



Code of Conduct Model HR Policy and Procedure  
for Maintained Schools

Produced by Together for Children and adopted by  
the Link School

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| <b>Date:</b>                                       | September 2021  |
| <b>Date approved by Management Committee:</b>      | 7.12.21   |
| <b>Signature of Chair of Management Committee:</b> |  |
| <b>To be reviewed:</b>                             | Annually  |

## Summary of Changes

|   |                |
|---|----------------|
| Review – No significant changes         | September 2020 |
| Review – Changes detailed at Appendix 1 | September 2021 |

## Policy Outline

### Reviewing the Policy

TfC HR Advice Team will keep the operation of this policy under review and will make such changes to the policy as deemed appropriate following consultation with the trade unions, where appropriate.

### Personalising the Policy

The TfC HR Advice Team has developed a number of model policies for schools and academies to consider and adopt as their own. There are no particular sections within this policy which require either amendment and/or deletion to ensure the policy is accurate in setting out your operational requirements. However, we advise that you consider the full contents of this document before a decision is made to formally adopt it.

Consultation with recognised trade unions has been undertaken prior to the issuing of this model policy. Should you wish to make amendments to the contents of this policy (save for those as set-out above in 'Personalising the Policy') then you may need to enter in further consultation with recognised trade unions. Please seek advice from your allocated HR Adviser.

In addition, the term 'school' referred to in this policy means: all schools whether maintained, non-maintained or independent schools (including academies, free schools and alternative provision academies), maintained nursery schools and pupil referral units. This term could be amended throughout the policy where deemed appropriate by the setting.

### Summary of Changes

A summary of changes is set-out in [Appendix 1](#).

### Contacts for help and assistance

Please contact your allocated HR Adviser within the TfC HR Advice Team for help and assistance in applying the content of this policy. Alternatively, you can email the TfC HR Advice Team at;

Email [HRAdvice@togetherforchildren.org.uk](mailto:HRAdvice@togetherforchildren.org.uk)

Employees can request a copy of any additional policies referred to within this Policy from their line manager or school office.

### Equality Impact Assessment

As with all policies that affect service users, the wider community or employees, schools should undertake an analysis of the potential equality impacts and record that assessment.

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# 1 General principles

- 1.1 School employees are in a unique position of influence and trust and must adhere to behaviour that models the highest possible standards for all the pupils/students within the school. As a member of a school community, each employee has an individual responsibility to maintain their reputation and the reputation of the school, whether inside or outside working hours.
- 1.2 In performing their duties, employees are required to act with integrity, honesty, impartiality and objectivity. The School's standards of behaviour are set out in this 'Code of Conduct' and is aimed to help staff to understand what behaviour is and is not acceptable. This Code of Conduct applies to:
- all staff who are employed by the school, including the Headteacher;
  - all staff in units or bases that are attached to the school.
- 1.3 This code should be seen as complementary to any specific school procedures or standards of conduct, for example the staff handbook. Similarly, professional employees such as teachers are also bound by standards of professional conduct and those set out within the Teachers Standards' 2012.
- 1.4 This document should be read alongside **Guidance for safer working practice for those working with children and young people in education settings September 2019 (Covid-19 Addendum April 2020)** (Safer Recruitment consortium adapted and updated from original DfE document), in conjunction with the most recent version of Keeping Children Safe in Education.
- 1.5 Whilst it is hoped that this is never the case, all employees should be aware that a failure to comply with the Code of Conduct could result in disciplinary action, including the possibility of dismissal.
- 1.6 Employees can request a copy of any additional policies referred to within the Code of Conduct from their line manager or school office.
- 1.7 **Data Protection** – The organisation processes personal data collected in line with the expectations of employees as set out within the Code of Conduct in accordance with its Data Protection Policy. Data is held securely and accessed by, and disclosed to, individuals only for the purposes outlined with the Code. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

- 1.8 **Covid-19 (Coronavirus)** - All staff have a responsibility to be aware of systems within school which support safeguarding and any temporary amendment to these should be explained to them by senior managers. This includes the school's child protection policy, staff behaviour policy/Code of Conduct and online safety / acceptable use policy.

It is accepted that professional judgements may need to be made in situations not covered by existing guidance; in such circumstances, staff will always advise their senior colleagues of the justification for any such action already taken or proposed.

- 1.9 **Consistency of Treatment and Fairness**  
The Governing board is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including where the duty to make reasonable adjustments applies. The Governing board is aware of the guidance on the Equality Act issued by the Department for Education.

## 2 General Responsibilities at Work

- 2.1 All employees are expected to work within the scope of their contract of employment, carrying out the reasonable instructions of their supervisors, managers, Headteachers; and to work to the requirements of their job description.
- 2.2 All employees are expected to treat other colleagues, pupils and external contacts, such as parents, with dignity and respect.
- 2.3 Staff should be aware that their behaviour, either in or out of the workplace, could compromise their position within the work setting in relation to the protection of children, loss of trust and confidence, or bringing the employer into disrepute.
- 2.4 Employees should not seek to deceive the school by withholding information, giving false information, or destroying, damaging or altering any records or documents without proper authorisation;
- 2.5 Employees should not misrepresent the school in their dealings with others or make any statement on behalf of the school which they are not authorised to do (for example, giving a reference for a colleague on behalf of the school, making statements to the press or other media).
- 2.6 Staff are required to comply with the school's equality policies in respect of colleagues, students and other contacts such as parents. Unacceptable behaviour such as discrimination, bullying, harassment or intimidation will not be tolerated. This includes physical and verbal abuse and use of inappropriate language or unprofessional behaviour with colleagues, students and parents

### **3 Setting an example**

- 3.1 All staff who work in schools set examples of behaviour and conduct which can be copied by pupils/students. Staff must therefore avoid using inappropriate or offensive language at all times.
- 3.2 All staff must, therefore, demonstrate the highest standards of conduct in order to encourage our pupils/students to do the same.
- 3.3 Good levels of attendance & punctuality are essential. All staff must be punctual for all timetabled activities, including: lessons, meetings, assemblies and extra-curricular events.
- 3.4 All staff must also avoid putting themselves at risk of allegations of abusive or unprofessional conduct.

### **4 Hours of Work and Attendance**

- 4.1 Employees are required to work the hours stated in their contract of employment, or as required in the School Teachers' Pay and Conditions Document in respect of directed time. Employees should be at work at the proper start time (unless there is prior agreement to arrive late); agree in advance with their manager any planned absences (for example, a medical appointment); agree with your manager any annual leave, special leave or other leave of absence before they take any time off or book any holidays (except in cases of bereavement leave or emergency leave).
- 4.2 All employees are required to follow the school's absence reporting procedure if they are absent due to sickness.

### **5 Honesty and Integrity**

- 5.1 Staff must maintain the highest standards of honesty and integrity in their work. This includes the handling and claiming of money and the use of school property and facilities.
- 5.2 In all cases, it is not enough to avoid actual dishonesty. Employees should at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 5.3 All staff must comply with the Bribery Act 2010. A person may be guilty of an offence of bribery under this act if they offer, promise or give financial advantage or other advantage to someone; or if they request, agree or accept, or receive a bribe from another person. If you believe that a person has

failed to comply with the Bribery Act, you should refer to the Whistleblowing procedure for schools.

- 5.4 Gifts from suppliers or associates of the school must be declared to the Headteacher, or to the Chair of Governors if the Headteacher is the recipient, with the exception of “one off” token gifts from students or parents. Personal gifts from individual members of staff to students are inappropriate and could be misinterpreted.

## 6 Harassment at Work

- 6.1 All employees should work in an environment where everyone is treated with dignity and respect. The school will not tolerate any employee being subjected to bullying or harassment and any complaints of perceived bullying and harassment will be considered seriously and investigated accordingly.

- 6.2 Examples of actions that may constitute bullying or harassment include, but are not limited to:

- Exclusion or victimisation;
- Insulting/offensive comments or language;
- Inappropriate physical contact;
- Inappropriate sexual advances;
- Ridiculing or demeaning an individual;
- Abuse or misuse of power which undermines or humiliates an individual;
- Abuse of authority and use of threats to coerce others by fear;
- Withholding information, removing areas of responsibility without discussion or impeding work performance;
- Preventing progression by denying opportunities for promotion and training.

- 6.3 **Sexual harassment** is unwanted conduct of a sexual nature. It has the purpose or effect of violating the dignity of a person, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Something can still be considered sexual harassment even if the alleged harasser didn't mean for it to be. It also doesn't have to be intentionally directed at a specific person.

- 6.4 Sexual harassment can happen to anyone in any number of ways, including:

- written or verbal comments of a sexual nature, such as remarks about an employee's appearance, questions about their sex life or offensive jokes;
- displaying pornographic or explicit images;
- emails with content of a sexual nature;

- unwanted physical contact and touching;
- sexual assault.

- 6.5 Sexual harassment is unacceptable regardless of a person's position or influence within the school. Any employee who feels they have been sexually harassed, or any employee who feels they have seen sexual harassment take place, can make a complaint of sexual harassment.
- 6.6 If any employee feels that they are being bullied, or harassed (including sexually harassed) are encouraged to make a complaint in line with the school's Grievance, Harassment at Work, or Whistleblowing procedures.

## **7 Conduct Outside of Work**

- 7.1 Staff must not engage in conduct outside work which could seriously damage the reputation and standing of the school or the employee's own reputation or the reputation of other members of the school community.
- 7.2 If an employee is made aware of a concern being raised against them that alleges that they have engaged in behaviour that could potentially compromise their position within the workplace, they should discuss this with their Headteacher immediately.
- 7.3 In particular, during the course of employment, criminal offences or types of behaviour that involve violence or possession or use of illegal drugs or sexual misconduct are likely to be regarded as unacceptable and could lead to dismissal.
- 7.4 If an employee is arrested, convicted, cautioned, charged or bailed by the Police then they should disclose this to their Headteacher immediately at the earliest opportunity. Failure to disclose this information is unacceptable and could lead to dismissal.
- 7.5 Staff must exercise caution when using information technology and be aware of the risks to themselves and others. Staff must not use social media e.g. Facebook, Snapchat etc. with pupils or former pupils (outside of established family or close family friend relationships). Where unsure, staff should seek further guidance from their line manager or safeguarding lead.
- 7.6 Staff must not engage in inappropriate use of social network sites which may bring themselves, the school, school community or employer into disrepute.
- 7.7 Staff must not discuss or share data relating to children/parents/carers in staff social media groups.

- 7.8 Staff must only use their school email account or school learning platform account when communicating electronically with pupils, parents and colleagues.

## **8 Alcohol, Drugs and Medication at Work**

- 8.1 Being under the influence of alcohol or illegal drugs at work is not permitted. Alcohol may not be consumed during working hours, including lunchtime and break time.
- 8.2 Employees must also note that many prescribed medications and over the counter medicines can have an adverse effect on the ability to work. Therefore, employees must always check that they can still work safely before taking any drug.

## **9 Smoking**

- 9.1 Staff are not permitted to smoke on the school premises or grounds. This includes all types of smoking devices and paraphernalia including cigarettes, cigars, electronic cigarettes, etc.

## **10 Domestic Abuse**

- 10.1 Domestic abuse is a crime. The school may consider a range of measures to support an employee who discloses living in or dealing with a violent relationship, for example counselling, flexibility around work load. Employees found to be a perpetrator of domestic abuse may be subject to disciplinary action, which may include dismissal.

## **11 Health and Safety at Work**

- 11.1 Every school has a legal duty of care for the health and safety and welfare of its employees. In addition, all employees must take reasonable steps to protect their own health and safety and that of other people who may be affected by their actions or omissions at work. Employees have a duty to help prevent accidents and injuries at work by being aware of the policies that apply and complying with them at all.
- 11.2 Employees are expected to take care of themselves and anyone else who may be affected by their actions or failings.

- 11.3 Throughout the response to the Covid-19 (coronavirus) pandemic all employees are expected to follow the relevant legislation and/or guidance issued by the government, Public Health England, NHS, the DfE as well as the school's own risk assessments. This applies to both national and local restrictions. Employees should keep themselves up to date via the following website links:

<https://www.gov.uk/coronavirus>

<https://www.gov.uk/guidance/north-east-of-england-local-restrictions>

<https://www.nhs.uk/conditions/coronavirus-covid-19/>

Employees should behave in a manner, both inside and outside of the workplace, that does not put themselves, colleagues or pupils at unnecessary risk of contracting or transmitting the virus. Where appropriate, failure to follow specific guidance or instruction in relation to the management of coronavirus may be considered a disciplinary matter and investigated accordingly.

## **12 Use of Mobile Phones and other Devices**

- 12.1 Communication with children and vulnerable adults, by whatever method, should take place within clear and explicit professional boundaries. Employees should not share any personal information with a child, or young person and should not use their personal mobile to communicate with any young person or on a personal level or to take photographs/videos of pupils/students.
- 12.2 Schools should provide devices such as cameras and mobile phones rather than expecting staff to use their own (e.g. on school trips). Staff should ensure that the device is secure (e.g. password/fingerprint protected) so that unauthorised access to data is prevented. Equipment provided by the school should not be used for personal use or shared with family members/friends.
- 12.3 Personal mobile phones should be stored securely away from learning environments and it is highly recommended that mobiles are switched off during work hours and should only be accessed during breaks and lunchtime but not in the presence of young people. This also applies when in meetings with young people and parents.
- 12.4 Employees must not give their personal contact details to children, or young people, including their mobile telephone number.
- 12.5 Employees must inform the Headteacher or line manager immediately if contacted by a young person on a personal mobile

## 13 Social Media Usage

- 13.1 The web and social networking services i.e. facebook, twitter, instagram, snapchat etc are all used by children, vulnerable adults and employees for work related projects or for personal use. Employees are **personally responsible** for the content they publish on social media, blog or any other form of user-generated media. Please remember that internet content is never truly deleted or private. This means everything that is published will be visible to the world indefinitely. Employees should be sure that they want what they're posting to be in the public domain with their name on it indefinitely. **If in doubt, don't post.**
- 13.2 Employees should use common sense. If employees are about to publish something that makes them even the slightest bit uncomfortable, they should stop and hold off. Again, if in doubt, don't post.
- 13.3 Employees are advised to keep profiles safe by not showing their job title, place of work or work/home email address. Employees should be cautious declaring their status as young people may challenge them i.e. online dating.
- 13.4 Employees should not befriend children/young people where their only relationship is one formed through an employees' professional role. Employees should not use internet or web-based communication channels to send personal messages to a child/young person.
- 13.5 No photography of pupils/students, vulnerable adults or staff taken at school/workplace or on social occasions connected to the workplace should be displayed on any social networking site.
- 13.6 Employees must avoid airing their personal grievances about work on social media. This has the potential to damage the reputation of the school and could involve disciplinary action. If an employee does have an issue or grievance they want to raise, this should be done internally so it can be properly addressed.
- 13.7 Employees should ensure that they manage and understand the privacy settings on their social media.
- 13.8 Employees must not share confidential material on their private social media channels.
- 13.9 Employees are expected to respect their audience. This goes without saying, but employees must not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in the workplace.
- 13.10 Employees must not use their school email address to sign up to social media sites.

- 13.11 Internet use during working hours is strictly for business not personal use.
- 13.12 Any form of personalised social media networking that is found to reveal confidential information about the school, information relating to a pupil or student, attacks on or abuse of a colleague or 'customer' of the school, or constitutes a conflict of interest, or is in breach of this Code of Conduct may lead to disciplinary action.

## 14 Safeguarding

- 14.1 Safeguarding and promoting the welfare of children is **everyone's** responsibility. Everyone who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child. In line with Keeping Children Safe in Education 2021, there is the expectation that low level safeguarding concerns are raised in a timely manner with the Headteacher.
- 14.2 It is important that all adults working with children and vulnerable adults understand that the nature of their work and the responsibilities related to it, place them in a position of trust.
- 14.3 All staff should behave in a manner consistent with the principles, guidance and standards outlined within the Guidance for safer working practice for those working with children and young people in education settings (Safer Recruitment consortium adapted and updated from original DfE document), and the most recent version of Keeping Children Safe in Education. Unacceptable behaviour will not be tolerated, and where appropriate, failure to follow these standards could result in disciplinary action, including dismissal.

## 15 Childcare Disqualification

- 15.1 There are many reasons why someone may be disqualified under the 2006 Childcare Act and 2018 Childcare (Disqualification) Regulations. Where an employee meets any one of the criteria and works in a relevant setting for the purpose of this legislation they must discuss this with the Headteacher.
- 15.2 The criteria for disqualification under the 2006 act and the 2018 regulations include:

- inclusion on the Disclosure and Barring Service (DBS) Children's Barred List
- being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the 2018 regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation)
- certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2018 regulations
- refusal or cancellation of registration relating to childcare (except if the refusal or cancellation of registration is in respect of registration with a child minder agency or the sole reason for refusal or cancellation is failure to pay a prescribed fee under the 2006 act (regulation 4(1) of the 2018 regulations)), or children's homes, or being prohibited from private fostering , as specified in paragraph 17 of Schedule 1 of the 2018 regulations
- being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 regulations if it had been committed in any part of the United Kingdom

15.3 The above list is only a summary of the criteria that lead to disqualification. Further details about the specific orders and offences, which will lead to disqualification, are set out in the 2018 regulations.

15.4 If they are unsure whether they are covered by these regulations, employees must discuss this with their Headteacher.

15.5 If during the course of their employment any of the above criteria does become applicable to an employee, it is their duty to inform the Headteacher as this may affect their suitability to work in the setting.

15.6 As schools are prohibited from employing a disqualified person it is the responsibility of employees to inform the Headteacher of any change in their circumstances which could change their suitability, failure to do so could result in disciplinary action, including dismissal.

## Summary of changes

The below sets out the additional paragraphs added to this policy;

### Section 14

#### Safeguarding

*In line with Keeping Children Safe in Education 2021, there is the expectation that low level safeguarding concerns are raised in a timely manner with the Headteacher.*

## Section 2 – Maintained School- Based Employees’ Code of Conduct

### 1.0 Introduction

- 1.1 The public are entitled to expect the highest standards of conduct from all our employees.
- 1.2 The aim of this Code is to assist employees achieve the required standards by setting out clearly what is required. This should help employees to protect their own integrity, the integrity of the School and the Council, and to ensure the confidence of the public is retained.
- 1.3 The Council’s values of: *Proud, Decent, Together* support this code, by providing further guidance in relation to how employees need to conduct themselves in the workplace.
- 1.4 In addition to the values, the School has developed a number of policies, procedures, guidelines and service standards which should be read in conjunction with this code.
- 1.5 Employees are required to read this Code and clarify any questions they may have with their Headteacher. Please note that a breach of the standards set out in the Code will be dealt with through the School’s Disciplinary and/or Capability Procedure, and could result in formal action up to and including dismissal.
- 1.6 This Code reflects the requirements of the “7 Principles of Public Life”, which apply to anyone who works as a public office-holder, which includes all people appointed to work in:
  - the civil service
  - local government
  - the police
  - the courts and probation services
  - non-departmental public bodies
  - health, education, social and care services

The principles also apply to all those in other sectors that deliver public services (See Appendix A).

1.7 The Code also reflects the requirements of the Local Government Act 1972, Section 117 (See Appendix B).

1.8 The Bribery Act 2010 sets out that employees must not offer inducements in breach of the provisions of this Act.

## **2.0 General Principles**

2.1 It is expected that our employees will deliver the highest possible standards of service at all times.

2.2 In addition where it is part of their duties to advise, employees must provide any advice impartially. This includes advice to councillors, colleagues, customers, contractors and the public.

2.3 If an employee becomes aware of activities which they consider to be illegal, improper, unethical or otherwise inconsistent with this Code, they must report it to their Headteacher (or Chair of Governors) as soon as possible.

2.4 Responsibility is placed on every employee to disclose to the Headteacher or Chair of Governors any potential conflict of interest which may affect them in their job role.

2.5 Employees must not misuse their position, school/council information or any school/council resources or equipment to further their own or others personal interests.

2.6 It is not enough for employees to actually avoid a breach of this Code. At all times, employees must act in such a way to avoid any occasion for suspicion and any appearance of improper conduct. This includes activities both in and outside of the normal place of work, and includes work related functions e.g. leaving celebrations. It also includes occasions outside of work where an employee makes themselves identifiable as an employee of this school/council e.g. social media, wearing a uniform, driving a council vehicle.

## **3.0 Disclosure of Information**

3.1 The law requires certain types of information must be available to councillors, auditors, government departments, customers and the public. However, prior to the release of any data or information an employee must consider and be confident that this is not in breach of data protection legislation, or other legal or School/Council requirements for confidentiality. If in any doubt, employees must check with their Headteacher prior to the release of the information.

3.2 Personal data obtained in the course of employment should always be treated confidentially and only be disclosed in accordance with data protection legislation or other legal or school/Council requirements.

- 3.3 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they knowingly pass it on to others who might use it in such a way.
- 3.4 Any information received from a councillor that is personal to that councillor and does not belong to the School/Council should not be further shared without the explicit approval of that councillor. The only exception to this is where such a disclosure is required by law. If in any doubt, employees must check with their Headteacher prior to the release of any information.
- 3.5 Information on data protection is available from your Headteacher.

#### **4.0 Political Neutrality**

- 4.1 Employees, including those based in schools, serve the Council as a whole, and must serve all councillors equally and ensure that the individual rights of councillors are respected. Employees must not allow their personal or political opinions to interfere with their work or their behaviour at work.
- 4.2 Where an employee is requested to advise a full meeting of a political group or its executive, the Chief Executive must be informed by the employee in advance of the meeting. In providing the advice, political neutrality must be maintained. In addition, any advice given should be made available to all political groups, if requested.
- 4.3 Employees who are employed in a job role that is “politically restricted” are prevented from certain roles e.g. becoming members of a local authority (other than parish councils), an MP, from holding office in a political party and from canvassing, speaking in public or writing on party political matters.

#### **5.0 Relationships at Work**

- 5.1 Employees must declare to their Headteacher any situation where their impartiality, objectivity, or honesty may be compromised due to them being related to, or having a close personal relationship with someone at work.

##### **Governors/Councillors**

- 5.2 Mutual respect between employees and governors/councillors is essential. Some employees work closely with governors/councillors, and all communication should be dealt with in a polite, impartial and efficient manner. Close personal familiarity between employees and individual governors/councillors must be avoided at all times to prevent damage to the relationship and embarrassment to individuals and the School/Council.

##### **The Local Community and Service Users**

- 5.3 Employees should always remember their responsibilities to the community and ensure a polite, impartial and efficient service delivery to all groups and individuals within that community.

## **Contractors / Suppliers / Procurement / Tendering**

- 5.4 All relationships of a business or personal nature with external contractors or suppliers must be declared to the Headteacher on the Employees' Code of Conduct form (available from your Headteacher) at the earliest opportunity.

This form will be considered and the Headteacher will make arrangements for any appropriate steps to be taken to manage any conflict of interest.

- 5.5 Orders and contracts must be awarded in accordance with the School's/Council's procedures and no special favour must be shown to businesses or individuals.
- 5.6 Employees whose work involves the procurement, appointment or supervision of contractors must disclose any former or current private or official relationships with contractors to their Headteacher using the Employees' Code of Conduct form.
- 5.7 When a conflict of interest is disclosed, the School reserves the right to remove the employee from any areas of direct or indirect involvement in the matter concerned.

## **6.0 Recruitment and Selection and Other Employment Matters**

- 6.1 Recruitment and selection decisions must be made in accordance with School procedures.
- 6.2 To avoid accusations of bias, employees must not be involved in recruitment and selection processes where they are related to or have a close personal relationship with an applicant.
- 6.3 Senior officers are required to disclose to the Headteacher on the Employees' Code of Conduct form any relationship known to exist between them and any person who they know is a candidate for an appointment with the Council.
- 6.4 Employees should not be involved in other employment related decisions for employees who are a relative or with whom they have a close personal relationship nor should they attempt to influence such decisions. This includes decisions on matters such as discipline, promotion or pay adjustments.

## **7.0 Outside Commitments**

- 7.1 Employees must not allow their personal interests to conflict with or be detrimental to their duties or School/Council business.
- 7.2 All employees paid at or above Spinal Column Point (SCP) 22 or above, irrespective of hours worked, must not engage in any other business or take up any additional employment or other appointments without the agreement of the Headteacher/Governing Board (all decisions will be made in line with the

relevant terms of references for delegated authority). Employees requesting such agreement should complete the Employees' Code of Conduct form and submit it to their Headteacher for recommendation.

- 7.3 The Headteacher/Governing Board will not unreasonably prevent employees from taking additional employment. However, the Headteacher/Governing Board will not approve any additional employment that, in the view of the Headteacher/Governing Board, has the potential to conflict with, or be detrimental to the School's interest or in any way weaken public confidence in the conduct of its business.
- 7.4 Employees are not permitted to carry out private trading in relation to goods, services or any form of intellectual property on the School's premises nor may they do so elsewhere whilst on School/Council duties.

## **8.0 Personal Interests**

- 8.1 All employees, regardless of their SCP, must declare to their Headteacher, using the Employees' Code of Conduct form any financial or non-financial interests which they consider could bring about conflict with the School's interests.
- 8.2 For those employees paid below SCP 22, this could include agreement to take up additional employment or a business opportunity where there could be a potential conflict of interest. Once the Employees' Code of Conduct form is completed, it must be submitted to the Headteacher.
- 8.3 It is a legal requirement for employees to formally declare any contracts with the School in which they have a pecuniary interest. Such declarations should be made on the Employees' Code of Conduct form and sent to the Headteacher. It is a criminal offence to fail to comply with the provision (See Appendix B).
- 8.4 Employees must not make official professional decisions on behalf of the Council about matters in which they have a personal involvement.

## **9.0 Equality**

Everyone has the right to be treated with fairness and equality. Employees must observe all the School's policies on equality and diversity.

## **10.0 Tendering / Contracting Arrangements**

- 10.1 Employees involved in a tendering process and/or dealing with contractors must ensure they carry out their duties in a clear, transparent and fair way.
- 10.2 There must be a clear separation of client and contractor roles. Senior employees who have both a client and contractor responsibility must ensure clear accountability, transparency and openness.

- 10.3 Employees in contractor or client services must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.
- 10.4 Employees who have access to confidential information on tenders or costs relating to either internal or external contractors must not disclose that information unless there is clear and specific authorisation to do so.
- 10.5 Employees must declare any relationship which may have the potential to conflict with the tendering process or could be perceived by others as a potential reason for bias.

### **11.0 Fraud or Corruption**

- 11.1 It is a serious criminal offence for employees to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained. See also Section 12 and 13 below.

### **12.0 Use of Financial Resources**

- 12.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. Employees should always strive to ensure value for money to the local community and to avoid legal challenge to the School/Council.
- 12.2 To support employees in this, the Council has developed financial rules and procedures, and information is also set out in the Financial Procedure Rules set out in the Constitution.

### **13.0 Hospitality and Gifts**

- 13.1 A potential source of conflict between private and public interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. At all times an employee must consider whether the gift or offer of hospitality would lead a member of the public to question whether their dealing with a matter may be prejudiced by a gift.

#### **Gifts**

- 13.2 An employee should refuse any personal gift offered to him or her, or to any family member, by any person or organisation who has dealings with the School/Council. There is a limited number of exceptions to this, as set out below. Any offer of such a gift should be reported to the Headteacher using the Employees' Code of Conduct form. An employee should show tact and courtesy when refusing a gift, including explaining why they are unable to accept.
- 13.3 If the gift is delivered to an employee's place of work there may be a problem returning it, in which case it should be reported to the Headteacher

immediately using the Employees' Code of Conduct form. The gift should not be used unless specific authorisation is received.

- 13.4 Particular issues can be encountered by employees in a “caring” role or delivering a direct personal service. For example, it is not unusual for individuals to wish to express their thanks and gratitude to staff by offering gifts, money or even by making an employee a beneficiary in their Will. It is essential that employees avoid any suggestion of improper motives or conduct. The general principle must be that gifts or money should be politely and tactfully refused with an appropriate explanation. If it is not possible to return a gift, the details of the gift and the reason why it is not returned must be reported immediately to the Headteacher who will give further guidance. The gift must not be utilised unless explicit authorisation is received.
- 13.5 If an employee becomes aware that they have been made a beneficiary in an individual's Will, they must immediately report this to their Headteacher. The Headteacher will then visit the individual to ensure that the bequest represents the genuine wishes of the individual and has not been improperly influenced by the employee. Following this, the Headteacher will notify the Chair of Governors who will determine the appropriate course of action. In some cases an employee may be unaware that they are a beneficiary until after the death of the client. As soon as an employee is made aware of such a bequest they must notify their Headteacher who will determine the appropriate course of action.
- 13.6 The following are exceptions, and do not need to be declared to the Headteacher however, if there is any cause for concern, an employee is responsible for discussing the matter with their line manager).
- A modest gift of a promotional nature given to a wide range of people, such as calendars, diaries, pens and other such articles which are common in the office and can be considered to form part of the general mailings of a company.
  - A modest gift where refusal would cause needless offence and the giver is not seeking a business decision it is merely an expression of thanks for service e.g. box of chocolates or a standard bottle of wine.
- 13.7 An employee must not on any occasion accept the offer of money.

### **Hospitality**

- 13.8 The guiding principle is that it is important not to create an appearance of improper influence which can then undermine public confidence. In general terms, it will often be more acceptable to join in hospitality offered to a group than to accept something on an individual basis.
- 13.9 Hospitality is sometimes offered and accepted by employees where it is reasonable in all the circumstances, and there is a legitimate requirement to

attend. Approval by the Headteacher is required. Caution is needed where the host is seeking to do business with the School or to obtain a decision from it. It is important to avoid any suggestion of improper influence.

- 13.10 Care must be taken when considering attending exhibitions, seminars or visiting manufacturers, etc. Such visits can be linked to a major sporting events, shows, concerts etc. and can be an attempt to legitimise offers of hospitality in the guise of business activities.

When a particular person or body has a matter currently in issue with the School, e.g. an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality be refused even if in normal times they would be regarded as acceptable.

- 13.12 All offers of hospitality should be reported to the Headteacher, or if the offer is made to a Headteacher, to the Chair of Governors on Employees' Code of Conduct form.

- 13.13 The following checklist of questions may help to determine if an offer of hospitality or gift should be accepted or tactfully rejected.

- Is the donor or event significant in the community or in your School's area?
- Is there an expectation that a School representative attends because of their role?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place an employee under pressure in relation to any current or future issue?
- Could the decision to attend be justified to the School, press and public?
- What is the hospitality or the nature of the gift and is it reasonable and appropriate in all of the circumstances to accept?
- What are the concerns about accepting the hospitality?

#### **14.0 Summary of Process**

- 14.1 Employees are required to read and understand the standards of conduct that are required of them, as set out in this Code. Employees must speak to their Headteacher promptly if they have any questions on this Code.

- 14.2 Employees should note that any breach of the standards set out in the Code will be dealt with through the School's Disciplinary and/or Capability Procedure.

- 14.3 Employees must ensure that they complete the Employees' Code of Conduct form to make the declarations and/or request approval as set out in this

document. A response to each completed form will be sent to the employee. The employee must not engage in any activity (personal or otherwise, including receipt of gifts) which requires declaration and/or approval until they have received written authorisation from the Headteacher/Governing Board.

- 14.4 Employees must report any activities which they consider to be illegal, improper, unethical or otherwise inconsistent with this code to their Headteacher as soon as possible after they become aware of it.

## Appendix A – The 7 Principles of Public Life

The 7 principles of public life apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, nationally and locally, and all people appointed to work in:

- the civil service
- local government
- the police
- the courts and probation services
- non-departmental public bodies
- health, education, social and care services

The principles also apply to all those in other sectors that deliver public services. They were first set out by Lord Nolan in 1995 and are included in the Ministerial Code.

### The 7 Principles:

#### 1) **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### 2) **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### 3) **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### 4) **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### 5) **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### 6) **Honesty**

Holders of public office should be truthful.

#### 7) **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Appendix B - Local Government Act 1972, Section 117**

1. If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a Local Authority that a contract in which she/he has any pecuniary interest, whether direct or indirect (not being a contract to which she/he is herself/himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, she/he shall as soon as practicable give notice in writing to the authority of the fact that she/he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

2. An officer of a local authority shall not, under colour of her/his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
3. Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [level 4 on the standard scale].
4. References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.