Code of Conduct

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A. Code of Conduct for School Employee
B. Code of Conduct for Safer Practice
A. CODE OF CONDUCT FOR SCHOOL EMPLOYEES

1. INTRODUCTION

a) This Code has been drawn up broadly in line with the Local Government Management Board’s Model Code of Conduct, with variations to reflect the circumstances of schools.

b) The public is entitled to expect the highest standards of conduct from all employees who work in schools and that their conduct should never be influenced by improper motives.

c) This Code has been formulated by the Council, following consultation with school Governors, Head Teacher and employee representatives, to provide a set of standards of conduct, expected of school-funded employees at work and in respect of the link between their work and their private lives.

d) This Code takes into account the requirements of the law and the provisions on official conduct in the appropriate national conditions of service.

e) The Code applies to all school-funded employees and is of particular significance for employees involved in the procurement of goods and services.

f) The Code will be made readily accessible in all schools and to all employees.

g) Investigations of alleged breaches of this Code will be dealt with under the school’s disciplinary code.

h) If employees are in any doubt whether they may be in breach of this Code they should seek advice from their Head Teacher, or in the case of the Head Teacher from the Director of Education.

2. STANDARDS

Employees are expected to give the highest possible standard of service to pupils and parents, and where it is part of their duties, to provide appropriate advice to other employees and Governors with impartiality. Employees should bring to the attention of management any deficiency in the provision of service and must report any impropriety or breach of procedure.

3. DISCLOSURE OF INFORMATION

a) The law requires that certain types of information must be available to Governors, Members, auditors, government departments, service users and the public, e.g. on school performance and budgetary matters.
b) Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor shall they pass it on to others who might use it in such a way.

c) Only employees authorised by their Head Teacher to do so may talk to the Press, or make public statements on behalf of their school. Generally, an employee (including a Head Teacher) contacted by the Press should seek the advice of the Council’s Press Office who may deal with the matter on the school’s behalf if the school wishes. This is not intended to prevent employees from writing or talking to the media on behalf of a Trades Union.

d) If employees consider that the non-disclosure of certain information is contrary to the wider public interest, they should advise their Head Teacher or the Chair of Governors of the information and the issues concerned.

4. POLITICAL NEUTRALITY/ACTIVITY

a) Employees serve the Governing Body of their school within the overall framework of the Council.

b) Some school funded non-teaching employees, who are normally those in more senior (M-grade) positions, are in politically restricted posts and by law are prevented from taking part in certain political activities outside their work. Employees who are in this position should have been told of this in writing and of the rules for claiming exemption, but any employee who is in any doubt about their position should contact their Head Teacher. In any event, all teachers including the Head Teacher are exempt from these restrictions.

c) The political activities which are restricted for these non-teaching employees mainly cover the following areas:

   i) Standing as a candidate for election to the House of Commons, European Parliament or a local authority (other than a Parish Council);

   ii) Holding office in a political party at any level, except in limited roles concerned only with the internal membership of the party.

   iii) Canvassing at an election.

   iv) Speaking in public or publishing any written or artistic work which appears to be intended to affect public support for a political party.

   

   d) If an employee is in any doubt about whether any activity is political activity and covered by these rules, they should seek advice from their Head Teacher.
e) It is important that all relevant employees are aware of their position in terms of political activity because any breaking of the statutory rules will be a breach of contract and liable for investigation under the disciplinary procedure.

f) Employees, whether or not politically restricted, must not allow their own personal or political opinions to interfere with their work and must exercise careful judgement if asked to express personal opinions in the course of their work.

5. RELATIONSHIPS

a) Governors

Some employees are required to give advice to Governors as part of their job. Mutual respect between employees and Governors is essential to good local practice in schools; however close personal familiarity between employees and individual Governors can damage the relationship and prove embarrassing to other employees and should therefore be avoided.

b) The School, Local Community and Service Users

Employees must always remember their responsibilities to the school and the wider community that they serve by ensuring courteous, efficient and impartial service delivery to all groups and individuals within the school and the wider community.

c) Contractors

All relationships with contractors or potential contractors must be made known to the Head Teacher. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to businesses run for example by friends, partners or relatives. No part of the community should be discriminated against.

Employees who engage or supervise contractors or who have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with a contractor, must declare that relationship to the Head Teacher.

6. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

a) Head Teachers and other employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, employees must not be involved in an
appointment where they are related to an applicant, or have a personal relationship outside work with them.

b) Similarly, Head Teachers and other employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any employee who is a relative, partner or close friend.

7. OUTSIDE COMMITMENTS

a) Employees’ off-duty hours are their personal concern but they must not subordinate their duty to their private interests or put themselves in a position where duty and private interests conflict.

b) The Council would not wish to preclude employees unreasonably from undertaking additional work unless that work:

- conflicts with or detrimentally affects the interests of the Council’s or individual school’s interests; or
- in any way weakens public confidence in the conduct of the Council’s or individual school’s business; or
- in any other way adversely affects their ability to undertake their work.

Should this be the case, their conduct will be considered a breach of the Council’s or school’s disciplinary Code.

c) Employees must not, therefore, engage in any other business or take up any other additional appointment without first having carefully considered and ruled out the possibility of an adverse effect on their work or the interests of the Council or their school. Where there is any doubt as to the implications, the nature of the proposed employment must be discussed with their Head Teacher or the Director of Education.

d) If an employee decides to take up additional employment or engage in any other business, no outside work of any sort should be undertaken in the workplace. Use of schools facilities for this, e.g. telephones, photocopying etc. is forbidden.

8. PERSONAL INTERESTS

a) Employees must declare to their Head Teacher, or in the case of the Head Teacher to the Chair of Governors, any non-financial interests that they consider could bring about conflict with the school’s interests. Membership of a Trades Union is exempted from this requirement.

b) Employees must declare any financial interests which could conflict with the school’s interests.
c) Employees must declare to their Head Teacher, or in the case of the Head Teacher to the Chair of Governors, membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about it’s rules or membership or conduct e.g. freemasons.

d) Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of school services or resources from which they, their friends or family might benefit and should ensure that the matter is referred immediately to their Head Teacher, or in the event of the Head Teacher to the Chair of Governors.

9. EQUALITY ISSUES

Employees have an obligation to ensure that policies relating to equality issues as agreed by the school are complied with, as well, of course, the requirements of the law. Everyone in the school and its wider community have a right to be treated with fairness and equity.

10. SEPARATION OF ROLES DURING TENDERING

a) Where employees are involved in letting contracts, or procuring goods or services, on behalf of the school, they must exercise fairness and impartiality when dealing with contractors, sub-contractors and suppliers.

b) Such employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.

c) Such employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11. CORRUPTION

It is a criminal offence for an employee to 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. It is for the employee to demonstrate that any such rewards have not been corruptly obtained.

12. USE OF FINANCIAL RESOURCES
Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the school and its wider community and avoiding legal challenge to the school or the Council.

13. HOSPITALITY

a) Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the school in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the school should be seen to be represented. They must be properly authorised and recorded.

b) When hospitality has to be declined the person offering it should be courteously but firmly informed of the procedures and standards operating within the school.

c) Employees must not accept significant personal gifts from pupils, parents, contractors and outside suppliers, other than insignificant tokens such as pens or diaries or small festive gifts. (Please refer to Woodlands Gift and Hospitality Policy).

d) When considering whether or not to accept hospitality, employees must be sensitive to the timing of decisions and the lettings of contracts for which the provider may be bidding. Employees must never accept hospitality from a contractor during a tendering period.

e) Acceptance by employees of hospitality whilst in attendance at relevant conferences and courses is acceptable if it is clear that the hospitality is for the school rather than personal, if the school gives consent in advance and if the school is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, employees must ensure that the school meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

f) Employees must ensure that any hospitality or gift received is entered in the Hospitality Register maintained by their school.

14. SPONSORSHIP - GIVING AND RECEIVING

a) Where an outside organisation wishes to sponsor or is sought to sponsor a school activity, whether by invitation, tender, negotiation or voluntarily the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

b) Where the school wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such
sponsorship in a direct way without there being full disclosure to the Head Teacher of any such interest. Similarly, where the school through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

**B. Code of Conduct for Safer Practice**

**Introduction**

All education settings are required to have a clear and effective Code of Conduct for Adults working in the setting. Indeed, as stated in DfE “Keeping Children safe in education” – September 2018- pp.14 – paragraph 45:

“Governing Bodies and Proprietors (in Part two unless otherwise stated this includes management committees) must ensure that they comply with their duties under legislation. They must have regard to this guidance to ensure that the policies, procedures and training in their schools or colleges are effective and comply with the law at all times.

Schools and colleges should have a senior board level (or equivalent) lead to take **leadership responsibility** for the organisation’s safeguarding arrangements.

Governing bodies and proprietors should ensure there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children’s welfare.

This should include:
- An effective child protection policy; and
- A staff behaviour policy (sometimes called the code of conduct) which should amongst other things include –acceptable use of technologies, staff/pupil relationships and communications including the use of social media.

This document provides a guide for all adults working in schools (including staff, governors, volunteers and visitors) about acceptable and desirable conduct to protect both pupils and adults. It refers to and complements other policies and guidance in your school, including:

- Child Protection and Safeguarding Policy
- School Positive Behaviour Policy
- School policy on physical interventions
- Whistleblowing Policy
- E-safety Policy

This policy reflects the requirements set out in Keeping Children Safe in Education 2018, and is based upon the attached DCSF document ‘Guidance
for Safe Working Practice for Adults Who Work with Children and Young People (education version)’ March 2009), in which you can find useful examples of acceptable and unacceptable conduct, together with discussion of the issues raised.

In particular all adults working in schools should keep the following statements from Keeping Children Safe in Education in mind:

- Everyone who comes into contact with children and their families has a role to play in safeguarding children (paragraph 3)

- All school and college staff have a responsibility to provide a safe environment in which children can learn (paragraph 7)

- Staff members working with children are advised to maintain an attitude of ‘it could happen here’ where safeguarding is concerned. When concerned about the welfare of a child, staff members should always act in the best interests of the child (paragraph 19)

- All adults working in the school must know who the Designated Safeguarding Lead is in the school, be familiar with the school’s child protection and safeguarding policy, and understand their individual responsibilities to safeguard and protect children and young people. They must also be aware of the Allegations Against Staff Procedure and the role of the Headteacher and Chair of Governors in these circumstances. In addition, the Teaching Standards 2012 (which apply to maintained schools that teachers should safeguard children’s wellbeing and maintain public trust in the teaching profession and in the reputation of the school as part of their professional duties.

**Basic principles**

- Adults working in school are responsible for their own actions and behaviour and should avoid any conduct which would lead a reasonable person to question their motivation or intentions

- Adults working in the school must work and be seen to work in an open and transparent way

- Adults should discuss and/or take advice promptly from their line manager or another senior member of staff about anything which could give rise to concern. This would include for example reporting infatuations by a pupil for themselves or another member of staff, to ensure that such situations can be handled promptly and sensitively

- The school should keep a record of any such incident and of decisions made/ further actions agreed, in accordance with the school’s record keeping policy
• Staff should apply the same professional standards regardless of gender or sexuality

• Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.

As a general principle, when thinking about taking any course of action with a pupil or other child, adults should ask themselves the following questions:

• Is this needed to meet the pupil’s needs?
• Is there a professional reason for me to do it?
• Can I do it in a way that is safe for both the pupil and for me?

Only if the answer to all three questions is YES should the adult take the course of action.

All staff, volunteers and visitors to the schools must:

Be familiar with and work in accordance with the school’s policies, including in particular

• Child Protection
• Behaviour
• Physical Intervention
• E Safety
• Intimate Care
• Health and Safety
• Use of Photography and Video
• Whistleblowing – within the school and external e.g. direct contact with the Designated Officer or the NSPCC Report Line: SAfecall.co.uk.

• Provide a good example and a positive role model to pupils

Behave in a mature, respectful, safe, fair and considered manner. For example, you must ensure that you:

• Are not sarcastic, and do not make remarks or ‘jokes’ to pupils of a personal, sexual, racist, discriminatory, intimidating or otherwise offensive nature
• Do not embarrass or humiliate children
• Do not discriminate favourably or unfavourably towards any child. For example, treat all pupils equally – never build ‘special’ relationships or confer favour on particular pupils or members of their family
• Do not give or receive (other than token) gifts unless arranged through school
• Ensure that your relationship with pupils remains on a professional footing.

For example, you must:
Only touch pupils for professional reasons, and when this is necessary and appropriate for the pupil’s wellbeing or safety (more guidance on this is set out in the DfES Guidance for Safe Practice referred to above)

- Not behave in a way that could lead a reasonable observer to question your conduct, intentions or suitability to care for other people’s children
- Not make arrangements to contact, communicate or meet with pupils outside your work (this includes use of email, text and other messaging systems)
- Not develop ‘personal’ or sexual relationships with pupils. In particular your attention is drawn to the provisions of the Sexual Offences Act 2003, which creates a criminal offence of abuse of a position of trust (when a person aged 18 or over is in a ‘position of trust’ with a person under 18 and engages in sexual activity with or in the presence of that child, or causes or incites that child to engage in or watch sexual activity).
- Although not covered by law we need to consider the duty of care that schools have for students over 18+

Exceptional circumstances

If in exceptional circumstances a member of staff need to deviate from expected practices (e.g. in an emergency having to transport a child alone), they must always seek to notify and consult a senior member of staff in advance or as soon as practicable afterwards. The rationale for taking this action must be recorded and submitted to the Headteacher.

Reference documents

- Keeping Children Safe in Education (DfE)
- Working Together to Safeguard Children
- School policies handbook
- Local Safeguarding Children Board - local safeguarding children procedures
- Guidance for Safe Working Practice for Adults who work with Children and Young People (education version) DCSF
- The Teachers’ Standards 2012