



Fairfield School

Misuse of Electronic Communications by Staff Policy 2016

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Misuse of Electronic Communications by Staff

First and foremost the school Online Safety Policy is designed to protect school staff from harassment, real or alleged misuse and any consequential disciplinary action arising from the use of electronic communication equipment in school. It is also intended to ensure that school equipment is used responsibly and safely at all times.

Failure to follow any aspect of the Online Safety Policy (either deliberately or accidentally) could lead to disciplinary action against you in accordance with the school's Disciplinary Policy which may result in dismissal.

The following guidance is taken from the Kirklees Electronic Communications Policy 2012 provided by Kirklees HR.

Appendix I gives an explanation of the classifications used when investigating electronic communications misuse and is used as a guide. There may be material that does not readily fit into these categories.

Appendix II details the factors that are considered before deciding the appropriate sanction in cases of electronic communications misuse.

Appendix III defines the terms illegal and inappropriate

Appendix 1 Classification of Electronic Communications Misuse

Rating	MEANING	SANCTION
Gross Misconduct	<p>Offensive material of the following nature:</p> <ul style="list-style-type: none"> • Sexually explicit or suggestive, usually in picture format • Racist • Homophobic • Ridiculing religion, disability, sexual orientation or politics • Ridiculing/demeaning individuals • Inciting cruelty or illegal activity 	Dismissal
Serious Misconduct/ Misconduct	<p>Offensive material of the following nature:</p> <ul style="list-style-type: none"> • Sexually orientated • Bad and offensive language • Politically aggravating • Ageism • Showing violence or nudity 	Final written warning/written warning
Misconduct (Mild and non-offensive)	<p>Material of the following nature:</p> <ul style="list-style-type: none"> • Jokes/short stories with minor references to material of a sexist nature or in bad taste • Jokes/stories etc. of a non-offensive nature (that is, not gross, serious or mild) • Light hearted material • Cute animal pictures 	Referred to line manager/headteacher Written warning/verbal warning/informal process

Appendix II

Factors to take into consideration before deciding the appropriate sanction in cases of email and internet abuse

If the allegations are proven, then consideration should be given to whether they are gross misconduct or other misconduct. Gross misconduct can be defined as misconduct for which dismissal would be appropriate without previous warnings. If the misconduct is not gross, then dismissal would not normally be appropriate without previous warnings.

Before reaching a decision on the appropriate sanction, the following factors should also be taken into account:

1. Seniority

Has the manager failed to set an example to the team? Has the manager challenged inappropriate behaviour amongst the team being managed?

2. Realisation of Misconduct

Has the employee understood the implications of the breach of discipline?

3. Behaviour Change

Is the employee likely to repeat the misconduct, or is a desired change in behaviour likely?

4. Coercion

Did the employee feel pressure to join in these activities, either through their peers or, more worryingly, their manager?

5. Instigator

Is the employee at the heart of the email abuse, encouraging and/or promoting the distribution of material?

6. Recipients

7. Policies breached

8. Environment

Have the images been viewed in an area where pupils, service users or members of the public might be able to see it?

9. External Contact

Has material been exchanged with those outside the organisation which would increase the risk of reputation of the school being damaged?

Appendix III: Illegal or inappropriate activity

An **illegal** activity might be classed as a **criminal offence**, which would involve the police or a **civil offence** such as breaking copyright, which would not involve the police.

An Inappropriate activity must be considered in respect of professionalism and the member of staff being a role model to young people, bearing in mind that *“actions outside of the workplace that could be so serious as to fundamentally breach the trust and confidence placed in the employee”* (SPS 2004) may constitute gross misconduct.

An **inappropriate** activity might be ‘inappropriate and illegal’ or ‘inappropriate but legal’.

Inappropriate and illegal

Investigation may lead to criminal investigation, prosecution, dismissal and barring from the teaching profession even if there is no criminal prosecution.

Inappropriate but legal

This can still lead to disciplinary action, dismissal and barring from the profession.

Inappropriate activities include:

- Posting offensive or insulting comments about the school, pupils or colleagues on a social networking site e.g. on Facebook.
- Accessing adult pornography on school computers
- Accessing adult pornography on a personal laptop which is then brought into school
- Making personal contact with pupils by email or through social networking sites.
- Trading in sexual aids, fetish equipment or adult pornography.

Illegal & criminal activity (which would involve the police) could include any of the following:

- Actual harm caused by violence, abuse or harassment or evidence this has occurred or is being incited or planned, including grooming
- Theft or damage to property, including property kept online
- Serious fraud and identity theft, including serious breaches of copyright
- Distribution or possession of obscene, or hateful materials

Indecent images - Possessing or distributing indecent images of a person under 18

N. B. viewing such images online may well constitute possession even if they are not saved. What is regarded as indecent would ultimately be down to a jury to decide. The police have a grading system for different types of indecent image. Remember that children may be harmed or coerced into posing for such images and are therefore victims of child sexual abuse.

An illegal activity which is a civil offence

In this situation the police would not prosecute, however it could still be considered a serious disciplinary offence, which may result in action being taken against the person concerned.

- Data protection or privacy breaches
- Professional or personal misconduct or negligence
- Libel, slander, defamation
- Viewing inappropriate content