

Ethics & Conduct Policy

1. ADVICE

- 1.1 Although Academy students aged 18 and above and staff are regarded as capable of making mature personal decisions, members of staff are advised in the strongest possible terms not to enter into a sexual relationship with a student for whom they are educationally or pastorally responsible.
- 1.2 In such circumstances, consent may not be as freely given as it appears; similarly, equality within a relationship where one party has educational or administrative responsibility over another is frequently more apparent than real.
- 1.3 Since the 1st May 2004, the Sexual Offences Act has made it an offence for a person aged 18 and over in a position of trust to have a sexual relationship with a child under 18. This applies whether the relationship is consensual or not, and applies even if the person does not directly teach the child.
- 1.4 Although the Academy is primarily concerned with students aged 18 and over, the professional standards of conduct at work required by the Academy are of the very highest calibre. Therefore, all Academy students are entitled to concentrate fully on their musical education without distraction, unwanted attention, or coercion.
- 1.5 Any proven misconduct relating to a breach of the Sexual Offences Act may lead to the implementation of disciplinary proceedings, up to and including dismissal of service.

2. SEXUAL HARASSMENT

- 2.1 Sexual harassment includes sexual advances that are unwanted and repeated, even where they are exclusively verbal and not coercive. Sexual harassment may also include written harassment via notes, letters, texts or e-mail.
- 2.2 Any suggestion that academic or employment rewards or reprisals will follow a sexual encounter constitutes misconduct and will not be tolerated.
- 2.3 The Academy takes all reports of harassment seriously, and a single incident could be grounds for dismissal. For further information, see the Academy's Anti-Harassment Policy (section 4 of the Policies and Procedures Manual).

3. RATIONALE

- 3.1 This policy applies to all staff of the Academy. It is intended to provide guidance in areas where personal relationships overlap with working relationships.
- 3.2 Its *raison d'être* is to ensure that individual members of staff do not breach the Sexual Offences Act, commit an act of impropriety, cause a conflict of interests, abuse the authority invested in them, or show bias.
- 3.3 Additionally, this policy endeavours to ensure that members of staff do not lay themselves open to allegations that they have done any of the above, and to ensure any concerns are identified and reported at the earliest opportunity.

4. PERSONAL RELATIONSHIPS

- 4.1 The Academy values and relies upon the professional integrity of relationships that exist and grow between members of staff and between staff and students.
- 4.2 In order that Academy business is conducted (and is perceived to be conducted) in a professional and proper manner, it is necessary to distinguish between, and take account of, personal relationships that overlap with professional ones.
- 4.3 In the context of this policy, a personal relationship is defined as a family relationship, a sexual relationship, or a financial relationship (such as where one party is directly responsible for the payment of the other party for services rendered outside the Academy).

5. PROFESSIONAL RELATIONSHIPS

- 5.1 The Academy believes that a professionally motivated positive relationship between a student and a member of staff is vital to a student's educational development; moreover, a learning/teaching relationship is especially based on trust, confidence, and dependency.
- 5.2 In this context, a professional relationship is defined as one where a member of staff is responsible for any aspect of assessment, supervision, tutoring, teaching, counselling, pastoral care, or the provision of administrative or technical support.

6. REPORTING MECHANISM

- 6.1 All students are entitled to equality of treatment. It is imperative that a personal relationship between a member of staff and a student does not, and is not perceived by others to prejudice that equality of treatment.
- 6.2 The Academy recognises that family, financial, personal and sexual relationships may already exist when a member of staff is appointed or when a student enrolls, or that such a relationship may develop between a member of staff and a student during a programme of study, however discouraged this may be.
- 6.3 In all circumstances where personal and professional relationships overlap, either between a staff member and a student, or between two staff members, these must be declared to the Deputy Principal without exception. Failure to do so by an Academy employee could result in disciplinary proceedings being instigated, up to and including dismissal from service.
- 6.4 Under no circumstance shall a member of staff be permitted to teach, assess or hold educational influence over a student with whom a personal or sexual relationship has been declared.
- 6.5 Where a member of staff is required to form a professional relationship with a student where a personal relationship already exists, it is the responsibility of both parties separately to inform the Deputy Principal in order that alternative teaching, tutorial, assessment, managerial or administrative arrangements may be enacted.
- 6.6 Before this point is reached, students may wish to discuss the matter with their tutor, and staff may wish to discuss this with the Director of Human Resources, who will be prepared to offer advice and support freely and confidentially.

7. CONFLICTS OF INTEREST

- 7.1 Although the existence of a personal relationship between members of staff does not in itself constitute a bar to the employment or promotion of either party, staff must declare to the Deputy Principal any personal relationships between student and staff which may give rise to a real (or perceived) conflict of interest, betrayal of trust, or breach of confidentiality.
- 7.2 Where a personal relationship exists (or develops) between members of staff who are in a line-management or supervisory relationship at work, such a member of staff must not be involved in recruitment,

selection, appraisal, promotion, or in any other management activity or process involving the other party.

- 7.3 Additionally, members of staff engaged in a personal relationship should not work together in any circumstance whereby a conflict of interest, breach of confidentiality, or unfair advantage, whether actual or perceived, arises from the overlap of a personal and professional relationship.
- 7.4 In these circumstances the relationship must be declared, in confidence, to the relevant line manager or Head of Department. The line manager should make alternative line-management arrangements and should confirm those arrangements in writing to the individuals concerned.
- 7.5 If it is considered unavoidable to inform other members of staff of the existence and nature of the relationship in order to explain any change in management arrangements, this should be discussed with the individual member of staff concerned before it is disclosed.

8. FURTHER INFORMATION AND SUPPORT

- 8.1 Members of staff who are uncertain about whether they should take action regarding a personal relationship are invited to seek guidance, in confidence, from the Director of Human Resources.
- 8.2 A case whereby a personal relationship as defined within this policy is not declared and results in an unfair advantage or disadvantage to either party to the relationship (whether they are a staff member or a student), or which causes concern for the personal or educational welfare of the student will be considered a serious matter and could lead to disciplinary action, ultimately up to and including dismissal of service for staff.
- 8.3 Staff and students may discuss concerns relating to conduct, in confidence, with the Academy Counsellor.
- 8.4 Staff in the Academy's museum are also subject to the Code of Ethics for Museums, which is available online at <http://www.museumsassociation.org/download?id=15717>
- 8.5 The Safeguarding Policy contains detailed information regarding the protection of children, young persons and vulnerable adults under the age of 18, which is available on AIR.