

Restless Development

Global Code of Conduct

December 2013

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1 Code of Conduct

All Staff Member and Volunteers;

1. Must be accessible, professional, punctual and reliable to volunteers, other staff and young people during working hours.
2. Shall be neat and presentable at all times.
3. Will uphold the reputation and integrity of Restless Development and the Restless Development programme at all times.
4. Will act and make decisions without prejudice or discrimination, particularly in relation to age, gender, race, nationality, sexual orientation, HIV status or political affiliation.
5. Will work hard and exercise good judgement so we encourage civic participation for young people; help young people take up productive livelihoods and employment; and promote safe sexual and reproductive practices among young people.
6. Use our values of our hearts; voice, head and hands to create a high performing and safe workplace so we can help young people in our communities.

All Staff and Volunteers agree to:

1. Complete weekly/monthly/quarterly planning schedules and submit them to their manager on time.
2. Complete and submit leave application forms to their manager for consideration at least 5 working days before they wish to commence leave.
3. Keep their manager informed regarding any unscheduled absence or about any other unforeseen circumstances.
4. Submit all Monitoring and Evaluation documents and Reports on time.
5. Keep accurate accounts of all Restless Development monies entrusted to them, and submit accounts, together with receipts, to the financial controller on a regular basis.
6. Follow our driving guidelines and safe practices when using Restless Development vehicles.
7. Inform their Manager when using a Restless Development vehicle.
8. Identify and pay for personal calls made from Restless Development telephones and cell phones.
9. Maintain staff and volunteer confidentiality at all times.
10. Fulfil all their contractual obligations.
11. Endeavour to contribute to the overall environmental goals as outlined in the Global Strategy document.

All staff are required to sign up to the Code of Conduct upon appointment and annually thereafter. When the Code of Conduct is not upheld, disciplinary action will be taken per the disciplinary process.

I agree to abide by the Code, practice our Values always and do my best to serve Young People with the rest of the Restless Development Team. I understand that failure to do so may lead to a disciplinary review by Restless Development per the Disciplinary Procedures.

| | |
|------------------|--|
| Name | |
| Date | |
| Signature | |

2 Managing Employee Relations

The Restless Development management culture is one of engagement. Managers and staff engage to ensure we serve young people in the communities where we work. Everything we do is geared to serving young people.

When issues arise with staff and volunteers we want to address them and do what is best for the young people in our programmes. To achieve this goal as managers, we need to act in good faith and have due process as the foundation of our interactions with staff and volunteers.

The steps in due process are reasonably simple and they are;

1. Tell the employee what the issue is
2. Offer them representation
3. Give them a chance to respond
4. Make a fair and impartial determination

There is another step between steps 3 and 4 which is a very useful tool when matters arise and that is reflection. When you hear what the employee or volunteer has to say, take time to reflect and understand the circumstances and make a determination that is best for the young people in our communities.

2.1 Using this Guide

This guide will provide some direction to you in managing employee relations. However, each case should be judged on its own merits. This is just a guide. However, if we provide staff and volunteers with due process and act in good faith and make good business decisions we should be able to create a high performing environment.

2.2 How to Manage ER Issues

So we're going to use due process and natural justice to guide us through any employee relations matters that arise. We'll judge each case on its own merits. There are some things to consider so that each employee relations case is managed consistently and the outcome of each case is the correct one for the organisation and for the young people we serve.

2.2.1 Gather the Facts

You have many sources to consider for information and for the answers to an employee relations issue. Look at the job description for the employee. Read the appropriate section of the People and Performance Policies and Guidelines. Look up the Code of Conduct. This employee relations guide may help you. Any performance reviews and appraisals. Any notes or emails that may be available if the issue has arisen before.

While we have access to many sources for information, the critical source in many cases is the employee. Ask them what they think and get their input.

2.2.2 Focus on the Issue

Employee relations issues can be personal. Very personal. But you'll reach a better outcome for all parties if we focus on the issues and avoid making matters personal.

2.2.3 Meet Staff

We tend to have an individual style when speaking with people and gathering information. The interview/meeting will probably flow better if we have drafted a list of questions beforehand. While it's important in some instances to provide context, the aim in most situations is to do more listening than talking in these meetings. We should give people enough time to answer and park our enthusiasm to move quickly through questions. Stay focused on the issue and avoid getting side-tracked.

If the employee has representation, engage with the representative.

2.2.4 Record Notes

It's good practice to document any meetings and have good notes. Some would say that if it isn't written down it didn't happen.

When taking notes, we should record facts. Avoid making judgements and getting personal and focus on what was actually said and document the facts. We should also remember that any notes are open to discovery and we shouldn't record something that may damage the organisation later. A good rule of thumb is that anything we write down we should be re-read through the eyes of an independent third party and the employee(s).

2.2.5 Consultation

You can speak with a member of the People team or a senior member of staff and get their views. It can help just to discuss a case and in many instances the correct answer will present itself. Of course, this is more likely to happen when we've given due process, gathered the facts, reflected on the circumstances and made a fair and impartial determination.

Getting another view is vital and a requirement. When laying out the facts of the case, we should do so with no bias.

2.2.6 Reflection

While we are pressed for time in many work situations, taking time to reflect on employee relations cases is good practice. Many cases can be stressful and we may want to get to an outcome as quickly as possible. There is merit in expediency, but taking time to reflect can also help us reach the best decision.

2.2.7 Be Responsive

While we advocate reflection and being deliberate, it's important also to make sure that matters are addressed. If an employee isn't performing, they should be told. Don't procrastinate in raising the matter. We will follow due process when the matter is raised and be deliberate; but if there is an issue then let the employee know. It might be difficult to raise an issue with an employee, but it can cause greater stress over time to not address poor performance or conduct.

2.2.8 Confidentiality and Discretion

Be discrete when investigating work issues. All parties deserve it. Restless Development expects it.

2.2.9 Due Process

Managing employee relations issues when they arise can be particularly challenging. It will be easier and we'll get good results for all parties if we apply due process. If we create a due process culture, we'll have a really good workplace along with it.

3 Definition of Offences

Note these lists are a guide and not exhaustive. This should be made clear to all staff.

3.1 Poor Time Keeping / Absenteeism

Lateness for Duty / Work

An employee is late for duty / work if s/he is not at her/his place of work at the time stipulated, including after a laid down break.

Clock Watching

It is a misconduct for an employee to abandon work before time, even if s/he has no other work to do, unless s/he has obtained permission from her/his immediate supervisor, including before a laid down break.

Absence from Specific Place of Duty

An employee is absent from her/his specific place of duty if s/he wanders off without permission or reasonable excuse when s/he should be present at her/his place of duty.

Absent Without Leave

An employee is Absent Without Leave if s/he takes time off without leave or if s/he takes time off without being granted leave of absence or overstays the leave.

3.2 Poor Substandard Performance

Incompetence

An employee is incompetent if because of lack of skill s/he consistently turns out unsatisfactory work.

Inefficiency

An employee is inefficient if s/he is unable to do her/his work with the level of skill and speed which would be reasonably expected of an employee qualified for the job.

Habitual Tardiness

An employee commits a misconduct if by slow acting s/he can endanger other workers or property at the workplace.

Concealing One's Defective Work

An employee commits an act of misconduct if s/he covers up or conceals work not properly done and not up to standard.

Neglect of Duty

An employee neglects her/his duty if s/he does not perform her/his job at all, or half performs it, or abandons it, or does not care whether her/his job is done or not and/or engages her/himself in other unauthorised activities during working time.

Negligence

An employee is negligent if s/he does not take reasonable care in the performance of her/his job to avoid acts or omissions which s/he can reasonably foresee would be likely to cause loss or danger or injury.

Laziness

An employee shows laziness or s/he dislikes or avoids work.

Deliberately Working Slowly

An employee is deliberately working slowly if, without reasonable explanation, s/he deliberately reduces her/his normal speed of working below that of an average employee doing the same work and in the same manner so that s/he thereby reduces her/his output, or takes a longer period than normal to complete her/his work.

Loss of Property

An employee loses property if any property belonging to the employer which is entrusted into her/his care or custody or is made available for her/his use in the performance of her/his work is lost through her/his negligence.

Sleeping on Duty: Habitual Dozing on Duty

An employee has a duty to be awake throughout the period of her/his duty and therefore neglects that duty if s/he falls asleep or habitually dozes on duty.

3.3 Indiscipline / Disorderly Behaviour**Refusing to Work/Perform a Contractual Duty**

It is a misconduct for an employee to refuse to work/perform any of those duties which s/he is bound to perform which is part of or incidental to the job s/he is employed to do.

Insubordination

An employee is insubordinate if by word or conduct s/he openly defies the authority of any supervisor or manager.

Disobedience of Orders

An employee disobeys an order if s/he shows a clear intention that s/he will not carry out the order or does in effect not carry out the order. The orders may be in the form of safety rules, organisation's regulations, standing orders, circulars or instructions whether written or oral if brought to the notice of the employee by a person in authority and that must be obeyed unless they are unlawful.

Discreditable Conduct

It is discreditable conduct for an employee to be rude and un-obliging towards members of the public who have dealings with the employer.

Inappropriate Sexual Relations

A sexual relationship refers to both relationships involving penetrative sex and relationships involving non-penetrative sex. Inappropriate Sexual Relationships are sexual relationships between Restless Development staff and either school students or Restless Development volunteers. Other sexual relationships will be considered inappropriate if they bring the name of the organisation into disrepute or tarnish the culture of Restless Development staff as Role Models.

Inappropriate Appearance and Dress

Inappropriate Appearance includes persistent personal uncleanliness. Inappropriate dress is any clothing of a revealing nature, which may cause offence to members of the general public and tarnish the culture of Restless Development Staff as Role Models.

Drunk on Duty

An employee is drunk on duty if it is clear or obvious from the smell of her/his breath and lack of physical coordination or behaviour the s/he is under the influence of intoxicating drink or drugs rendering one incapable of performing her/his duties.

Drinking on Duty

An employee is drinking on duty if while on duty s/he is drinking any intoxicating drink. This excludes courtesy drinks whilst on employer premises.

Loitering

An employee is loitering if s/he is lingering or hanging about from place to place doing nothing when s/he should be working or socialising at length with another employee or member of the public.

Horseplay

An employee commits misconduct if s/he makes rough noisy behaviour that may affect other employees.

Improperly Calling a Meeting

It is a misconduct to call a meeting during working hours without following agreed procedures.

Carrying Unauthorised Passengers

It is a misconduct to carry non-employees or unauthorised passengers in an employer's vehicle or pirating (use of employer's vehicle as a taxi by carrying unauthorised passengers for reward whether in cash or in kind).

Instigating or Taking Part in Unlawful Job Action

It is misconduct for an employee to instigate or take part in a strike, boycott, sit in, work-in, or go-slow in order to force management to comply with a demand whether related or unrelated to conditions of employment without following correct procedures for settling disputes.

Doing Private Business or Work during Working Hours

An employee is bound to devote her/his time to the work s/he is employed to do during working hours. It is therefore misconduct if s/he devotes that time to do her/his own private business or work whether or not it is for gain, including reading of any newspaper, magazine, book or any other literature not related to official duty.

Breach of Confidence

It is a breach of confidence for an employee to make disclosure on confidential matters or secrets to unauthorised persons.

Inciting Disaffection

An employee incites disaffection if by any conduct s/he urges or instigates or stirs up hatred or ill-feeling or discontent among other employees against or towards the employer or other person.

Disrespectful Conduct

An employee is disrespectful if by words or conduct s/he degrades any person.

Use of Abusive or Insulting Language

An employee uses threatening, abusive or insulting language if s/he uses language terms which ridicules or shows contempt for another and is likely to provoke physical violence. The use of threatening, abusive or insulting language or behaviour with intent to provoke a breach of the peace or which does so is a criminal offence. It is also a civil offence.

Malingering

An employee is lingering if s/he obtains leave by any false pretence or obtains or endeavours to obtain a medical certificate by false pretences in order to obtain such leave.

Conflict of Interest

An employee has a conflict of interest if s/he is engaged in any activity outside her/his employment which prejudices the business of the employer or if such activity is inconsistent or incompatible with the proper performance of her/his work or her/his position in the undertaking.

Malicious Conduct

It is a malicious conduct for an employee to make or publish any statement orally or in writing, whether signed or unsigned, which s/he is unable to verify by proof or evidence and is calculated to bring the employer or other people into hatred, dishonour, disgrace or to give the impression that some wrongful conduct or breach of law has been committed.

Damaging Property

An employee damages property if without necessity or justification s/he wilfully causes damage to any property or destroys it or throws it away if useful or is recklessly injured or does not care whether any such property would be damaged or destroyed.

Misuse of Organisational Property

It is a misconduct to use organisational property for unauthorised purposes or to remove the same from organisational premises to use for private purposes without authorisation.

Illegal Trading on Work Premises

An employee commits an offence by selling or canvassing on organisational premises.

Withholding Information

An employee withholds information if deliberately and without justification s/he does not give information within her/his knowledge that s/he is required to give in connection with the business of the employer or her/his employment.

Unfair Labour Practice

As stipulated in the Labour Laws – includes victimisation, discrimination, nepotism/favouritism in employment or promotion

3.4 Subversive and Defamatory Acts

Making Threats

An employee makes threats if intending to cause fear and alarm by an act or omission and whether by words or conduct leads another to apprehend fear to her/his person or family or property whether immediately or in the future. Making threats is a criminal offence.

Intimidation

An employee intimidates another if by threats s/he prevents or obstructs another from performing her/his duties or uses unlawful norms to compel another to act or to refrain from acting against her/his will.

Assault

This is where an employee by acts, gestures or words causes another reasonable fear of the infliction of physical violence to her/his person or actually unlawfully strikes, touches or in some other manner directly or indirectly applies force to her/his person. Assault is a crime. It is also a civil offence for which the injured party can institute proceedings in a Civil Court in order to obtain compensation or redress for the injuries suffered.

Fighting

This is an exchange of blows between two or more employees usually following a challenge by one to the other. If an injury is inflicted the matter should be reported to the police.

Falsifying and Altering Records

An employee falsifies and alters a record if s/he makes any record or document which intentionally makes false statements. This is a crime and it amounts to fraud.

Attempting to Commit Any Offence

An employee attempts to commit an offence if for any reason s/he does not succeed in committing the offence in question but has carried out an act or acts which are evidence of her/his intent and directed towards putting that intention into effect.

Fraud

It is fraud to unlawfully make, with intention to defraud, a misrepresentation whether written, oral or by conduct which causes actual prejudice or which is potentially prejudicial to another. Fraud is a crime as well as a civil offence.

Stealing/Theft

An employee commits the offence and crime of theft if s/he dishonestly or unlawfully takes or appropriates property belonging to the employer or another employee or a member of the public from the organisation's premises; this also includes conducting business with the intention to deprive the owner permanently of that property and keeping the thing taken or disposing of it to a third party.

Embezzlement

An employee embezzles the organisation's property if s/he converts to her/his own use property which has been received by her/him on behalf of the employer.

Forgery and 'Uttering'

It is forgery and uttering to falsify any signature document or written information and to communicate the same to another with the intent of causing actual prejudice or which is potentially prejudicial to the employer.

Sabotage

It amounts to sabotage if an employee deliberately inflicts harm or damage to any machinery, materials or other goods equipment with the intention of disrupting production or spoiling products or causing loss to the employer.

Corruption

It amounts to corruption for an employee unlawfully and intentionally to agree to take any bribe or any other consideration in return for doing or refraining from doing anything for anyone in relation to her/his duties.

Extortion

It amounts to extortion for an employee to demand money, a favour, property, services or any other advantage for the purpose of intentionally and unlawfully subjecting pressure to a member of the public dealing with the organisation whether by threat or not performing her/his employment duty to such a person or by abuse of her/his discretion or otherwise.

Falsification of Qualifications Certificates

An employee is guilty of an offence if s/he falsifies qualifying certificates.

Driving Without a Licence or Authority

An employee drives without a licence or authority if without being the holder of a valid driving licence s/he drives on any road, including the employer's premises, any motor vehicle belonging to the employer, or other person, and does so in the course of her/his employment.

Breaching of Organisation's Security Regulations

It is a breach of the Organisation's Security Regulations when permitting unauthorised and unlawful entry of any person(s) or article(s) onto the organisation's premises, and failure to observe security regulations.

Possession of Dangerous Weapons

An employee is guilty of an offence if found in the possession of dangerous weapons such as firearms on duty unless with special permission from the authorities.

Taking Drugs on Duty

An employee takes drugs on duty if while on duty s/he takes any form of drug prohibited by law which has the effect of inducing drowsiness, sleep or senselessness or otherwise impairs her/his normal faculties.

Possession of Drugs

An employee is said to be in possession of drugs if while at the workplace s/he has in her/his possession or control any drug that is prohibited by law.

Engaging in Money Lending on Organisation's Premises at Usurious Charges and Gambling

It is misconduct for an employee to engage in money lending at usurious rates and gambling on the Employer's premises.

Sexual Harassment

This is unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of men and women at work. This includes:

- Unwelcome physical,
- Verbal or nonverbal conduct;
- Conduct of sexual nature and sex-based conduct i.e. conduct that denigrates or ridicules or intimidates or is physically abusive of an employee because of her/his sex, such as derogatory abuse and insults which are gender-related and offensive comments.

Criminal Conviction

An employee is guilty of misconduct if s/he is convicted of any criminal case and sentenced to imprisonment with or without the option of a fine or non-payment of any fine.

Aiding Misconduct

An employee is guilty of misconduct if s/he enables, assists, encourages or permits any person to commit any misconduct in this Code or refuses to give any information within her/his knowledge concerning the misconduct or deliberately closes her/his eyes to the obvious.

3.5 Safety and Health Regulations**Disobeying Safety, Health Rules and Regulations**

It is misconduct for an employee to disobey or disregard safety rules and health regulations at work.

Failure to Wear Protective Clothing or Equipment

An employee commits an act of misconduct if s/he does not wear protective clothing or equipment when it is provided.

Smoking in Prohibited Places

An employee commits an offence by intentionally smoking in prohibited places on employer's property.

Tampering with Safety Equipment

An employee commits an offence if s/he meddles with, handles improperly or makes unauthorised changes or alterations to safety equipment.

3.6 General

Conduct to the Prejudice of the Organisation

It is misconduct for an employee to conduct herself/himself in such a manner as may be generally prejudicial to the organisation, its property, undertaking, activities, labour relations and public image without lawful excuse or reasonable cause.

4 Action Code

The following are **guidelines** only. Due process is applied in every situation. Each case should be judged on its own merits. The determination in each case is made fairly and impartially. No dismissals are made without approval from a Director.

| Key | VW | Verbal Warning | WW | Written Warning | FWW | Final Written Warning | D | Dismissal | | |
|--|---------|----------------|----|-----------------|-----|-----------------------|-----------------|-----------------|-----------------|-----------------|
| | Offence | | | | | | Breach | | | |
| | | | | | | | 1 st | 2 nd | 3 rd | 4 th |
| Poor Time Keeping and Absenteeism | | | | | | | | | | |
| | | | | | | | VW | WW | FWW | D |
| Absence without Leave | | | | | | | | | | |
| | | | | | | | VW | WW | FWW | D |
| | | | | | | | WW | FWW | D | |
| | | | | | | | FWW | D | | |
| | | | | | | | D | | | |
| Poor / Sub-Standard Performance | | | | | | | | | | |
| | | | | | | | VW | WW | FWW | D |
| | | | | | | | VW | WW | FWW | D |
| | | | | | | | WW | FWW | D | |
| | | | | | | | WW | FWW | D | |
| | | | | | | | FWW | D | | |
| | | | | | | | WW | FWW | D | |
| | | | | | | | FWW | D | | |
| | | | | | | | W | FW | D | |
| | | | | | | | W | FW | D | |
| | | | | | | | W | FW | D | |
| | | | | | | | FW | D | | |
| | | | | | | | FW | D | | |
| Indiscipline/Disorderly Behaviour | | | | | | | | | | |
| | | | | | | | WW | FWD | D | |
| | | | | | | | WW | FWD | D | |
| | | | | | | | FWD | D | | |
| | | | | | | | D | | | |
| | | | | | | | D | | | |
| | | | | | | | FWW | D | | |
| | | | | | | | VW | WW | FWW | D |
| | | | | | | | VW | WW | FWW | D |
| | | | | | | | VW | WW | FWW | D |
| | | | | | | | FWW | D | | |
| | | | | | | | FWW | D | | |
| | | | | | | | D | | | |
| | | | | | | | VW | WW | FWW | D |
| | | | | | | | D | | | |
| | | | | | | | WW | FWW | D | |
| | | | | | | | WW | FWW | D | |
| | | | | | | | FWW | D | | |

| Key | VW | Verbal Warning | WW | Written Warning | FWW | Final Written Warning | Breach | | | | |
|---|----|----------------|----|-----------------|-----|-----------------------|--------------|-----------|-----------------|-----------------|-----------------|
| | | | | | | | D | Dismissal | 1 st | 2 nd | 3 rd |
| Offence | | | | | | | | | | | |
| Subversive and Defamatory Acts | | | | | | | | | | | |
| Wilful and unlawful destruction or damage of the employer's property | | | | | | | D | | | | |
| Misuse or abuse of employer's property | | | | | | | FWW | D | | | |
| Withholding information | | | | | | | WW | FWW | D | | |
| Illegal trading on work premises | | | | | | | D | | | | |
| Unfair Labour practice | | | | | | | FWW | D | | | |
| Criminal Acts | | | | | | | | | | | |
| Attempting or threatening to inflict bodily harm to another person | | | | | | | WW | FWW | D | | |
| Fraud / Theft / Embezzlement or Forgery | | | | | | | D | | | | |
| Fighting / Assault | | | | | | | D | | | | |
| Attempted Theft / Fraud | | | | | | | FWW | D | | | |
| Sabotage / Corruption / Extortion | | | | | | | D | | | | |
| Falsifying qualifications | | | | | | | D | | | | |
| Driving without a licence or authority | | | | | | | FWW | D | | | |
| Breach of organisational security regulations | | | | | | | FWW | D | | | |
| Possession of weapons or drugs and taking illegal drugs on duty | | | | | | | D | | | | |
| Money lending on organisation's premises at usurious charges and gambling | | | | | | | FWW | D | | | |
| Sexual harassment | | | | | | | WW | FWW | D | | |
| Criminal conviction | | | | | | | Case by case | | | | |
| Aiding Misconduct | | | | | | | | | | | |
| Minor misconduct | | | | | | | WW | FWW | D | | |
| Serious misconduct | | | | | | | FWW | D | | | |
| Gross misconduct | | | | | | | D | | | | |
| Safety and Health Regulations | | | | | | | | | | | |
| Disobeying health and safety rules and regulations | | | | | | | WW | FWW | D | | |
| Failure to wear protective clothing | | | | | | | WW | FWW | D | | |
| Smoking in prohibited areas | | | | | | | WW | FWW | D | | |
| Tampering with safety equipment | | | | | | | WW | FWW | D | | |
| General | | | | | | | | | | | |
| Conduct to the prejudice of the organisation | | | | | | | FWW | D | | | |

This schedule is not exhaustive and serves as a guideline of offences and the penalties that may be imposed.

Additional Notes;

- There should be no discrepancy between national and international policies as to the consequence of sexual misconduct between a staff member and a Volunteer peer Educator (VPE). All Policies – including the international policies – should state that any staff member found to be having any sort of sexual or romantic relationship with a VPE will be summarily dismissed.
- In any such consenting sexual relationship the VPE will also be asked to leave the programme.
- In addition due to the unequal power relationship between staff and VPEs any such case will be investigated carefully and sensitively to ensure no unwanted advances or sexual abuse of any kind has taken place.