> long carrying distances	Employees					
4.	<i>Individual capability:</i> hazardous to those with health problems	Employees					
5.	<i>Individual capability:</i> risk to those who are pregnant	Employees					
6.	<i>Individual capability:</i> call for special information/training	Employees					
7.	<i>Load:</i> heavy	Employees					
8.	<i>Load:</i> bulky/unwieldy	Employees					
9.	<i>Load:</i> difficult to grasp	Employees					
10.	<i>Environment:</i> constraints on posture	Employees					

Hazard ref	Additional control	Assigned to	Date completed	L	S	RR

Date of assessment	
Signature	
Review date	

# 11. Employee Privacy Notice

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

This Privacy Notice has been created by Heart Teaching and it is important that all employees read and consider this policy carefully.

This Privacy Notice contains important information about how the Company collect, store and share employees personal information and an employee's rights in relation to their personal information.

## Information held by the Company on Employees

*Personal information/data, means any information about an individual from which a person can be identified, and it relates to that person. It does not include data where the identity has been removed (anonymous data).*

Heart Teaching collect, store, and use the following personal information with regards to its employees:

- Name, address, telephone number, and personal email address.
- Date of birth, gender
- Marital status
- Next of kin and emergency contact information.
- NI Number, bank account details, payroll records and tax status information.
- Salary, annual leave/absence, pension, and benefits information.
- Start date, location of employment or workplace.
- Recruitment information including copies of right to work documentation, references, CV's, and other documentation provided as part of the application process.
- Employment records (including job titles, work history, working hours, training records).
- Remuneration history and performance information.
- Disciplinary and grievance information.
- CCTV footage and other information obtained through electronic means.
- Information with regards to communications systems.
- Photographs.

**Special categories** of more sensitive personal information that may be collected by the Company includes:

- Information about an employee's race or ethnicity, religious beliefs, sexual orientation, and political opinions.
- Information about an employee's health, any medical condition, health, and sickness records.
- Information about criminal convictions and offences.

## How Is Personal Information Collected?

Heart Teaching collect personal information about employees, other workers and contactors through the application and recruitment process and may sometimes collect additional information from third parties

including former employers, credit reference agencies or other background check agencies.

The Company will collect additional personal information in the course of job-related activities throughout the period of employment of each employee.

### **How is the information collected used?**

Heart Teaching will use information collected on employees to allow them to create the employment contract and employment records and to enable the Company to comply with legal obligations. In some cases, the Company may use personal information to pursue legitimate interests of its own or those of third parties, provided employees interests and fundamental rights do not override those interests. The situations in which the Company will process employee's personal information are:

- Making a decision about a candidate appointment.
- Checking employees are legally entitled to work in the UK.
- Paying employees and deducting tax and national insurance contributions.
- Liaising with pension providers.
- Administering the contract entered into with employees.
- Accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about an employee's continued employment or engagement.
- Making arrangements for the termination of the working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving employees, workers and contractors, including accidents at work.
- Ascertaining an employee's fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor use of information and communication systems to ensure compliance with the Company IT policies.
- To ensure network and information security, including preventing unauthorised access to Company computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.

### **Employees who fail to provide personal information**

Should an employee fail to provide certain information when requested, the Company may not be able to perform the contract entered into with the employee (such as paying salary or providing benefits), or the Company may be prevented from complying with its legal obligations, such as to ensure the health and safety of all workers.

### **Change of purpose**

Key Global Recruitment will only use employee's personal information for the purposes for which it is collected,

unless it is reasonably considered that it needs to be used for another reason and that reason is compatible with the original purpose. If the Company need to use an employee's personal information for an unrelated purpose, they will notify the individual directly and will explain the legal basis which allows them to do so.

Heart Teaching may process an employee's personal information without their knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **Using Sensitive Personal Information**

The Company will only use particularly sensitive personal information in the following ways:

- Information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- Information about an employee's physical or mental health, or disability status, to ensure their health and safety in the workplace, to monitor and manage sickness absence and may also include information relating to race or national or ethnic origin, religious, philosophical, sexual life, or sexual orientation, biometric, political, religious, beliefs, their connection to a trade union to ensure meaningful equal opportunity monitoring and reporting.

### **Gaining Employees consent**

Heart Teaching do not need consent to use special categories of an employee's personal information in accordance with its written policy to carry out its legal obligations or exercise specific rights in law. In limited circumstances, they may approach employees for their written consent to allow the Company to process certain particularly sensitive data.

If doing so, the Company will provide the employee with full details of the information that they would like and the reason for needing it, so that employees can carefully consider whether they wish to consent.

It is not a condition of the employment contract that employees agree to any request for consent from the Company.

### **Information About Criminal Convictions**

Heart Teaching will collect information about criminal convictions if appropriate given the nature of the role and only with the consent of the employee.

### **Data Sharing**

#### **Sharing employee's personal information with third parties**

Heart Teaching will share an employee's personal information with third parties where required by law, where it is necessary to administer the working relationship with them or where the Company have another legitimate interest in doing so.

### **Third-party service providers who may process an employee's personal information**

Third-party service providers who process an employee's information may include, contractors, agents and suppliers who provide and carryout activities such as payroll, pension, benefits and HR administration as well as IT services

### **Security of employee information with third-party service providers**

All third-party service providers are required to take appropriate security measures to protect employee's personal information in line with the Company policies.

Heart Teaching will not allow any third-party service providers to use any employee personal data for their own purposes. All third party providers are permitted to process employee personal data for specified purposes only and in accordance with the Company's instructions.

### **Sharing employees Personal Information with other third parties**

Heart Teaching may share an employee's personal information with other third parties, for example in the context of the possible sale or restructuring of the business and/or with a regulator or to otherwise comply with the law.

### **Data Security**

Access to an employee's personal information is limited to those employees, agents, contractors, suppliers and other third parties who have a business need to know and all are subject to a duty of confidentiality in their contractual agreement with the Company.

Heart Teaching have in place procedures to deal with any suspected data security breach and will notify employees and any applicable regulator of any suspected breach where legally required to do so.

### **Data Retention**

#### **Retaining Personal Information**

Heart Teaching will only retain an employee's personal information for as long as necessary to fulfil the purposes for which it was collected which includes satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, the Company will consider the amount, nature, and sensitivity of the data, the potential risk of harm from unauthorised use or disclosure of the employee's personal data, the purposes for which the Company process personal data and whether the Company can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances the Company may anonymize an employee's personal information so that it can no longer be associated with them, in which case the Company may use such information without further notice to the

employee.

Once no longer an employee, worker or contractor of the company the Company will retain and securely destroy all personal information in accordance with its data retention policy.

## **Rights Of Access, Correction, Erasure, And Restriction**

### **Changes to Personal Information**

It is important that the personal information held about an employee is accurate and current. It is the duty of all employees to ensure they inform the Company if their personal information changes during their employment.

### **Employees rights with regards to their own personal information**

Under certain circumstances, by law employees have the right to:

- Request access to their personal information this is known as a “data subject access request”. This enables employees to receive a copy of the personal information held on them and to check the Company are lawfully processing their personal information.
- Request correction of their personal information. This enables employees to ensure any incomplete or inaccurate information held about them is corrected.
- Request erasure of their personal information. This enables employees to ask the Company to delete or remove personal information where there is no good reason for us continuing to process it. Employees also have the right to ask the Company to delete or remove their personal information where they have exercised their right to object to processing.
- Object to processing of an employee’s own personal information where the Company are relying on a legitimate interest (or those of a third part) and there is something about the employee’s particular situation which makes them want to object to processing on this ground. Employees also have the right to object where the Company are processing their personal information for direct marketing purposes.
- Request the restriction of processing of an employee’s personal information. This enables employees to ask the Company to suspend the processing of personal information about them, for example if wanting to establish its accuracy or the reason for it being processed/
- Request the transfer of an employee’s own personal information to another party.

In the event that an employee wishes to exercise any of the above, they should contact Faith Ashby or Justin Brown in writing.

For the purposes of data protection legislation in force from time to time the data controller is the Company and the data protection representative is Faith Ashby and Justin Brown.

### **Payment of Fees**

Employees will not be required to pay a fee to access their personal information (or to exercise any of the other rights).

However, the Company may charge a reasonable fee if an employee’s requests for access is clearly unfounded or



excessive. Alternatively, the Company may refuse to comply with the request in such circumstances.

### What you need to provide

Heart Teaching will request specific information from the employee to help confirm their identity and ensure their right to access the information.

### Right To Withdraw Consent

Where an employee may have provided consent to the collection, processing and transfer of their personal information for a specific purpose, they also have the right to withdraw consent for that specific processing at any time.

In the event that an employee wishes to withdraw consent, the employee should contact Faith Ashby or Justin Brown.

Once Heart Teaching receives notification that an employee has withdrawn their consent, the Company will no longer process their information for the purpose(s) originally agreed to, unless they have another legitimate basis for doing so in law.

All employees have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

### Changes To This Privacy Notice

This Privacy Policy was published in February 2022 and the Company reserve the right to change/update this privacy notice at any time, and will provide all employees with a new privacy notice should any substantial changes/updates be made.

I, **NAME** (employee of Heart Teaching Limited), confirm I have been provided with a copy of this privacy policy which I have read and understood.

Signature.....(**NAME**)

Date:.....

# 13. Data Protection Policy Statement

*This statement is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

## The Data Protection Act (DPA)

Companies processing personal data are required to abide by the eight principles of the Data Protection Act 2018 (“DPA”), which require that data is:

1. Fairly and lawfully processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive
4. Accurate
5. Not kept longer than necessary
6. Processed in accordance with the data subject’s rights
7. Kept securely
8. Not transferred to countries outside the European Economic Area without adequate protection.

Personal data means data, which relates to a living individual who can be identified from the data or from the data together with other information, which is in the possession of, or is likely to come into possession of the Company.

Data may only be processed with the consent of the person whose data is held. The definition of “processed” is obtaining, using, holding, amending, disclosing, destroying and deleting personal data. This includes both hard and soft copy data.

## Objective

The objective of this statement is to ensure that all external stakeholders and employees are aware of the Company Policies with regard to processing personal data, and that employees are fully aware of the requirements and obligations required of them and the Company by the DPA.

## Policy Statement

Heart Teaching are required to keep certain information regarding employees to enable the Company to carry out its day-to-day operations, and to comply with its legal obligations.

The Company is committed to ensuring that all personal data is processed in line with the DPA. To comply with the principles of the DPA, as outlined above, personal information will be collected and used fairly, stored safely and not disclosed to any other person or organisation unlawfully.

## Responsibilities

Heart Teaching is registered with the Information Commissioners Office and has appointed a Data Controller: Faith Ashby and Justin Brown, Directors who are responsible for ensuring the provision of suitable DPA advisory, training and awareness, DPA request handling, and compliance with the Company's obligations under the DPA. It is the responsibility of all employees to ensure they understand their obligations under the DPA, and to inform the Data Controller if they do not; and all data processed is done so in line with this statement, the GDPR Policy and the Employee Privacy Notice.

All **data subjects** have the right to access the information held about them, ensure that it is correct and fairly held, and to address with the Data Controller if they are dissatisfied. All requests to access personal data will be handled in accordance with the DPA.

"Data subjects" include all employees and any other person for whom the Company processes personal data.

The Company may not always seek the consent of data subjects when processing personal data, for example, when processing for normal business purposes or when the information is already in the public domain.

Everyone who provides personal data to the Company is responsible for ensuring adherence to the DPA, especially with regard to accuracy and, in the case of third parties providing the personal data of others, the right to disclose this personal data.

## Compliance

The Company will review this statement in line with the GDPR policy and the Employee Privacy Notice on a regular basis to ensure its relevance and effectiveness.

If an employee is found to have deliberately acted in contravention of this this state or any policy as mentioned above, they may be subject to the company's disciplinary policy, and such behaviour could lead to disciplinary action being taken.

Any queries regarding this policy should be raised in the first instance with the Data Controller: Faith Ashby or Justin Brown, Directors.

# 14. General Data Protection Policy (“GDPR”)

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

## Introduction

This Data Protection Policy sets out the Company's expectations of all employees in respect of their handling of personal data, including the personal data of other employees, workers, or contractors working with the Company.

All employees must read, understand and comply with this policy when processing personal data on the Company's behalf.

Employees compliance with this policy is mandatory and any breach of this policy may result in disciplinary action being taken which could result in dismissal.

Further information about the way in which the Company collects and uses personal data during the course of, and after, the working relationship has ended is set out in the Company Employee Privacy Notice.

All employees should familiarise themselves with this policy.

## Scope

Heart Teaching recognises that the correct and lawful treatment of personal data will maintain confidential in the Company and provide for successful business operation. Protecting the confidentiality and integrity of personal data is a critical responsibility which the Company take seriously at all times.

The Company are fully committed to complying with the General Data Protection Regulation (known as the "GDPR") which came into force on 25 May 2018.

## Personal data protection principles

Any employee processing personal data must adhere to the following principles set out in the GDPR which require personal data to be:

- processed lawfully, fairly and in a transparent manner
- collected only for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is
- processed
- accurate and kept up to date
- not kept in a form which permits identification of data subjects for longer than is necessary

- processed in a manner that ensures its security, using appropriate technical and Company measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage
- not transferred to another country without appropriate safeguards being in place
- made available to data subjects who are entitled to exercise certain rights in relation to their personal data.

Both the Company and all employees are responsible for, and must be able to demonstrate compliance with, the data protection principles listed above.

### Lawfulness, fairness, transparency and purpose



Under the GDPR, personal data must be processed lawfully, fairly and in a transparent manner and only for specified purposes. These restrictions are not intended to prevent processing, but to ensure it is done fairly and without adversely affecting the rights of the data subject.

The GDPR allows processing for specific purposes, the key ones being where:  
the processing is necessary for the performance of a contract with the data subject.

to meet the Company's legal compliance obligations; or

to pursue the Company's legitimate interests, the details of which will be set out in the applicable privacy notice and which they should refer to where relevant.

The Employee Privacy Notice sets out more detailed information on the sort of personal data which is collected by the Company, the reasons for this and the purposes for which personal data is collected and used by the Company.

### Data minimisation

Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

Employees may only process personal data when performing their job duties requires it. Employees cannot process personal data for any reason unrelated to their job duties. Where an employee's job duties require them to collect personal data, they must not collect excessive data and they must ensure that any personal data collected is adequate and relevant for the intended purposes.

All employees must ensure that when personal data is no longer needed for specified purposes, it is deleted or anonymized in accordance with the Company's data retention guidelines set out in the Employee Privacy Notice as amended from time to time. If employees have any queries in this regard, they should contact Faith Ashby or Justin Brown, Directors.

## Accuracy

Personal data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when inaccurate.

Employees must ensure that the personal data the Company holds about them is kept up to date and accurate at all times. This will include, but not be limited to, things like their home address, bank account details, emergency contact numbers, details of their next of kin, marital status, dates of marriage and spouse/partner's name and date of birth, details of any dependents, professional and/or educational qualifications and training courses.

Employees must also ensure that other personal data the Company use, and hold is accurate, complete, kept up to date and relevant to the purpose for which it has been collected. Employees must take all reasonable steps to destroy or amend inaccurate or out-of-date personal data.

Should any employee have any queries in this regard, they should contact Faith Ashby or Justin Brown, Directors.

## Storage limitation

Personal data must not be kept in an identifiable form for longer than is necessary for the purposes for which the data is processed.

Employees must therefore not keep personal data in a form which permits the identification of the data subject for longer than needed for the purposes for which the Company originally collected it, including for the purpose of satisfying any legal, accounting or reporting requirements.

Heart Teaching will maintain the retention guidelines set out in its Employee Privacy Notice to ensure personal data is deleted after a reasonable time for the purposes for which it was being held. All employees should take all reasonable steps to destroy or erase from their systems all personal data that the Company no longer require in accordance with the Company's applicable retention guidelines. This may include, where relevant, requiring third parties to delete such data. If an employee has any queries in this regard, they should contact Faith Ashby or Justin Brown, Directors.

## Security, integrity and confidentiality

### Protecting personal data

Personal data must be secured by appropriate technical and organisational measures against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

Employees may only transfer personal data to third-party service providers who agree to comply with the required policies and procedures and who agree to put adequate measures in place, as requested.

Employees must maintain data security by protecting the confidentiality, integrity and availability of the personal data, defined as follows:

- Confidentiality means that only people who have a need to know and are authorised to use the personal data can access it.
- Integrity means that personal data is accurate and suitable for the purpose for which it is processed.
- Availability means that authorised users are able to access the personal data when they need it for authorised purposes.

The following practical guidelines should be followed:

- Where personal data is stored on paper, or where personal data from an electronic source is printed, it should be kept in a secure place, such as a locked drawer or filing cabinet, where unauthorised employees cannot see or access it. Where possible, it should be appropriately marked as confidential and restricted access. Employees should make sure such data is not left on desks or printers or in other areas where it could be visible to others.
- Where personal data is stored electronically, it should be protected by strong passwords that are not shared with others and regularly changed. Personal data should only be stored on designated servers and drives and should not be stored or downloaded onto removable media such as USB sticks, portable hard drives or CD/DVDs, unless approved by a relevant line manager. Where personal data is stored on removable media, that media should be kept secure, locked away from access by others when it is not being used by the employee.
- Personal data should not be saved directly to mobile devices like smartphones or tablets. Employees should not save copies of personal data on to their own devices. All servers and Company computer equipment hosting any personal data should be protected by up to date and approved security software and firewalls.

When working with personal data, employees should ensure papers are not left unattended and that their computer screens are always locked when left unattended.

Personal data should not be shared informally. Where personal data needs to be transferred electronically, this must be done through secure means, including the encryption of data before transfer and the use of appropriately strong passwords.

### Reporting a personal data breach

The GDPR requires Heart Teaching to notify any personal data breach to the applicable regulatory body and, in certain instances, the individual who is the data subject. A personal data breach is any act or omission that compromises the security, confidentiality, integrity or availability of personal data or the physical, technical, administrative or organisational safeguards that the Company or any nominated third-party service providers put in place to protect it. The loss, or unauthorised access, disclosure or acquisition, of personal data is a personal data breach.

If an employee knows or suspect that a personal data breach has occurred, they must not attempt to investigate the matter themselves. They must immediately contact **NAME** and should preserve all evidence relating to the potential personal data breach.

### **Sharing personal data**

Heart Teaching will not share personal data with third parties unless certain safeguards and contractual arrangements have been put in place. Employees should only share personal data if this complies with the circumstances and for the reasons set out in the Employee Privacy notice and there are adequate security measures in place to protect the data while it is in transit.

### **Data Protection Impact Assessment**

A data protection impact assessment (DPIA) is a process to assist the Company to identify and minimize the data protection risks of a project.

Should a project impact personal data in any way the manager responsible must ensure that a DPIA is undertaken to assess the risk and to put in place controls and mitigations to reduce or eliminate the risk.



# 15. Disciplinary Procedure

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn at any time.*

## Introduction

Heart Teaching's aim is to ensure that there will be a fair and consistent approach to the enforcement of standards of conduct throughout the Company. This policy is designed to help and encourage all employees to achieve and maintain standards of conduct and attendance.

Heart Teaching's disciplinary procedure will only be used when necessary and as a last resort. Where possible, informal and/or formal counselling or other good management practice will be used to resolve matters prior to any disciplinary action being taken.

The procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently. **No disciplinary action will be taken until a matter has been fully investigated.** The employee will always be advised in writing of the nature of the complaint against them and the arrangements for a disciplinary hearing.

Employees will have the opportunity to state their case at every stage of a disciplinary hearing and offered the opportunity to be accompanied by a work colleague.

In poor performance cases, the Company's performance management policy and procedure will be used. However, certain performance issues may be dealt with under the disciplinary procedure

Employees can discuss any part of this policy with their Manager. The Manager can help clarify an employee's rights as well as give guidance and support where it may be needed.

Every individual has the right to be representation at any point during the disciplinary hearing.

This procedure and associated documentation apply to all employees.

## Informal resolution for minor issues

Minor conduct issues will be dealt with informally through discussions with the employees Manager. Informal discussion may be held with a view to clarify expectations. Documentation of these meetings will be taken by the Manager and held on the employee's Personnel file.

When informal discussions do not lead to a satisfactory improvement, or if the issues are more serious, the formal stages of the procedure will be implemented.

## Disciplinary investigations

Heart Teaching are committed to ensuring that all potential infringements of disciplinary rules are fully investigated. Before deciding that formal disciplinary action is appropriate, the Manager should undertake an investigation into the employee's alleged misconduct and the circumstances surrounding it.

The investigation is not part of the formal disciplinary process. Its purpose is to collate the relevant factual evidence and wherever possible come to a clear view about the facts and the circumstances to establish whether there is a case to answer.



The Company expects cooperation from the employee during the investigation process to enable an informed decision to be made in relation to the next steps. Where an employee unreasonably refuses to participate in an investigatory meeting, the Company reserves the right to decide, based upon the evidence it has available.

It may also involve a search of the employee's person and/or property. The investigation report will be made available to all the parties concerned. The identity of witnesses will be kept confidential where required.

### Outcome of Investigation

Following the investigation process the investigating manager will consider all of the evidence and decide which of the following actions are appropriate:

- take no further action against the employee
- recommend counselling and/or training or retraining for the employee
- proceed to a disciplinary hearing

### Suspension

Suspension is not disciplinary action. The purposes of suspension may vary and can be used when it is felt necessary to remove an employee from the workplace pending investigation. (E.g.: to allow time for a 'cooling down period' for their own or others protection). This also prevents an employee being influenced by others or to prevent possible interference with evidence. The employees Manager will make the final decision on whether to suspend an employee.

Any employee suspended from duty will receive written confirmation within **3 days** of:

- The reason for the suspension
- The date and time from which the suspension will operate
- The timescale of the ongoing investigation
- The right to appeal to the immediate Manager of the suspending Manager should the suspension last more than **7 days**

### Procedure for Disciplinary Warnings

There are 5 potential outcomes that can result from a formal disciplinary procedure which may be issued in conjunction with each other as appropriate: -

- Formal Verbal Warning
- Written Warning
- Final Written Warning
- Downgrading or Transfer to another Post
- Dismissal (with or without notice)

Below are listed examples (albeit not exhaustive) of misconduct which may warrant an Informal Warning or a First Written Warning:

- Persistent lateness and poor timekeeping
- Absence from work, including going absent during work without valid reason or notification or authorization
- Smoking within unauthorized areas
- Failure to work in accordance with prescribed procedures
- Incompetence
- Persistent unreasonable standards of dress or personal hygiene
- Use of mobile phones for personal reasons
- Excessive noise or talking
- Failure to observe Company regulations and procedures

### **Informal Warning**

An informal warning is appropriate when it is necessary for a Manager in charge to take action against an employee for any minor failing or minor misconduct.

### **First Written Warning**

A first written warning will be appropriate when:

- An informal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed through counselling
- An offence is of a more serious nature for which a written warning is more appropriate
- The recurrence or accumulations of an offence(s) if left, will lead to more severe disciplinary action

### **Final Written Warning**

A final written warning is appropriate when:

- An employee persists in the misconduct which previously warranted a lesser warning
- An employee's offence is of a serious nature falling just short of one justifying dismissal

### **Downgrading or Transfer to another Post**

This action is appropriate when previous attempts, via the disciplinary procedure to rectify a problem have failed and this is a final attempt to solve a specific problem without having to dismiss an employee. It may also be used in conjunction with another disciplinary action where appropriate (for example a Final Written Warning and a demotion rather than dismissal).

### **Dismissal**

A dismissal is appropriate when:

- An employee's misconduct has persisted, exhausting all other lines of disciplinary action
- An employee's behaviour is considered to be Gross Misconduct

### Disciplinary Hearing

The employee will be invited in writing to a disciplinary hearing normally with a minimum of 24 hours' advance notice. If possible and appropriate, a meeting will be arranged during the employee's working hours to minimise disruption. However, if the employee has been suspended, they are expected to make themselves available Monday – Friday, 08:00 – 18:00.

A disciplinary hearing will usually be carried out by the employee's Manager. However, the Company may allocate a manager other than the immediate Manager. This may occur in circumstances where, for example, it would not be appropriate for them to conduct the disciplinary meeting because they have previously been involved in the case, workload would not allow or where they are unavailable.

During the disciplinary hearing, the employee will be provided with the opportunity to state their case and answer the allegations against them. Employees may request the attendance of other employees at their disciplinary hearing as witnesses to support their case where appropriate or provided such in writing.

Witnesses must be the Company's employees and the agreement of the disciplining manager must be given prior to the witnesses attending in person.

If the employee intends to introduce their own evidence at the hearing, then a copy should normally be sent to the disciplining manager at least **5 working** days before the hearing.

A full written record of the disciplinary hearing will be made and, after considering all the facts and evidence of the case and the comments made by the employee, a decision will be made.

If an employee fails to attend a disciplinary meeting, the Company reserves the right to make a decision based on the evidence available in their absence, or to reconvene the hearing for another day.

### Examples of Gross Misconduct

Listed below are examples of misconduct (albeit not exhaustive) which may be considered to be Gross Misconduct and may warrant a final warning, demotion or dismissal:

- Theft or fraud
- Unauthorised possession of Company property - classed as theft
- An inability to perform job duties due to being under the influence of or misuse/consumption of drugs or alcohol
- Refusal to carry out management instruction which is within the employee's capabilities, and which would be seen to be in the interest of Heart Teaching
- Breach of confidentiality/security procedures
- Fighting or assault – breach of the peace or verbal abuse
- False declaration of qualifications or professional registration

- Wilful or reckless damage of Company property
- Falsification or attempts to falsify timesheets, expense reports or operator logs
- Incompetence or failure to apply sound professional judgement
- Involvement in bribery, giving, receiving or facilitating bribes
- Unauthorised entry to computer records and systems, or deliberate falsification of records
- A serious breach of the Company's rules on e-mail and Internet usage, health and safety policy, harassment policy or data protection policy
- A serious breach of the Heart Teaching safety rules or a single error due to negligence which causes, or could have caused, significant loss, damage or injury to the Company, its employees or customers
- Conviction of a criminal offence that makes the employee unsuitable or unable to carry out his or her duties
- Acts of bullying, harassment or discrimination
- A serious breach of trust or confidentiality

## Appeals

Every employee has the right to appeal against the outcome of a disciplinary hearing. An appeal hearing is intended to focus on specific factors that the employee feels have received insufficient consideration, such as:

- The Company procedure has not been followed correctly
- The resulting disciplinary action was an inappropriate harsh penalty
- There were extenuating circumstances
- There was definite bias of the disciplinary Manager
- The unfairness of the hearing
- The validity/reliability of the evidence considered
- New information regarding the disciplinary action has arisen

An appeal should be made in writing to the Manager stated in the outcome letter. The appeal letter should state the grounds of the appeal and should be lodged with Heart Teaching within **7 days** of receipt of the warning/dismissal letter.

An appeal will be arranged within **7 working days** (for the avoidance of doubt 'working days' means standard working days in a given week, not the employees working days) of receipt of the appeal letter.

When dealing with an appeal of a final written warning or dismissal, statements of the case may be submitted up to **2 days** prior to the date of the Appeal Hearing. No additional written evidence will be admitted by the Appeals Committee on the date of the hearing

If any witnesses are required by either party at the appeal hearing, either party should give **5 days** prior notice to the other that they intend to call specific persons involved or associated with the disciplinary under consideration

**The decision of the Director (or authorized deputy) hearing the appeal will be final.**

# 16. Grievance Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

## Introduction

Heart Teaching recognise that from time-to-time employees may have problems or concerns regarding their work, working environment or relationships with other employees that they wish to highlight either informally with their Manager or following the more formal procedures outlined in this Grievance policy.

Heart Teaching aim to deal with grievances fairly and speedily to get to the root of the concerns as quickly as possible and in accordance with the procedures outlined in this policy. Employees are encouraged to consider the informal process and/or mediation before escalating to the formal procedure.

However, the Company recognise that a formal procedure may be required to result in a successful resolution

## Informal Stage

### Direct resolution

When a workplace dispute arises, where possible, employees should attempt to deal with and resolve their grievances informally, through discussion with the individual concerned, or with their Manager, or the manager of the individual to gain support with resolving their concerns.

When a problem is raised by an employee informally, it should be responded to and dealt with by the Manager that has been made aware of the issue.

If the issues under discussion are sufficiently serious, sensitive, or contentious, the informal resolution process may be formally documented to minimise any misunderstandings or confusion.

### Issues arising from Informal Resolution



Heart Teaching has a duty of care towards all employees. In the event that either the employee who is party to the dispute is threatening or aggressive (or their conduct is otherwise unacceptable) during an informal resolution meeting, the Manager will adjourn the meeting and ask the aggrieved employee whether they wish to continue.

If both parties wish to continue, the Manager will decide whether to continue informally or to refer the matter to be dealt with more formally. Separate disciplinary action may also be taken by the Company against the employee whose conduct was unacceptable.

If any events or allegations concerning gross misconduct come to light during the informal resolution process, the process will be adjourned, and the allegation will be investigated in accordance with the Disciplinary Policy.

### **Mediation**

If a direct resolution is not appropriate and/or has been exhausted, a formal mediation route may be considered. Mediation is where an independent person attempts to mediate between the employees involved in the dispute. It is a voluntary process and can be very effective. Mediators do not make judgments or determine outcomes - they ask questions to assist the parties to understand the issues and help them to clarify the options for resolving their differences.

A meeting will be arranged with a mediator and following the meeting the mediator will confirm the outcome of the meeting in writing, as well as clarifying expectations moving forward.

The mediation meeting will result in one of the following outcomes:

- Agree to move forward
- Agree to disagree
- Do not agree at all

### **Formal Grievance Stage**

#### **Raising a Grievance**

If after an honest, open discussion the employee feels the matter cannot be resolved informally or they wish to raise the matter more formally for another reason, the employee should set out their complaint or concern fully in writing without unreasonable delay and submit it to their Manager or other designated Manager as required. In the grievance they should outline the nature of the grievance and the outcome they are looking for, ensuring it is as factual as possible.

#### **Grievance Hearing**

The Manager dealing with the grievance will usually arrange a meeting with the employee to discuss the grievance further. The employee has the right to be accompanied by a workplace colleague if they make a reasonable request. The chosen companion will need to understand that anything they see or hear during the meeting must be kept confidential.

#### **Grievance Investigation**

The Manager dealing with the grievance will consider the grievance details and will seek to collate the necessary evidence. This may involve further investigation, including interviewing other employees. If further investigation is likely to delay an outcome to the grievance being communicated to the employee, then they should be informed of the reason for, and the extent of the delay.

#### **Grievance Outcome**

After the grievance has been investigated, the relevant Manager will decide whether to uphold the grievance and whether to recommend any further action. This will be communicated to the employee who raised the grievance, in person, if possible.

Options for resolving the grievance may include (but not limited to):

- No further action being taken
- Informal action such as mediation, mentoring, training
- Changes in the working environment
- An apology from the identified employee where responsible for the particular situation can be clearly established

Details of the grievance, the grievance outcome, and any further actions to be taken will be documented and confirmed in writing to the employee who raised the grievance. A record of the outcome of the grievance meeting will be held on the employee's personnel file.

### Appeal

An employee not being content with the outcome of a grievance is not, in itself, a good reason to move to an appeal, however if an employee feels that not all information relating to the grievance has been considered, or that new information has come to light to support the original grievance, the employee has a right to appeal against any decision made.

If the employee wishes to appeal, they should do so to the Manager who notified to them of the outcome and within **5 working days** of the grievance outcome letter being issued to them.

This appeal should be made in writing and set out the reasons as to why they are challenging the decision.

Where possible, the appeal will be heard by a more senior manager than the Manager who initially dealt with the grievance. The employee will be invited in writing to attend an appeal meeting, and a further investigation may also be necessary. The Manager dealing with the appeal will decide whether to uphold or dismiss the appeal on this basis.

Details of the grievance, the grievance outcome, and any further actions to be taken will be documented and confirmed in writing to the employee who submitted the appeal.

A record of the outcome of the grievance appeal will be held on the employee's personnel file.

The outcome of the grievance appeal is final and there is no further right of appeal.

### Timescale

An outcome should usually be communicated within **28 days** of a grievance or appeal being received by the Company. Where this is not possible, the grievance or appeal process will be concluded within a reasonable timescale and the employee should be told the reasons for, and the extent of the delay.

### Collective Grievances

Where a group of employees want to raise a grievance collectively the above procedure will be followed, but it may be necessary for the group of employees to choose a spokesperson to represent the group and attend meetings and communicate with the Company on behalf of the group.



# 17. Performance Management

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn at any time.*

## Introduction

An employee will generally meet or exceed the demands of their respective role, however in circumstances where the employee performance does not meet the required standard, the Performance Management Procedure will be implemented, and the Company will ensure the employee is fully supported throughout the entire process.

Heart Teaching places great importance on maintaining levels of performance at an acceptable standard therefore the Performance Management Procedure provides a fair and objective process to ensure those standards are met.

In circumstances where an employee finds themselves in a Performance Management situation the requirement in all cases is to try to improve performance. On that basis there are a number of stages that the Manager will take them through.

The procedures set out in this document aim to ensure there is:

- A means of monitoring performance and establishing performance criteria.
- A degree of consistency in how employees are given opportunities to attain satisfactory levels of performance.
- Assistance in identifying the most appropriate support required and providing that support.

An informal route is usually the first stage of the performance management process, this is usually identified at the early stages of a decline in expected performance or for minor performance issues.

This is then followed by a more formal performance management procedure if there are little or no improvements in performance. On occasion this may be considered as first stage, depending on the severity of the performance issue.

In all formal performance processes, there may also be a requirement to follow the disciplinary process as laid out below.

## Procedure

### Stage 1 - Informal Procedure:

Minor performance issues are dealt with informally through one to ones with the employee and their Manager and where possible training will be provided as required.

Informal discussions may be held with a view to clarify the required work standards and the level of performance expected of the employee, identifying any training needs, setting targets for improvement and agreeing a time scale for review.

These discussions may or may not be documented as by their very nature they are informal discussions, however, should a Manager decide to document the informal discussion this will be held in the employees Personnel file.

At this meeting, the Manager will agree performance standards with the employee, and a time period for improvement (which is dependent on the performance issue). Anticipated improvements will need to be seen over a set period of time with regular reviews with the employees Manager, and during this timeframe improvement will be expected.

If the employee's performance improves adequately over the timeframe, then the performance monitoring will cease.

If performance remains unsatisfactory, then the formal procedure will be invoked by the Manager as set out in stage 2 below.



### Performance Review meeting

A meeting will be held as the first part of the formal Performance process and the employee will be notified in writing approximately **48 hours** prior to the meeting taking place outlining the following points;

- The believed shortfall in performance
- Any supporting documentation to be referred to
- Details of action previously taken
- Details of any support and assistance provided

The key points of this performance meeting will be to ensure that:

- The underperformance is clearly defined and the required standard that has not been met is clearly identified and understood by the employee
- The likely cause of the reduction in performance is established, including any reasons why any measures taken so far have not led to the required improvement
- The required changes in performance or behaviours are clearly defined
- The required support and development actions are established including clearly measurable targets/objectives and timescales
- Measures, such as additional training or supervision, which may improve their performance will be discussed
- Realistic targets for improvement and a reasonable time scale for review are clearly defined

The meeting will be conducted by the employees Manager, usually with someone else present. The employee may be accompanied by another work colleague if they so wish.

The aim of the procedure is to ensure that the employee is given the opportunity to successfully meet the targets set and a significant improvement in performance is identified. Where possible, the employees' Manager will have regular follow up meetings with the employee to ensure they continue to perform at the required level.

### Stage 2: Performance Warning

Under the unfortunate circumstance that the employee's performance has not improved since the performance review meeting, they will be invited to a further meeting, following the same process as above at Point 4.

The meeting will set out the areas in which they have not met the required performance standards, targets for improvement, any measures, such as additional training or supervision, which may be taken with a view to improving performance.

A timescale for review will be set and the likely consequences of failing to improve to the required standards within the review period will be identified.

The employee will be given every opportunity to respond to why they have not met the required performance standards. If at this point it is deemed suitable the employee will be issued with a performance warning and it will be recorded on their personal file, however this will be removed after **twelve months**, subject to future satisfactory performance.

The employee will then be set another review period in which to improve their performance against the required objectives. This will be monitored and at the end of the review period, they will be advised in writing of the next step. If the employee's performance is deemed satisfactory, no further action will be taken. If not deemed satisfactory, the Company may progress to a final performance warning or, if it's felt that there has been a substantial but insufficient improvement, the review period could be extended.

### Stage 3: Final performance warning

Following the performance warning, if the employee has unfortunately been unable to improve their performance in the review period then they will be invited to a **Final** performance meeting.

This meeting will set out the areas in which the employee has still not met the required performance standards, where they have not met the targets set for improvement, and where any further measures, such as additional training or supervision have been implemented with a view to improving their performance.

A further timescale for review will be set and should the employee fail to improve to the required standards within the further review period, dismissal could be a probable result.

The employee will be given every opportunity to respond as to why they have not met the required performance standards and if deemed suitable a final performance warning will be issued and it will be recorded on their personal file which will once again be removed after **twelve months**, subject to continued satisfactory performance.

The employee will be set a final review period in which they are required to improve performance against agreed objectives. The employee's performance will again be monitored and at the end of the further review period, the Company will write to the employee to advise of the next steps. If the Company is satisfied with the employees' performance, no further action will be taken. If not, the matter may be progressed to Stage 4 or, if it is felt that there has been a substantial but insufficient improvement, the review period may once again be extended.

#### **Stage 4: Possible Dismissal**

If the employee is still unable to improve performance in the final review period, this will result in them being invited to a potential dismissal meeting. The meeting will review the employee's performance throughout the performance management process, taking into account all the reasons for underperformance.

A dismissal decision will only be made after the fullest possible performance improvements have been exhausted. The employee will be immediately notified of the reasons for dismissal, the appropriate period of notice, the date on which employment ends and details of how they can appeal against the dismissal decision.

#### **Relationship with the Disciplinary Procedure**

The Disciplinary Procedure is used for situations where there is a deliberate failure, negligence or conduct concern. If at any stage an employee's Manager has reason to believe that any aspect of the employees' underperformance relates to issues of conduct the Disciplinary Procedure will be applied.

#### **Appeal**

The employee can always appeal against any decision under this Performance Review Procedure, including dismissal by contacting the person as identified to hear the appeal, which will be either another Manager within the Company or an external impartial source. The employee will need to raise their appeal within **five working days** of the decision being made. Appeals should be made in writing and the employee should clearly state the grounds for appeal.

The employee will then be invited to attend an appeal meeting chaired by either another Manager within the Company or an external impartial source. At the appeal meeting they will be given the opportunity to state their case and will have the right to be accompanied by a work colleague of their choice.

Following the meeting, they will be informed of the appeal decision, and the reasons for it will be given in writing.

**The Company's decision on an appeal will be final.**

# 18. Recruitment Policy & Principles

## Introduction

Heart Teaching recognises that it is a people business where employees are fundamental to its success.

Heart Teaching therefore needs to be able to attract and retain employees of the highest calibre and a strategic, professional, flexible and dynamic approach to recruitment is essential to do this.

The purpose of this policy and principles of recruitment is to provide a framework for the recruitment and selection of employees based upon the principles outlined, which also meet the requirements and best practices of the Company's Equal Opportunities Employment Policy, the Equality Act 2010 and all other relevant employment legislation.

Heart Teaching's Recruitment is conducted under the following core principles:

## Equal Opportunities, Diversity & Inclusion

Heart Teaching is committed to applying its equal opportunities policy at all stages of the recruitment and selection process and are committed to ensuring that the right candidates are hired based upon merit and suitability to the roles.

## Responsibility and Approval

It is a core principle of the Company that all roles should be approved prior to the hiring process commencing, such approval shall be relevant to the role involved to add value but not hinder or delay the process.

## Internal Recruitment

Existing employees are encouraged to apply for vacant posts if they have the appropriate qualifications, experience and skills. Every effort will be made to interview all suitable internal applicants.

## Preparation

Every role advertised will have an accompanying Job Description in the Company house-style and corporate branding.

## Advertising – Internal/External

All internal vacancies will be posted on the internal systems used within the Company.

All internal roles to be advertised externally and using third party job boards, including free services, should only do so with prior approval from the Company

### Use of Temporary Workers

Use of temporary employees should always be with the prior written approval of the Company.

All agency workers, including short-term requirements must be supplied by Agencies on the Company Preferred Supplier List with pre-agreed rates and transfer terms, and only with prior agreement from the appropriate Director.

Exceptions to this must also be authorised by a Director and only where the approved supplier list does not cover the requirements to use an alternative agency.

### Right to Work (RTW)

Heart Teaching is not allowed under immigration law to employ any person who is not legally entitled to work in the UK. Heart Teaching does not hold a sponsor license or foresee any roles in the Company that would allow it to hold a license.

Some team members may be required to obtain settled status as part of their acceptance of a role and this may legitimately preclude them from accepting the role.

Heart Teaching will support all applicants in this process as far as is reasonably practicable.

Recruitment of any employee by Company without a RTW check will be subject to the Disciplinary Policy.

### Reference checking

The successful applicants may be subject to the satisfactory references being obtained before the role is confirmed. This should be made clear to the applicant during the offer process.

### **Record keeping and information**

All records relating to applicants, sifting stages, interview notes etc. should be maintained and kept for a period of **12 months**.

### **Statutory Compliance and Training**

There may be a requirement to pass role-based training programmes and also regulatory medical assessments dependent on the role. Where training or medical assessment is required, job offers are subject to passing these processes successfully.

### **GDPR**

It is a Company core principle to operate within the GDPR legislation.

Records relating to recruitment will be held and destroyed in accordance with the Company Data Retention Policy and the Data Protection Act.

### **Modern Slavery Act (MSA)**

The Company recognises its responsibility under the MSA and has the appropriate policy in place. Mandatory requirement of this policy related to recruitment and ongoing employment shall be adhered to at all times.

*The policy and procedures will be reviewed by the Company as seen appropriate and updated as required.*

*The Company will always seek to recruit the best candidate for the role based on merit.*

*The recruitment and selection process shall ensure the identification of the person best suited to the position.*

# 19. Training Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

## Introduction



Heart Teaching regards employees as their greatest asset and looks to support their development wherever it can, through personal and professional development.

Heart Teaching is committed to continually improving the opportunities available to employees to enable them to reach their full potential and to ensure learning and development opportunities are provided for all employees by the Company.

Heart Teaching will ensure resources for learning and development are distributed fairly, appropriately and in a timely, cost-effective manner, whilst widening learning opportunities for employees requiring help with different skills.

Personal and professional development for all employees is a key element in meeting the future needs of the individual and the Company.

## Aims

Heart Teaching aims to provide learning and development activities that balance the requirements of:

- Mandatory training.
- Essential professional requirements.
- Continuing professional development.
- Role essential requirements
- Individual and personal aspirations for development.

This policy should also be used when conducting the following activities with employees:

- Inductions for new the employees
- Annual appraisals and performance review
- Devising Personal Development and Learning Plans
- Setting Personal Objectives
- Identifying relevant skills required to meet certain tasks
- Applying for and approving study leave
- Applying for and approving funding for external study

## Roles and Responsibilities

This policy describes the responsibilities of the employees and their managers in implementing key aspects of the training cycle and is intended to guide all employees in meeting their learning and development requirements

### Managers



Managers are responsible for ensuring that all employees have equal access to learning and development opportunities and that all new employees complete the Company's induction, ideally on their first day of employment, or at the latest within one month of commencing employment.

Once the induction is complete it should be recorded on the employee's personnel file.

Managers will be expected to hold regular discussions and reviews with their the employees on their learning and development needs.

Manager will agree with an employee their annual personal development plan and the support required to meet this plan. The employee may be required to take on additional responsibilities as a result of any further development.

### **Senior Management**

Senior Managers are responsible for promoting a culture of continuous learning. They will be expected to analyse information from audits, appraisals, complaints, accidents and incidents and use the learning from this to inform direction for learning and development.

Senior Managers will ensure all employees undertake role essential training to meet the Company strategy. They will ensure the training budget, where applicable, is set to meet the Company's training plans and are managed appropriately.

### **The Employee**

Employees are expected to cooperate fully with regard to attending all required training courses.

Heart Teaching expect that all reasonable efforts will be made to attend a course, but if this is not possible, their Manager must be notified well in advance.

Should an employee fail to attend a course without a good reason, it may be treated as a disciplinary matter and dealt with it under the Disciplinary Policy.

### **Induction & Other Training**

All employee's induction training will be recorded and will be held with the employees personnel file.

For the majority of employees on-the-job training will be provided. It is the responsibility of the employees Manager to ensure this is carried out. Training may also be given if an employee

#### **External Training**

If certain training is needed and cannot be provided in-house, the employee and their Manager will need to identify a suitable course to attend and will be expected to find the most cost-effective training available.

## Reimbursement of Costs

Training costs for professional development funded by the Company could be recovered. All training with a financial element will require the employee to sign a Training Agreement with the Company (see Schedule 1). No deductions will be made if this brings the employee's salary below the national minimum wage.

Any reimbursed will be in respect of any tuition fees, course fees, related costs, membership costs and examination costs. These costs may be reimbursable if the employee gives notice to terminate their employment, leaves in breach of their contractual obligations or are dismissed for gross misconduct. Reimbursement of fees is in accordance with the following table:

Period in which employment ends	Proportion of Training Costs repayable
Course not completed	100%
Up to 1 year	100%
Between 1 and 2 years after completion of the relevant Training	50%
Above 2 years after completion of the relevant Training	Course fee not repayable

## SCHEDULE 1

### Training Agreement

Employee Name	
Department	
Manager	
Course Requested	
Cost of Course	
Date Training Course Commences	
Date Training Course Completes	

This is to be read and agreed in conjunction with the Training Policy provided to you with this document.

We are delighted to confirm the acceptance of your training request to study your <XXXX> qualification. At Heart Teaching Limited we are committed to your development and hope you enjoy the course.

I would also like to take this opportunity to outline a few details in relation to your training agreement.

As agreed, your course start date is <DATE>. The cost of the course is <£0.00> plus VAT.

If for whatever reason you are not able to complete the course, or you are to leave the Company within two years of completing the course, the following repayment plan will apply to all Company funded courses:

Course not completed	100% course fee (paid to date)
Up to 1 year	100% course fee repayable
Between 1 year – 2 years following completion	50% course fee repayable
Over 2 years following completion	Course fee not repayable

The applicable amount will be deducted from your final salary, however if this not possible, a repayment plan will be arranged.

Please sign below to confirm your agreement to the terms of our training policy included in this schedule and return one copy to myself and retaining one copy for your own records.

If you have any queries, please do not hesitate to contact me.

I would like to wish you the best of luck with your further studying and future career at Heart Teaching.

Yours sincerely

<NAME>

<JOB TITLE>

*I confirm that I have understood the details of my training agreement and agree to the terms of repayment as detailed in the training policy and my contract of employment.*

Employee Signature:.....

Date: .....

## 20. Anti-Bribery Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

### The Bribery Act 2010

The Bribery Act 2010 came into force on the 1 July 2011 and includes offences of: offering or receiving bribes, bribery of foreign public officials and failure to prevent a bribe being paid on an organisation's behalf. The Act specifically contains a 'new' offence under Section 7, which can be committed by commercial organisations which fail to prevent persons associated with them from bribing another person on their behalf. However, an organisation shall have a full defense if it can prove that, despite a particular case of bribery, it nevertheless had adequate procedures in place to prevent persons associated with it from bribing. The Act contains two general offences covering the offering, promising or giving of a bribe (active bribery), and the requesting, agreeing to receive or acceptance of a bribe (passive bribery).

### Policy Objective

The objective of this policy document is to clearly set out the scope of behaviour that Heart Teaching finds acceptable and lawful, and to provide a framework to enable its employees to understand and implement such behaviour to enable compliance in relation to the Bribery Act 2010.

In combination with related key documents this policy will also enable employees to identify and report back to the Company on behaviour which represents a potential breach.

### Policy Statement

Bribery is a criminal offence. Heart Teaching will not accept or pay a bribe, facilitation payment, kickback, or other improper payment or inducement to any person or company for any purpose, nor will Heart Teaching accept such improper payments or inducements from any client, supplier, or sub-contractor.

Heart Teaching will always ensure that they operate with appropriate transparency in all its business dealings.

Heart Teaching expect its employees, workers, suppliers, and sub-contractors to demonstrate honesty, integrity, and fairness in all aspects of their business dealings, and exercise appropriate standards of professionalism and ethical conduct in all their activities.

Heart Teaching will not penalise any employee and no employee should be concerned about damaging their career prospects with the company due to:

- The loss of any business due directly to the refusal by that employee to give a bribe; or
- An employee raising a concern regarding another employee, or third party relating to the giving or receiving of a bribe.

## Definition of Improper Performance

The expression “improper performance” or to “act improperly” is used a number of times within this policy document. In all cases where either of these terms are used, they shall mean performance which amounts to a breach of an expectation that a person will act in good faith, impartially or in accordance with a position of trust.

## Policy Responsibilities

Overall responsibility for setting the parameters of this policy and ensuring its implementation sits with Justin Brown.

Responsibility for updating the policy in line with current statutory obligations and requirements and industry best practice sits with Justin Brown.

Responsibility for ensuring this policy and any future updates to it are read by all current and future employees sits with Justin Brown.

All employees must read and understand their responsibilities under this policy. If an employee is not entirely clear about their responsibilities under this policy, they should contact Justin Brown to request further clarification or training as necessary.

All employees have a responsibility to act in accordance with this policy and to report any suspected act, or potential act of bribery as soon as they become aware of it.

All employees have a responsibility when buying services or products or referring business to any supplier of Heart Teaching to follow all relevant company guidelines, whether verbal or written, and including the parameters set out in this policy, without regard for any gift, hospitality or entertainment which may have been provided to the employee or any other employee or relevant third party by any supplier.

## Main Bribery Risks

### REFERRAL FEES



Referral fees paid to recruitment firms by umbrella/payment solution companies for the referral of contractors’ business are not uncommon in the staffing industry. Neither the Act nor any previous legislation implies that referral fees are illegal however, employees must consider whether the intention of a referral fee is to induce improper performance by the employee.

Before agreeing to accept or accepting any arrangement on behalf of the company for the payment of a referral fee the employee must ensure the following:

- All such referral fee arrangements are transparent to all parties. Specifically, any contractor referred under such an arrangement must be made aware that a referral fee will be paid.
- Referral fee payments must never be agreed as a personal arrangement between the employee and a representative of the umbrella/payment company.
- By accepting a referral fee, the employee has not agreed in return to undertake an improper act or influence any business decision.
- Employees must not accept cash or cash equivalent vouchers as referral fees.
- Employees must not accept a referral fee in the form of any gift, corporate hospitality or entertainment.
- Referral fees for the referral of contractors to umbrella/payment solution companies must not exceed [£50 per referral.
- No referral fee agreement must be entered into without the written permission of Faith Ashby.
- All referral fee agreements must be put in writing (email is acceptable) and copied to, or if appropriate, signed by Faith Ashby.
- All referral fee payments must be made into the company's bank account and clearly marked as a referral fee, showing the name(s) of the contractors which were referred.

Heart Teaching will ensure that all referral fees paid to them are clearly accounted for as such.

If the employee is offered a referral fee, or fee agreement, which does not comply with all the above criteria, the employee must refuse the offer of a referral fee. In such circumstances the employee must immediately make Faith Ashby aware of such refusal and the reasons for it.

Employees may accept gifts or offers of corporate hospitality or entertainment from umbrella/payment solution companies only if they conform to company policy as set out in the following sections.

### **PROMOTIONAL GIFTS**

Heart Teaching will not provide gifts to any client, contractor, supplier or other third party with the intention of persuading the recipient to act improperly or where that intention might be perceived by the recipient.

This policy does not prohibit employees from accepting promotional gifts of low value (i.e. pens, & calendars), whether given to them personally or received through the post, unless the employee regards the gift (including the accumulation of a series of low value gifts), as an inducement or reward for improper performance. Employees must obtain authorisation from their line manager before giving any such gift to any recipient.

Where promotional gifts of a higher value, or other gifts, are received either personally or through the post, the employee must immediately make their Justin Brown aware that they have received the gift. The directors may discuss the circumstances with the employee and will make a determination as to whether the gift could be considered as an inducement or reward for improper performance and will decide whether or not the gift should be accepted or returned.

Heart Teaching may from time to time provide employees with promotional gifts of low value £30 for distribution to clients, contractors, or other relevant third parties, in line with accepted industry marketing

practices. Employees may not provide any client, contractor, supplier or other third party with any gift with a value greater than £30 without the express permission of [line manager/team manager/director].

**Employees may not give or receive gifts in the form of cash or cash equivalent vouchers.**

### Corporate Hospitality & Entertainment

Heart Teaching will not provide corporate hospitality or entertainment to any client, contractor, supplier or other third party with the intention of persuading the recipient to act improperly.

Corporate hospitality and entertainment may include drinks, meals, invitations to events, functions or other social gatherings in connection with matters relating to Company business. Such hospitality or entertainment may be acceptable as long as it is reasonable, and proportionate, and has a legitimate business aim.

Employees may provide corporate hospitality or entertainment to their clients, contractors or other relevant third parties where:

- The employee requests from their line manager to provide entertainment, and the line manager gives approval for the expenditure, which will be decided on a case-by-case basis dependent upon the circumstances. The employee's request will include at least: details of the recipient; when the recipient was last met or entertained by the company; and the intended venue and budget for the entertainment.
- The sole purpose for such entertainment is to build the professional relationship between the employee/Company and the recipient/the business they represent.
- The entertainment is not likely, when acting reasonably, to be perceived by the employee, the recipient, or any third as influencing a business decision or inducing improper performance.
- The entertainment is offered only to bona fide representatives of the receiving organisation, and does not include invitations to persons connected to the recipient who are not directly involved in the recipient's business (i.e. members of the recipient's family unconnected with their business);
- The invitation is made openly with no attempt of concealment from other members of the recipient's organisation; or
- The timing of the invitation or entertainment is not linked to any particular decision or major sales opportunity of the recipient. For example, hospitality should not be arranged to deliberately take place just before a major project is awarded or just before a client performance review.

Employees should ask themselves *"Does this feel right or am I expecting some business-related reward or advantage to come out of this entertainment?"*

All corporate hospitality or entertainment must be agreed in advance, in writing by a line manager. Such entertainment shall only be provided where a line manager feels that it is in line with industry standards and it meets the criteria laid out in points 2 to 6, above.

The following are examples of hospitality or entertainment which are unacceptable for an employee to give or receive:

- Any entertainment which is given as a direct exchange for something in return.



- Any entertainment of a sexual or other inappropriate nature.
- Any entertainment given where the Company employee is aware, whether they have been made aware by the recipient or not, that such entertainment is in contravention of any corporate policy of the recipient organization.

Where an employee is offered hospitality or entertainment by a supplier or other third party, they must:

- Gain consent to attend such entertainment by a manager.
- Provide the line manager with an honest and transparent description of the entertainment and the circumstances under which it is being offered; and
- Ensure that it complies in principle with the criteria laid out in points 2 to 6 above.

**No employee shall offer any gift, corporate hospitality or entertainment to any public official in the UK or abroad.**

### Charitable Donations

Heart Teaching is committed to a social policy, which includes at times donating money to charity, or providing services free of charge or at a greatly reduced price.

Before any employee makes any such donation to a charitable organization it must first:

- Check that the charity is registered under English law.
- Be clear as to the purpose of the donation.
- Declare any connection between the proposed charity and any client, contractor, supplier or other relevant third party of the Company or employee.
- Get written approval from a director; and
- Ensure that all monies are donated directly to the organization, and not to a particular individual or individuals.

Where there is a connection to a client, contractor, supplier or other third party, which might influence the Company's business or business decisions or might lead to, or be perceived, as leading to improper performance, Heart Teaching will take the decision to defer such donation until such time as it will not have such an effect.

### Facilitation Payments

Facilitation payments are usually defined as small bribes paid to facilitate routine Government action. Although this is not a practice usual within the company's industry sector, employees should be aware that in certain countries, such payments to government officials are customary business practice in order to facilitate a routine action or process. **Employees need to be clear however, that facilitation payments are illegal within the UK.** The Act makes no distinction between facilitation payments and bribes, regardless of the local business customs or culture.

However, in the unlikely event that an employee is forced to make a facilitation payment, either under duress or when faced with potential personal harm, such a payment may be made, with the caveat that their senior management/director must be made aware as soon as possible after the event of the payment and the circumstances surrounding it.

## **RAISING A CONCERN**

All employees have a responsibility to help detect, report and prevent instances of suspected bribery. To facilitate this Heart Teaching have put in place a safe, reliable and confidential method to allow employees to confidently report any suspicious activity, which they feel may be in breach of this policy. Heart Teaching want all employees to be aware that they can raise their concerns without fear of reprisal.

If an employee has any suspicions, they can raise these in one of the following ways

- An employee may speak to their line manager; or
- If for any reason the employee does not feel able to raise their concerns with their [line manager/team manager] they should speak directly to Justin Brown/Faith Ashby

Where Heart Teaching receive a complaint involving suspected bribery, they will act quickly to investigate this in line with the framework and responsibilities of its existing complaints procedure or such investigation will be undertaken by an appropriately senior/qualified member of staff.

Should an employee have any questions regarding this policy they should address these to a director at Heart Teaching.

## **Compliance**

Heart Teaching will review this policy on a regular basis to ensure its relevance and effectiveness.

If an employee is found to have acted improperly or behaved in a manner which is in contravention of this policy, s/he will be subject to the company's disciplinary policy, and such behaviour could lead to disciplinary action.

Any queries regarding this policy should be raised in the first instance with a director at Heart Teaching.

# 21. Environmental Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

Heart Teaching recognizes that its activities impact upon the environment through its routine internal operations, its infrastructure and through its influence and effects on the wider community. It acknowledges a responsibility for and a commitment to, protection of the environment at all levels. Heart Teaching will comply fully with environmental legislation and is in addition committed to continued efforts to:

- Promote environmental management policies and practices at every level throughout the organisation.
- Increase awareness of environmental responsibilities among staff and Members.
- Minimise waste and pollution and develop and operate environmentally sound waste management procedures.
- Continue to encourage and facilitate modes of transport by staff and Members which minimise environmental impact.
- Reduce water and energy consumption.
- Promote a purchasing policy which will give preference, as far as practicable, to those products and services which cause the least harm to the environment.
- Avoid wherever practical the use of environmentally damaging substances, materials and processes; and
- Encourage Member organisations to adopt environmentally sensitive policies with regard to all aspects of their businesses.



# 22. Substance Abuse Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

## Objectives

Heart Teaching wish to ensure an employee's welfare and to safeguard Heart Teaching's efficiency and reputation. The Company consider alcoholism and drug dependency as illnesses which, except where absolutely necessary, should be treated medically rather than within the disciplinary procedures.

This policy applies to all employees, and temporary staff at Heart Teaching

The definition of 'substance' includes the following:

- Alcohol.
- Illicit, prescription or over-the-counter drugs;
- Any other substance which may impair an employee's performance or conduct at work.

The policy aims to encourage those employees with an alcohol or drugs problem to seek appropriate help as early as possible.

## Alcohol and Drugs

The policy aims to:

- Ensure that employees are aware of the risks associated with the abuse of alcohol and drugs.
- Help managers to identify a drinking or drugs problem at an early stage.
- Ensure that other employees are not put at risk or adversely affected by an employee's alcohol consumption or drug use.
- Ensure that Heart Teaching's efficiency and reputation is not undermined by an employee's alcohol or drug-influenced behaviour.

If an employee drinks off-duty, it should be to an extent that it does not impair work performance or conduct. Any member of staff whose work performance or conduct is adversely affected by alcohol consumption or drugs may be subject to action under the Company disciplinary procedures.

## Helping Employees

Heart Teaching encourage all employees to seek help if they have an alcohol or drugs-related problem. There are often signs that might suggest that someone has a problem. These include a decline in work performance; a poor attendance record; unreliability; unexplained injuries; and changes in behaviour such as irritability and lack of concentration. Should any employee feel they have a problem they will always be encouraged to seek help.

### Disciplinary Action

Although Heart Teaching's intention is to help employees with substance abuse problems, they will take disciplinary action, including dismissal, for the following serious offences:

- Possessing, using or selling illicit drugs on Heart Teaching's premises and also at any other event when representing Heart Teaching.
- Working under the influence of alcohol such as to impair performance or conduct; drinking alcohol on Heart Teaching premises other than when authorised by management;
- Being under the influence of alcohol, drugs or other prescribed substances which impair performance or conduct whilst at work (including attending any event at Heart Teaching's premises or elsewhere).

## 23. Whistleblowing Policy

*This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawn*

### Policy Statement

Heart Teaching encourages a free and open culture in dealings between its managers, employees and all people with whom it engages in business and legal relations. In particular, this company recognises that effective and honest communication is essential if concerns about breaches or failures are to be effectively dealt with and the company's success ensured.

This policy is designed to provide guidance to all those who work with or within the company who may from time to time feel that they need to raise certain issues relating to the company with someone in confidence.

Workers who in the public interest raise genuine concerns under this policy will not under any circumstances be subjected to any form of detriment or disadvantage as a result of having raised their concerns.

### Background

The Public Interest Disclosure Act 1998 recognised that workers have the right to "blow the whistle" and disclose certain information, e.g., fraudulent activities, malpractice and/or concerns about health and safety.

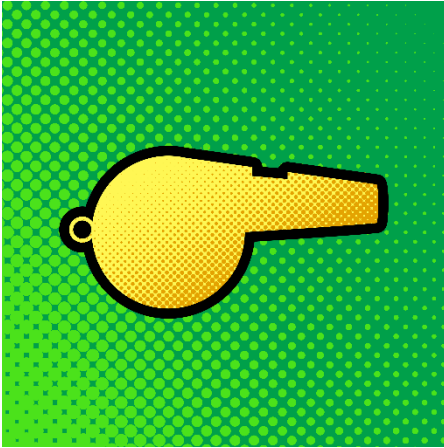
The Act introduced specific rights for those who disclose information to a third party about an alleged wrong doing in **defined** circumstances. There is no general right for all so-called whistle-blowers to receive special protection. To qualify, the following issues must be met:

- The Disclosure in question must relate to one of the specified categories contained within the Act; and
- The Disclosure must be made in one of the ways specified.

### Procedure

This policy will apply in cases where workers genuinely believe that one of the following sets of circumstances is occurring, has occurred or may occur within the company and that it is in the public interest for the employee to disclose it. The matters that may be disclosed in this way are that:

- A criminal offence has been committed, is being committed or is likely to be committed; or
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which s/he is subject; or
- A miscarriage of justice has occurred, is occurring or is likely to occur; or
- The health or safety of an individual has been, or is being or is likely to be endangered; or
- The environment has been, is being or is likely to be damaged, or
- Information tending to show any massive failing within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.



Heart Teaching aim to encourage anyone with a genuine concern to raise it by providing the facility to make the complaint to someone who has no direct involvement with the issue. The issue should be reported to a director or another responsible person in a senior position. If there is not a sufficiently senior person to deal with the complaint within the organisation, external routes should be considered, as set out by the Act. The matter will be dealt with objectively and in a confidential manner. If an employee has a concern, they should not wait until they have proof or investigate the matter themselves; a reasonable suspicion will suffice, i.e. where the employee reasonably believes that the information disclosed is substantially true.

However, there are two important exceptions where the Disclosure will not qualify for protection, and they are:

- If the person making the Disclosure commits an offence by making it, or
- It is a matter in which a legal, professional privilege would apply, namely, correspondence between the employer and their lawyers regarding a specific case.

Heart Teaching will not take action against anyone who raises a complaint under these policies in good faith because they did so, however, employees who make false allegations maliciously may be subject to the appropriate disciplinary action. This Whistle Blowing Policy does not cover private grievances, including complaints about individual employment matters. A 'whistleblower' is a witness, not a complainant.