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## **Policy governing the use of telephones, email and the Internet by staff**

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### **1. Introduction**

ELHAP – A Special Needs Adventure Playground (henceforth referred to as 'ELHAP') is committed to developing appropriate technology to ensure the efficient and cost effective provision of services. To this end employees are encouraged to develop IT skills including using the email system as a communication tool and accessing the Internet.

The provisions of this Policy apply to all members of staff, whether or not they have access to, or sole use of, a telephone or email/the Internet on a personal computer. These facilities are provided for ELHAP business and it is recognised that ELHAP should provide guidance to employees about the appropriate use of telephones and email/internet access in order to safeguard the interests of both members of staff and ELHAP. Although access to such facilities does not form part of the benefits package of a member of staff, it is recognised that there are occasions when employees might legitimately make private use of the ELHAP telephones to send or receive calls, use a computer to send and receive personal email and use their Internet access for private use. This Policy is intended to make clear what constitutes legitimate use in order that employees can use these facilities to their full potential on ELHAP business and so that there is clarity about what does and does not constitute unacceptable use. The Policy is not intended to place employees under unjustifiable scrutiny, but to give them a high measure of security and confidence about their use of email, telephones and the Internet.

It should be noted that this Policy governs the use of telephones and email/internet access provided on personal computers or in computer clusters, to employees in order to allow them to undertake their ELHAP employment. The fact that personal use of these facilities is in certain circumstances legitimate does not mean that such use is a formal benefit, nor does it give employees a right to such access. A number of jobs in ELHAP do not require access to these facilities and hence they are not provided.

The sections of the Policy regarding misconduct and misuse should be read in conjunction with the ELHAP staff disciplinary procedure. This Policy has also been designed to safeguard the legal rights of members of staff under the terms of the Data Protection Act, Freedom of Information Act and the Human Rights Act.

## **2. Use of telephones**

It is recognised that there will be occasions when employees need to make short, personal telephone calls on ELHAP telephones in order to deal with occasional and urgent domestic crises. (It should be emphasised that calls to mobile telephone numbers are particularly expensive and that these should be kept to an absolute minimum). Other personal calls should be made using personal mobile telephones. Non-urgent calls must be made during scheduled breaks or outside of the normal working day when they do not interfere with work requirements. The use of mobile telephones when working directly with ELHAP service users is inappropriate. It is recognised that there will be occasions when employees need to make short, personal telephone calls on personal mobile telephones in order to deal with occasional and urgent domestic crises. In such circumstances, staff must ensure that their duties and responsibilities are appropriately passed to another staff member prior to using their personal mobile telephone. Personal mobile telephones should never be used in proximity of ELHAP service users.

The use of ELHAP telephones and personal mobile telephones, whilst working at ELHAP, for either private or ELHAP purposes, which are in any way excessive (i.e. outside of the limits defined above), defamatory, threatening, obscene or otherwise inappropriate, will be treated as misconduct under the appropriate disciplinary procedure. In serious cases this could be regarded as gross misconduct and will lead to dismissal.

Where ELHAP has grounds to suspect possible misuse of its telephones, it reserves the right to monitor the destination and length of out-going calls and the source and length of in-coming calls. This would not normally involve the surveillance of calls but in certain rare circumstances, where there are reasonable grounds to suspect serious misconduct, ELHAP reserves the right to record calls on ELHAP telephones (see also section 8 below).

## **3. Allocation of electronic mail (email) addresses**

Full-time staff will be given an email address and should regularly check their post. Email addresses with internet access are given to those who need to use these facilities as a normal part of their work.

All email users will be issued with a unique password which may be changed at regular intervals and is confidential to the user. Accessing the email system using another

employee's password without prior authorisation is a breach of policy and is likely to result in disciplinary action.

A legal disclaimer must be added to all emails originating from ELHAP email addresses to confirm that all emails are confidential and for use by the addressee.

#### **4. Email - The legal position**

Staff should be aware that electronic text (email) has the same status in law as the printed word. This means that email communications can be potentially actionable in law in exactly the same way as the printed word for breaches of the relevant legislation such as the Data Protection Act or the laws surrounding libel or defamation.

Staff must, therefore, be aware that they have a personal responsibility and hence are potentially personally liable for the legality, accuracy and confidentiality of statements made in email communications. This applies irrespective of whether those communications are circulated purely internally within the organisation or externally via the internet. ELHAP is also responsible for the actions of its staff.

Where defamatory statements or other comments which are actionable in law are made, or where there is breach of confidentiality, then disciplinary action may be taken.

#### **5. Use of email**

As with telephones it is recognised that employees can use email for personal means in certain circumstances. Email should be treated like any other form of written communication and, as such, what is normally regarded as unacceptable in a letter or memorandum is equally unacceptable in an email communication. It is legitimate for employees to make use of email outside of the normal working day for personal reasons to send messages that are in no sense obscene, threatening or defamatory or otherwise inappropriate.

Employees should be careful that before they open any attachment to a personal email they receive, they are confident that the content is in no sense obscene or defamatory. Equally, if an employee receives an obscene or defamatory email, whether unwittingly or otherwise and from whatever source, s/he should not intentionally forward the email to any other address. The matter should be immediately reported to their line manager.

The use of email for either personal or ELHAP purposes to send or forward messages or attachments which are in any way defamatory, threatening, obscene or otherwise inappropriate will be treated as misconduct under the appropriate disciplinary procedure. In serious cases this could be regarded as gross misconduct and will lead to dismissal.

Where ELHAP has reasonable grounds to suspect misuse of email in either scale of use, content or nature of messages, it reserves the right to monitor the destination, source and content of email to and from a particular address (see also section 8 below).

ELHAP also reserves the right to access an employee's email account in her/his unexpected or prolonged absence (e.g. due to sickness) in order to allow it to continue to undertake the employee's normal role. In normal circumstances, where it is possible to contact the employee concerned, this will be with her/his prior knowledge.

## **6. Use of the internet**

The primary reason for the provision of internet access is for the easy retrieval of information for research purposes in order to enhance the ability of its staff to undertake their ELHAP role. However, as with email it is legitimate for employees to make use of the Internet in its various forms outside of normal working hours for personal purposes as long as it is not used to view or distribute improper material such as text, messages or images which are derogatory, defamatory or obscene. It is recognised that there can be occasions where it is sensible for the employee to make occasional use of the Internet for personal reasons such as a private transaction, rather than having to spend considerably more time out of the office. Examples of this might include a bank transaction or the booking of a holiday.

Unauthorised use of the Internet will be treated as misconduct under the appropriate disciplinary procedure. In serious cases it could be treated as gross misconduct and could lead to dismissal.

ELHAP reserves the right to monitor the use of the Internet from particular personal computers or accounts where it suspects misuse of the facility (see section 8 below).

## **7. Service Users internet access and use of email**

- i. Service Users may have access to internet resources through specified workstations available at ELHAP.
- ii. Service Users may have e-mail access only under direct staff supervision, using the ELHAP e-mail account. All e-mails to and from Service Users are to be screened by staff.
- iii. Service Users are to be supervised at ALL times when accessing the internet.

### Unacceptable Uses

The following uses are considered unacceptable:

#### *a) Personal safety*

Service Users will not post personal contact information about themselves or other people. Personal contact information includes address, telephone, etc.

#### *b) Illegal activities*

Service Users will not attempt to gain unauthorised access to any other computer system through or go beyond the ELHAP authorised access account. This includes attempting to

log in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of "browsing".

*c) System security*

Service Users are not to download programs or files without seeking permission from the ELHAP Deputy Manager or Manager first.

*d) Inappropriate language*

Restrictions against Inappropriate Language apply to public messages, private messages, and material posted on Web pages.

- i. Service Users will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.
- ii. Service Users will not post information that could cause damage or a danger of disruption.
- iii. Service Users will not engage in personal attacks, including prejudicial or discriminatory attacks.
- iv. Service Users will not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a Service User is told by a person to stop sending them messages, you must stop.

*e) Plagiarism and copyright infringement*

Staff must be aware of copyright laws with regards to information on the World Wide Web. Staff must enforce these laws with regard to student material taken from the web.

## **8. Recording of telephone calls and monitoring of use of telephone, email and the Internet**

It is ELHAP's policy that no member of staff is permitted as a matter of routine to monitor a fellow employee's use of ELHAP's telephone or email service, or of the internet via the ELHAP networks. (The only exception is where the ELHAP Board of Trustees, or their duly authorised Officers, are authorised to receive print-outs of telephone call details from particular extensions for billing purposes). However, as has been stated, where there are reasonable grounds to suspect an instance of misuse or abuse of any of these services, the ELHAP Board of Trustees may grant permission for the recording of an employee's telephone calls and for the monitoring of use of telephones, email or the Internet. Once approved, the monitoring process will be undertaken by designated staff in ELHAP, for operational purposes, under the direction of the ELHAP Board of Trustees. These staff are required to observe the strictest confidentiality when undertaking these activities and they will record or monitor only to the extent necessary to establish the facts of the case. They will make their reports directly to the ELHAP Board of Trustees or their delegated representative, who will determine the actions that may need to be taken in any particular case.

Staff who suspect misuse should in the first instance advise, in confidence, their line manager.

**Implemented by the ELHAP Centre Manager  
July 2005**