

# Windmill Hill Primary School Policy Document

## CODE OF CONDUCT

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# CODE OF CONDUCT FOR ALL EMPLOYEES

The Code of Conduct has been adopted by the Governing Body and applies to all employees within schools.

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**This code of conduct is intended for Local Authority maintained schools. Where an establishment which is not so maintained intends to adopt the content or principles of this document, it is recommended that such establishment takes independent legal advice in order to gain clarity on any implications of the legislation and principles in this document.**

## **SECTION 1 INTRODUCTION**

### **1.1 Introduction**

- 1.1.1 This Code of Conduct for employees is based on key principles. These principles are developed from the work of the Nolan Committee on standards in public life.
- 1.1.2 In this Code of Conduct you will find the minimum standards that all school employees must keep to. These standards also apply to casual workers, agency staff, contractors, volunteers, consultants and self employed people engaged in work for the school.
- 1.1.3 If you are an employee this Code of Conduct is part of your terms and conditions of employment. Any supplementary codes of practice on employee conduct issued by the Governors must also be complied with.
- 1.1.4 You also need to follow any security policies or codes of practice that the school has, in particular in relation to safeguarding children.

### **1.2 Purpose**

- 1.2.1 The Governors believe that you are responsible for your own actions. That means it is your responsibility to read the Code of Conduct and any other code which may apply to your job.
- 1.2.2 If there are any parts of this Code, or other codes of practice that you are unsure of or do not understand, you must seek clarification from your Headteacher/line manager or your HR provider.
- 1.2.3 You can find explanations for some of the words and phrases in this Code in the glossary section on page 20 of this document.
- 1.2.4 All staff working in school have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of pupils. It is therefore expected that you will adopt high standards of personal conduct in order to maintain the confidence and respect of your colleagues, pupils, the public in general and all those with whom they work.

1.2.5 There may be times when an employee's behaviour or actions in their personal life comes under scrutiny from local communities, media or public authorities. This means that you should be aware that behaviour in your personal life could impact upon your suitability to work in school. You should understand that concerns may arise about an employee's response to the behaviour or actions in the private or community life of a partner, immediate family member or other household member. Where such concerns arise the employee's response may raise questions about their suitability to work with children. To define these actions would not provide the ability to respond to the full range of circumstances. For example, some cases may not be gross or serious misconduct but they may result in a break down of trust and confidence that ultimately may lead to a recommendation for dismissal on the grounds of 'some other substantial reason'.

1.2.6 Governors have the right to monitor employees where there may be cause for concern regarding safeguarding and/or potential criminal activity, fraud. If the school monitors employees in this way, it will keep within the laws that deal with monitoring.

1.2.7 If you are seconded to work in another school or organisation you are expected to conduct yourself in a manner consistent with this Code of Conduct and in a way which meets the requirements of the school or organisation to which you have been seconded.

1.2.8 You may have disciplinary action taken against you if you:-

- do not keep to this Code of Conduct
- commit a criminal offence
- do something that may bring the school [ and/or Local Authority] into disrepute, whether during working hours or outside of them

Disciplinary action includes the possibility of being dismissed without notice being given.

1.2.9 This Code is in accordance with the rules contained in the Human Rights Act.

### **1.3 Application of the Policy**

1.3.1 In the Code of Conduct, when we use the word "you", we mean, teaching staff including Headteachers, Deputy Headteachers, Assistant Headteachers, support staff, casual workers, agency staff, contractors, volunteers and consultants and self employed people engaged in work for the school.

1.3.2 When we use the word "school", we mean, maintained community schools, foundation schools, trust schools, voluntary aided schools, voluntary controlled schools, academies.

1.3.3 This Code is not a full list of what you are expected to do or not to do. There may be other things that the school will look at as misconduct or gross misconduct. If there is something that you are unsure about, please ask your Headteacher, line manager or HR provider.

- 1.3.4 Pupils, colleagues, parents/carers and governors expect you to have high standards of behaviour. If someone has suspicions that you could be influenced unfairly, this could damage confidence in the school. You must not put yourself in a position where your honesty or integrity could be called into question.

## **SECTION 2 PUBLIC DUTY, PRIVATE INTEREST, FRAUD AND THEFT**

### **(i) General**

- 2.1 Your duty as an employee and any interests outside your job must not conflict. If there is anything that you are involved with outside work that might affect your job, you must declare this to your Headteacher or line manager.
- 2.2 You must always do your job safely. To make sure you do not put pupils, other colleagues or yourself at risk, you must follow school and Local Authority health & safety policies and have regard to the duty of care described in them. You must also follow safe systems of work and any codes of practice that applies to your job.
- 2.3 If you are a member of an organisation that:
- is not open to the public
  - requires formal membership and an oath of allegiance
  - has any secrecy about its rules, the process of becoming a member or conduct of members.
- 2.4 You must declare this in writing to the Governors. For further information on what we call a secret society, read **Appendix A**.
- 2.5 The Governors are committed to fight against fraud, whether committed by employees, contractors or the public.
- 2.6 You must not use the fact you are a school employee to obtain gain, directly or indirectly for yourself, business associates, friends or family.
- 2.7 All the Governors are committed to the prevention and detection of fraud. The school has up to date written procedures or manuals for financial systems and processes. See **Appendix B**.
- 2.8 The school also has a Gifts and Hospitality policy and Code of Practice. This is shown as **Appendix C**.
- 2.9 The school also has a Whistle Blowing policy so that you can report any fraud or corruption more easily.
- 2.10 If you are using public funds, you must use them responsibly and lawfully. You must make sure that the school's resources are used sensibly and legally and that the school gets value for money.

- 2.11 You must keep to the rules within the school's Financial Procedures and Regulations and, where appropriate the Local Authority's Standing Orders and Financial Framework. The Local Authority's Standing Orders are available on the Local Authority's internet site.
- 2.12 If you:
- commit fraud, or attempt to commit fraud, against the school and Local Authority, or any person or organisation
  - steal, or attempt to steal, from the school and Local Authority, or any person or organisation.
- 2.13 This will be considered misconduct and may be considered gross misconduct. This includes deliberately putting false information on time sheets, subsistence claims or mileage claims.
- 2.14 If you have concerns that someone is stealing, committing fraud or behaving in a way that might be unethical, you must report this to your Headteacher, line manager, or someone named in the school's Whistleblowing procedure.
- 2.15 The Governors know that it is not always easy to report on the behaviour of other people, and will give you full support if you raise concerns. If you wish to remain anonymous, Governors will make every effort to respect this.
- 2.16 The Governors know there are two sides to a story, and will ensure hearings are fair.
- 2.17 Sometimes allegations will turn out to be wrong. If you deliberately make false or malicious allegations, this will be treated as misconduct.
- 2.18 The Governors expect you to actively promote the safeguarding and well-being of children in the school and its community. If you have concerns that someone is behaving in a way that does not support the safeguarding and well being of children you should discuss your concerns with your Headteacher or line manager in the first instance or report them using the school's Whistleblowing Policy or in line with the schools policy for the Management of Allegations of Abuse in Schools.

**(ii) Financial Inducements, Gifts and Hospitality**

- 2.19 You must never accept a financial payment, bribes or other inducement from any individual, body or organisation. For example: payments or inducements from contractors, developers or consultants.
- 2.20 To take financial payments or inducements is against the law. It is an offence under Section 117 of the Local Government Act 1972.
- 2.21 You must refuse any gift or hospitality offered to you or your family that others may think could influence you.

2.22 You may accept gifts of small value such as pens, diaries, calendars and small gifts from children. See **Appendix C**.

2.23 Offers of hospitality must only be accepted when proper written authorisation has been received from the Headteacher or Chair of Governors.

**(iii) Employee Declarations of Financial and other interests**

2.24 You have a legal duty to declare any financial or other interest in an existing or proposed contract.

2.25 You have a legal duty to declare any interest in or associations that may cause direct or indirect conflict with your work for the school and Local Authority. You must declare interests in or associations with any:

- Organisation
- Service
- Activity
- Person

2.26 If the school and Local Authority has sponsored an event or a service, you must tell your Headteacher or line manager if you may benefit from it in any way.

2.27 You must also tell your Headteacher or line manager if anyone connected with you will benefit from it. This includes your relatives, your partner or spouse, or any business associates you may have.

2.28 You must fully explain any way you or someone connected with you may benefit.

2.29 If the school gives support in the community, through financial help or other help, you must make sure that any advice you give is fair and balanced. You must make sure there is no conflict of interest.

2.30 If you apply for a service that you have influence in because of your job, you must declare a personal interest, both when you apply for the service, and to your Headteacher or line manager.

2.31 You must also declare a personal interest if you help someone you know from outside your job to apply for a service you have influence in.

2.32 You are free to use all Local Authority and school services, as appropriate. If you do so, you will not be treated more or less fairly because you work for the school.

2.33 Members of the public expect you to be fair and treat people equally, no matter who it is you are delivering services to.

2.34 You must make sure you don't do anything in your job that might make people think

you are being unfair or biased.

- 2.35 You must not try and obtain services in a different way to the public because you work for the school. This includes putting pressure on colleagues to get services.
- 2.36 If you think there might be a conflict of interest, you must ask your Headteacher or line manager to help you.
- 2.37 Any declarations you make under the provisions of this Code of Conduct will be reviewed annually by the Headteacher. Any personal declarations made by the Headteacher will be reviewed annually by the Chair of Governors.
- 2.38 The Headteacher and the Governors are responsible for making sure all the Employment Policies, Practices and Procedures that the school has are followed.
- 2.39 The Headteacher and the Governors are responsible for the monitoring their employees activities making sure that they have kept to this code and any other codes and made declarations when they need to. Any monitoring will comply with all relevant laws.

### **SECTION 3      CONTRACTORS**

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- 3.1 As part of your job, you may be required to supervise or engage contractors or have an official relationship with them. If you have any work relationship with contractors, or potential contractors, you must tell your Headteacher/Chair of Governors in writing if you have ever had a private or domestic relationship with the contractors.
- 3.2 The orders we place and contracts we give should be given fairly. This means that we must award orders and contracts based on merit and fair competition against other tenders. You must not show favouritism in doing this. For example, if your friends, partners or relatives run a business, you could not award them a contract unfairly because of this. You must not discriminate against anyone unfairly if you deal with tenders, evaluation or awarding contracts.
- 3.3 If you are privy to confidential information on contracts for tender, or costs for either internal or external contractors, you must not disclose that information to any unauthorised party or organisation.
- 3.4 You must make sure that you don't give special favour to anyone who works for the school or used to work for the school when awarding contracts. You must make sure you do not show special favour to anyone who is a partner, associate or relative of an employee when awarding contracts.

## **SECTION 4      INFORMATION TECHNOLOGY AND DATA SECURITY**

- 4.1 You must ensure that you follow the school and Local Authority security procedures in relation to the use of computers and the proper management of computer-held information. Particular care must be taken to follow established procedures when using passwords and when logging on and off. You **must never share passwords** because this could lead to someone without authorisation accessing the system. Failure to follow the security procedures could lead to disciplinary action.
- 4.2 You must comply with the school's policies and Local Authority policies on computer use when you use the Internet or the Local Authority intranet. These may include policies on Internet and Email Usage and Electronic Communication Systems. You must comply with any relevant laws when you access the Internet or intranet. Please refer to the school's Social Media Policy for Teaching and Support Staff in order to make yourself aware of expectations of appropriate use of social media applications. You must ensure that your actions do not adversely affect the reputation of the school or expose the school to legal and governance risks, and that safeguarding of children and young people is not threatened by use of social media.
- 4.3 Written information is sometimes specially protected, for example, where disclosure is illegal. You must take care to make sure it remains protected. If you are unsure about security controls, talk to your Headteacher or the person in charge of the information protected by them.
- 4.4 It is your responsibility to ensure any information is protected and not disclosed to anyone who does not have a legal right to that information, and to ensure that any information is not used for any purpose other than that of which it was gathered.
- 4.5 The following legislation governs aspects of the Local Authority's information security arrangements. This list is not exhaustive:
- Computer Misuse Act 1990
  - Copyright Designs and Patents Act 1988
  - Data Protection Act 1998
  - Electronic Communications Act 2000
  - Environmental Information Regulations 2004
  - Freedom of Information Act 2000
  - Human Rights Act 1998
  - Regulation of Investigatory Powers Act 2000
  - Re-use of Public Sector Information Regulations 2005
- 4.5 You should refer to your school's IT Policy for further information and seek advice from your Headteacher/line manager if you are unsure about any of its contents.

## **SECTION 5      USE OF LOCAL AUTHORITY AND SCHOOL SYSTEMS, PROPERTY AND FACILITIES**

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- 5.1 The school's property such as telephones, mobile phones, the internet, intranet, e-mail, stationery, photocopiers, word processors and other machines or tools, materials, offices, car parks and facilities, may only be used for school business unless permission for private use is given by the Headteacher/Governors. This also applies to all automatic processing equipment such as laptops, PC's, software including computer games and data, none of which may be used for private purposes or removed from the premises without the express permission of the Headteacher/Governors in writing.
- 5.2 If, with your Headteacher's permission, you use a school and Local Authority telephone or mobile telephone to make private calls or text messages, or send private faxes using a school fax machine, you must pay for this through the approved systems in place. If you are unsure about how to pay for calls, speak to your Headteacher or line manager.
- 5.3 Any school systems in place that log telephone, email and Internet usage may be used to identify any usage for private purposes. The school may monitor any communications using school systems. If the school monitors your use of school resources, it will do it within the law and school policy.
- 5.4 You must keep to any school system security measures.

## **SECTION 6      SECONDARY EMPLOYMENT**

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- 6.1 Any secondary employment undertaken must not conflict with the school's interests or bring it into disrepute and must only be undertaken outside the employee's working hours. You **must declare** any other employment outside your role in school to the Headteacher. You must also declare any other employment contracts within school.
- 6.2 If you are a:
- School Governor
  - Councillor for another local authority
  - Member of the Territorial Army
  - Justice of the Peace
  - Member of an Employment Tribunal
- 6.3 These roles do not count as Secondary Employment. You should still make your Headteacher/line manager aware of these duties and ask for any time off you need in a reasonable and timely manner. Unpaid voluntary work in the Community is not secondary employment, but you still need to declare it to your Headteacher, as there may be a conflict of interest with your school job.

- 6.4 You can find further guidance of receiving payment or fees for other work in **Appendix E**.

## **SECTION 7      DISCLOSURE OF INFORMATION, CONFIDENTIALITY AND REFERENCES**

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- 7.1 You should be fair and open when dealing with others and ensure that they have access to information they need unless there is a good reason not to allow according to the freedom of information act.
- 7.2 You must act in accordance with the law when handling personal and other information. Special care must be taken when handling personal and confidential information and never use it inappropriately. You may be personally prosecuted under the Data Protection Act so it is important that you know what your responsibilities are. If you are unsure about this, consult your Headteacher/line manager. The Local Authority also has a Data Protection and Security Officer who can help.
- 7.3 You must not disclose any confidential, personal or financial information about an employee, pupil or parent/carer to any **unauthorised** person. You must not disclose any personal or financial information about any employee to an external agency without their approval. If you are not sure about who is an authorised person, you should consult your Headteacher or seek advice from your HR provider.
- 7.4 If you are asked for personal information for a reference, for example for a job or mortgage application, you may provide information only after you confirm the identity of the enquirer. To do this, you can reply in writing to the enquirer, or call them back to make sure they are who they say they are.
- 7.5 If the request is for a reference for a colleague or ex-employee, you must be aware that whilst it is the responsibility of the Headteacher to provide employment references, this can be delegated by the Headteacher, however, the Headteacher has to read and sign off the final document. Any employee may give a reference in a personal capacity. If you misrepresent the school, this will be treated as misconduct.
- 7.6 You must not disclose confidential information to a third party. This includes information relating to:
- competitive tendering or tendering for work
  - exempt items under the provisions of the Local Government (Access to Information Act) 1985;
  - an employee, elected member, governor or service user;
- 7.7 You must not use any information obtained in the course of your employment for personal gain or give to anyone else who might use it in this way.
- 7.8 If you actively use your position in school to seek any information for use other than for the purpose of the job you are employed to carry out and/or share or pass on the

information to anyone who does not have the legal right to the information, then this would be considered gross misconduct and could lead to dismissal.

- 7.9 If, in the course of your job, you deal with someone you're related to, or have a close relationship with, declare it to your Headteacher/Chair of Governors. You must be fair and act in a professional way.
- 7.10 Inappropriate disclosure of confidential information can be considered misconduct, and may be considered gross misconduct which can lead to dismissal.

## **SECTION 8 COMMUNICATIONS WITH THE MEDIA**

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- 8.1 All contact with the media that is about Local Authority and/or school activities is handled by the Communications service in conjunction with Headteachers and Chairs of Governors.
- 8.2 You must be aware that by sharing information with the media relating to your employment within school, you may be in breach of the code of conduct. If there is any uncertainty on what action to take in these instances, you should seek advice from your Headteacher.
- 8.3 If any issues or concerns have been raised via the Communication service or Headteacher/governors and you feel they are not being handled appropriately, then you should raise this through the school's Whistleblowing procedure.

## **SECTION 9 POLITICAL NEUTRALITY**

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- 9.1 You must not allow your personal or political opinions to interfere with your work. Some posts are "politically restricted". If this applies to you, you should already have been told about the restrictions separately. **Teachers and Headteachers are excluded from political restriction, whatever their role.**
- 9.2 More information on this is available in **Appendix F**. If you need any more advice or information, ask your line manager/Headteacher or HR provider.
- 9.3 When working with others, whether within the school or external, you must always ensure their rights, views and opinions are respected. This includes employees, elected members, members of the public, parents/carers for example.
- 9.4 While carrying out your role in a professional manner at all times, you must not show political bias in relation to the performance of your duties/employment with the school [and/or Local Authority]. You should be aware that if displaying items that demonstrate support for a particular group, for example, on vehicles/equipment, this could breach the code of conduct. Where there is any uncertainty you should seek advice from your Headteacher.

## **SECTION 10 THE SCHOOL COMMUNITY AND SERVICE USERS**

- 10.1 You must remember that you have a responsibility to the users of the school. You must make sure that you work politely, efficiently and fairly with everyone in the school and community and ensure an impartial service delivery to all groups and individuals.
- 10.2 You should be as open as possible about what you do, and the work of the school whilst maintaining the needs of confidentiality.
- 10.3 You should make sure that you keep to the law and any other guidance.
- 10.4 The Governors will not accept an employee's physical or emotional abuse to a service user, child, pupil, parent or carer, governor, contractor, member of the public or other employee. This includes any harassment, discrimination, victimisation or bullying.
- 10.5 If you act in this way it may be decided that it is misconduct or gross misconduct, which can result in disciplinary action including dismissal.
- 10.6 The school has a Dignity and Respect at Work Policy. You must work within this policy at all times.
- 10.7 When you work with young people or vulnerable adults you are in a position of trust. If you abuse that trust, it will be regarded as potential gross misconduct.
- 10.8 Any sexual misconduct or assault will be regarded as potential gross misconduct.
- 10.9 If you do not follow any policies or procedures meant to keep vulnerable service users or others safe, this may be regarded as gross misconduct.
- 10.10 Any act of gross misconduct may lead to disciplinary action and the possibility of dismissal without notice.
- 10.11 If you work with young people or vulnerable adults, you must read any relevant codes of practice as well as this code, and keep to them. You must keep to any relevant laws, such as the Children's Act and the Child Protection and Adult Abuse Protection Procedures. Relevant documents will be provided as part of the school's induction process.
- 10.12 Any incidents involving assault, sexual offences or harassment, discrimination or victimisation against pupils, must be dealt with under the LA Child Protection Guidance and Procedures and may be reported to the police.
- 10.13 If you see any abusive behaviour, you have a duty to report it to your Headteacher/Chair of Governors, or use the school's Whistleblowing policy to report it.

## **SECTION 11 RECRUITMENT AND OTHER EMPLOYMENT MATTERS**

- 11.1 If you are involved in recruitment, you must take care not to discriminate against anyone, or in favour of anyone. You must keep to the school's and Local Authority Recruitment and Selection Code of Practice.
- 11.2 To make sure you are not acting unfairly, you must not be involved in any selection and appointment (for example, interviewing someone) when you are related to an applicant. You must not be involved in selection or appointment where you have a close relationship with an applicant - personal or business.
- 11.3 If you think there might be a conflict of interest, you must inform your Headteacher of this.
- 11.4 Decisions that you make at work should be fair and unbiased. You must not be involved with decisions to do with discipline, promotion or pay for anyone who is related to you, or someone you have a close relationship with. This includes personal relationships and business relationships. If you are a staff governor, you must not be involved with matters relating to pay decisions and should not normally be involved in any other employment matters.
- 11.5 If there are any reasons why 11.1-11.4 should not be followed or you need help and advice with what to do next, you should contact your HR provider.

## **SECTION 12 EQUALITIES**

- 12.1 You must at all times make sure you keep to the school's and Local Authority policies on equalities, diversity and inclusion including behaving and working in a way which eliminates discrimination, harassment and victimization, advances equality of opportunity and fosters good relations. See Dignity and Work Policy.
- 12.2 All employees, pupils, governors, parents/carers contractors, partners, trade union representatives and members of the public must be treated equally and in a way that creates mutual respect. You should promote equality, diversity and inclusion by providing an environment and services free from harassment, discrimination, victimization and bullying and by treating people with respect, regardless of their age, disability, race, religion/belief, sex, sexual orientation or marriage/civil partnership.
- 12.3 The Equality Act 2010 provides the legal framework for the Local Authority in relation to equality, diversity and inclusion.
- 12.4 Breaching equality policies and the law may be treated as misconduct, up to and including gross misconduct, which carries the possible penalty of dismissal without notice.

## **SECTION 13 DRESS AND PERSONAL APPEARANCE**

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- 13.1 When you work for the school, you are a representative of your school, and must dress in a way that is appropriate, or required, for your workplace and the work you are doing. You must be clean and tidy and make sure you have good personal hygiene.
- 13.2 If you are provided with official clothing for uniform, or health and safety and/or hygiene reasons, you must wear it. This includes your name badge and other identity badges where provided and in line with school policy.

## **SECTION 14 HEALTH AND SAFETY**

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- 14.1 You have a general responsibility to work safely and make sure your working environment is healthy and safe. You are required to keep the school and Local Authority Health and Safety Policies. You are also required to follow any policy, regulations or codes of practice on Health and Safety that apply to your school or area of work.
- 14.2 You must keep to any relevant Health and Safety laws.

## **SECTION 15 CRIMINAL CONVICTIONS / BARRING**

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- 15.1 If your job is covered by the Rehabilitation of Offenders Act, you must have told us about all convictions/formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations that are not '[protected](#)' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended 2013) , before you started working with us.

For information on which convictions are protected visit [www.gov.uk/dbs](http://www.gov.uk/dbs) and <http://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/>

If you do not have internet access or do not understand what this means to you please discuss this with your line manager.

You must tell us about :

- Cautions relating to [specified offences](#) as listed by Government
- Cautions given less than 6 years ago (where individual over 18 at the time of caution)
- Cautions given less than 2 years ago (where individual under 18 at the time of caution)
- Convictions relating to [specified offences](#) as listed by Government

- Convictions that resulted in a custodial sentence (regardless of whether served)
- Convictions given less than 11 years ago (where individual over 18 at the time of conviction)
- Convictions given less than 5.5 years ago (where individual under 18 at the time of conviction)
- Similar offences committed under the law of Scotland, Northern Ireland or laws relevant to the armed services.

Under this Act, we will ask you to complete a DBS Application Form or give written permission for us to check your status on-line. You must bring in your DBS Certificate to show and discuss with your Headteacher, when required.

- 15.2 If you do not tell us about these convictions/formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations this will be treated as possible gross misconduct and might lead to disciplinary action - including the possibility of dismissal without notice.
- 15.3 If you have been barred from working with children and you seek employment to do so, this is a criminal activity and against the law and you will be dismissed without notice and immediately reported to the Police authority.
- 15.4 If your work involves driving, you must tell your Headteacher/Chair of Governors about any driving offences, or pending driving offences.
- 15.5 If you work with children, young people or vulnerable adults as part of your job, or if you have access to them you are required to report any convictions/formal cautions whatsoever to your Headteacher/Chair of Governors.
- 15.6 You must tell your Headteacher/Chair of Governors if you have any criminal proceedings pending against you and any subsequent convictions/formal cautions
- 15.7 If you are involved in posts that provide education, care or supervision of children as part of early or later years childcare provision, or are directly involved in the line management of such provision you must not be disqualified from working in such provision either directly or 'by association'. Certain cautions, convictions and care orders may mean you are automatically disqualified from such work, you may also be disqualified by association if any member of your household has such a caution/conviction/order.
- 15.8 You must complete a childcare disqualification declaration in relation to yourself and others who live and work in your household and discuss with us when required.
- 15.9 You must tell your Headteacher/Chair of Governors immediately if you receive any convictions, cautions, or other orders that may lead to your disqualification under the Childcare Disqualification Regulations 2009, you must also notify them of any unspent or unprotected convictions, cautions or other orders relating to anyone

living or working in your household that would also lead to your disqualification 'by association'.

## **SECTION 16      DRUGS AND ALCOHOL**

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- 16.1 While you are at work, you must be in a condition to do your job safely.
- 16.2 The effects of drinking alcohol cause you to perform your work less well. It may also be a health and safety risk - especially if you drive or use machinery. Because of this, you must not drink alcohol:
- On the same day prior to commencing employment duties
  - During your working hours
  - During a lunch break from work
  - On any other break during your working day
  - At functions such as conferences within working hours.
- 16.3 If you drink alcoholic drinks at these times, this may be regarded as misconduct or gross misconduct, which could lead to dismissal.
- 16.4 Where it is clearly evident that your performance is impaired whilst undertaking your employment duties during working time, due to the influence alcohol or drugs, this may be regarded as gross misconduct. If you have previously declared a substance related problem this will be dealt with under the appropriate policy.
- 16.5 Governors believe that consuming alcohol during working hours or on school premises is inappropriate and could put at risk the health, education, safety or welfare to yourself, pupils and staff. This may be regarded as an act of misconduct. Exceptions to this will be agreed in advance and notified to staff by the Headteacher/Governors for events such as staff end of term gatherings and PTA functions. When on school trips prior approval must be gained from the Headteacher before any social consumption of alcohol is undertaken.
- 16.6 If you use illegal drugs, or prescription drugs that have not been prescribed for you, this will not be acceptable. This may result in the school contacting the police to report it. Use of illegal drugs or prescription drugs that have not been prescribed for you before or during work, on breaks or at functions may be considered misconduct or gross misconduct, which could lead to dismissal.

## **SECTION 17      TEACHERS**

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The new Teachers' Standards published by the Secretary of State for Education came into effect on 1 September 2012, though the Teaching Agency have been using the conduct elements since 1 April 2012 as a reference point when considering whether a teacher's conduct has fallen significantly short of the standard of behaviour expected of a teacher. The following is extracted from Part Two of the document - Personal and Professional Conduct:

- 17.1 A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard of conduct throughout a teacher's career.
- 17.2 Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - showing tolerance of and respect for the rights of others
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
  - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- 17.3 Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- 17.4 Teachers must have an understanding of, and always act within, the statutory framework which set out their professional duties and responsibilities.

Whilst these standards are statutory for teachers only, it is expected that all employees will follow the principles of these standards.

## **SECTION 18      GENERAL CONDUCT**

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- 18.1 You must follow instructions, providing they are lawful. You must make sure you do not do anything that might affect the school's legal position. Any refusal to follow instructions may be a breach of contract and could result in deduction of pay. Such instances occurring would need to be looked at individually and employees would be made aware of any respective consequences by the employer.
- 18.2 The Governors expect you to use good judgement, and take account of other people's views. You should show respect for service users, colleagues and governors.
- 18.3 If you need further information or advice about what to do in any situation, you should contact your Headteacher, line manager, Chair of Governors or HR provider.
- 18.4 You should read this code together with the appendices, and any other school codes of practice or policies that are about conduct or security.

## **GLOSSARY TO CODE OF CONDUCT**

**Contractor-** An individual, partnership, company or other service that has a contract with the school or Local Authority to do or provide something. For example, to design, develop, manufacture, maintain or provide services.

**Conflict of Interest-** A conflict between private interests and your duties with the school. This can exist whether or not money is involved, and whether the conflict is actual or just perceived.

**Competitive Tender-** Where several potential contractors are invited to prepare proposals to provide a project or service, on the basis of quality and price.

**Disciplinary-** Disciplinary action is taken by an employer for violating policy or procedure (including the Code of Conduct). For more details on this, see the school's Disciplinary Policy.

**Disrepute-** To bring something into disrepute is to lower its reputation, damage its image.

**Misconduct-** Breaking the Code of Conduct, another code or terms and conditions may be considered misconduct. There are different types of misconduct depending on the exact circumstances and consequences. The most serious type is **gross misconduct**. For more information on this, see the school's **Disciplinary Policy**.

**Inducement-** something that encourages you towards an action - an incentive. This could be money, food, gifts, or anything else that might benefit you. If you are offered or take something that people may think is an inducement, you could be accused of making decisions unfairly based on what you received.

**Whistleblowing (also 'whistle blowing')-** Revealing wrongdoing to someone in authority. For more information on this, please refer to the school's Whistleblowing policy.

## **RELEVANT LAW**

**This section points to relevant law on some topics from the Code of Conduct. It should not be considered an exhaustive list as legislation frequently changes. If you are unsure about whether an action would be lawful, please investigate further.**

### **Monitoring and Surveillance:**

The Regulatory and Investigatory Powers Act, the Data Protection Act, and the Human Rights Act.

### **Use of IT Equipment:**

The Data Protection Act,  
The Obscene Publications Act,  
The Computer Misuse Act  
The Theft Act.

### **Equalities:**

Equality Act 2010

## APPENDIX A

### DEFINITION OF WHAT CONSTITUTES A MEMBERSHIP OF SECRET SOCIETY

The following is the Local Authority's definition of what constitutes a society with secret rules (secret society). This definition has been adopted by the school.

'Any lodge, chapter, society, trust or regular gathering or meeting, which:

- a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and
- b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

### INTERNAL CONTROLS

Internal Controls are procedures that should be built into financial systems to give all stakeholders the confidence that transactions will be accurately and properly processed. They also facilitate the detection of errors and the production of reliable information.

#### The Key Priorities for Internal Control Procedures:

- To have internal checks – the checking of one person's work by another;
- To ensure there is separation of duties so that key tasks are performed by separate individuals;
- To have system and process manuals documenting required procedures;
- To authorise transactions before further processing;
- To maintain a good audit trail.

#### 1. Separation of Duties

The Headteacher is responsible for ensuring that duties relating to financial administration are carried out by at least two people. The work of one person must act as a check on the work of the other and these checks should be fully documented. Wherever possible the following tasks should be carried out by different members of staff:

- Identifying sums due to the school      and Collecting & banking such sums
- Raising orders      and Verifying receipt of goods
- Authorisation of invoices for payment      and Certification of invoices for payment

In small schools with fewer administrative staff, it may be necessary for the Headteacher or Deputy to carry out some internal checks and authorise transactions. You should always check with the Headteacher for clarity.

Whatever the specific arrangements, staff must not be placed in the position of being asked to sign for tasks which they have not carried out or to sign in the name of another person.

#### 2. Financial Systems and Processes

- The Governing Body should ensure that there are written procedures or manuals for financial systems and processes and that these are kept up to date.

- Only authorised staff should have access to financial systems, records, cash and cheques. Governors should not have access to the financial system unless they are also authorised staff governors.
- Schools should ensure that access to the school's financial management system (e.g. SIMS FMS6) is restricted to staff who have such a requirement as part of their role and that access is removed for staff that leave.
- Appropriate staff should receive the necessary training to operate the financial systems and should be made aware of the requirements for internal controls.
- The Headteacher should ensure that financial control is maintained in the absence of key staff by training other staff and arranging for other staff to shadow finance duties from time to time.

### 3. Audit Trail

Schools should ensure that all stages of a transaction can be easily traced, for example, from original purchase order to cheque number on bank statement and in reverse. Alterations to original documents such as orders, invoices and cheques should be clearly made in ink or other permanent form and initialled.

Proper accounting records should be maintained and stored securely. All documents relating to financial transactions should be retained in accordance with the following guidelines:

- To comply with HMRC and Department for Work and Pensions, it is necessary to keep relevant payroll and other related financial records for at least **6 complete financial years** plus the current year.
- VAT regulations require that business records be kept for **6 years** – these are deemed to include invoices, income records, orders, delivery notes, bank statements, paying in slips, annual accounts and relevant business correspondence.
- Contract documents should be retained for **6 years** after the contract has expired or 12 years if they have been signed under the Council's seal.

### 4. Statement of Internal Controls

The Governing Body and the Headteacher should consider and will complete a Statement of Internal Controls on an annual basis to give assurance to parents, stakeholders and the Local Authority that the school's finances are properly managed. The SIC should be returned to the Finance Service by the 31 March each year.

### GIFTS AND HOSPITALITY

#### Guidance to Governors Headteachers and Managers

The purpose of this document is to clearly inform employees of the policy and procedure in relation to offers of gifts and hospitality made from any source.

#### 1. Policy

- 1.1 The school's Code of Conduct states that service users, pupils, parents/carers, governors, members of the public, are entitled to demand of you conduct of the highest standard. Your actions must not be influenced by offers of gifts or hospitality and your actions must not give the impression that you have been influenced in this way.
- 1.2 You must not accept gifts, loans, fees or rewards from any person or organisation in particular those who may potentially expect to receive an advantage or benefit in return. This includes gifts, loans, fees or rewards from contractors, outside suppliers or members of the public. However, some incidental gifts or hospitality can be accepted, as detailed in this Code of Practice.
- 1.3 This Code of Practice applies to all employees, including Headteachers.
- 1.4 Any breach of this Code of Practice may be viewed as potential gross misconduct and could lead to a disciplinary hearing that may result in dismissal without notice.

#### 2. Principles

- 2.1 You must maintain a good working relationship with service users but avoid favouritism towards any group or individual in the course of your work.
- 2.2 You must act with integrity at all times.
- 2.3 If it is suspected that a contractor, outside supplier or other person/organisation is acting in an improper manner, you should report it to your line manager as a matter of urgency.

#### 3. Process

##### 3.1 Gifts

- 3.1.1 You may accept items up to the value of £10 e.g. diaries, calendars etc, usually distributed by companies as a promotional exercise, or small gifts from children.

- 3.1.2 Without causing offence, you should discourage service users or other organisations from offering gifts.
- 3.1.3 If gifts have a higher value than £10, you should tactfully refuse them. If gifts of this value are delivered, they should be returned with an appropriate explanation. If gifts cannot be returned, your Headteacher or line manager should dispose of them to charity and record this fact.
- 3.1.4 All gifts above a value of £10 should be registered on the appropriate form, even if the gift is returned. Please see 2(ii) of this procedure.
- 3.1.5 Gifts of cash should not be accepted.

## **3.2 Hospitality**

- 3.2.1 You may accept incidental hospitality, such as light refreshments, tea or coffee, as offered at a visit, conference, meeting or promotional exercise.
- 3.2.2 Where other than incidental hospitality is offered by an existing contractor or by an organisation likely to be involved in a contract, the hospitality should be refused. You should avoid socialising with organisations and pay your own bills for meals, travel etc.
- 3.2.3 Invitations to social events offered as part of normal working life, e.g. opening celebrations, annual dinners, may be accepted if authorised by your Headteacher/Chair of Governors.
- 3.2.4 All offers of hospitality, other than incidental, must be registered on the appropriate form, please see 2(ii) of this procedure.

## **3.3 Inducements**

- 3.3.1 You must not accept inducements, e.g. a bribe.
- 3.3.2 All offers of inducement must immediately be reported to your Headteacher or line manager and be registered as per section 4.1 of this procedure.

## **4. Procedure**

- 4.1 All offers of accepted/declined gifts or hospitality (other than incidental) must be entered on Form A (attached), together with an estimate of value, and passed to the Headteacher.
- 4.2 Headteachers will keep Form A as a register of offers.
- 4.3 The Headteacher will retain a file of higher value gifts or hospitality offered, declined or accepted. A report to Governors will be presented in April summarising the information.

- 4.4 Where gifts, hospitality or inducements are offered to the Headteacher, the Chair of Governors will sign the form.
- 4.5 A central file of all gifts, hospitality or inducements offered, declined or accepted by school employees and Governors will be maintained by the Headteacher.
- 4.6 If you are uncertain how to deal with an offer of a gift or hospitality, you should contact your Headteacher or line manager.
- 4.7 If your interpretation of this Code and/or your actions are called into question, it is the responsibility of your Headteacher or line manager to investigate whether you acted in good faith according to your understanding of the Code of Practice.

# ***GIFTS AND HOSPITALITY***

# ***FORM A***

***GIFTS AND HOSPITALITY REGISTER*** YEAR.....

<b>NAME</b>	<b>OFFERING ORGANISATION</b>	<b>DETAILS OF GIFT/HOSPITALITY</b>	<b>ESTIMATED VALUE (if known)</b>	<b>ACCEPTED/ REJECTED</b>	<b>REASON</b>

Signed ..... Employee Department .....

Signed ..... Headteacher/Chair of Governors

## APPENDIX D

### USEFUL CONTACT NUMBERS

Sheffield City Council		
Monitoring Officer	Director of Legal Services	273 4018
Anti-fraud telephone hotline	Internal Audit	273 6060
Press/Media enquiries	Corporate Team email <a href="mailto:press@sheffield.gov.uk">press@sheffield.gov.uk</a>	2053546
Communications advice/enquiries	Corporate Team e-mail <a href="mailto:communications@sheffield.gov.uk">communications@sheffield.gov.uk</a>	2735538
Schools Human Resources		
Human Resources Business Partner Schools	Resources Portfolio	2506702
HR Service Manager	Resources Portfolio	2930904 2930909 2930892
Human Resources Consultants and Advisers		2930973

## APPENDIX E

### OTHER EMPLOYMENT RELATED ACTIVITIES – FEES

Employees may be asked on occasions to give lectures or undertake work using their professional skills and expertise. If the work forms part of the duties of a post and the employee is carrying out an official duty, he/she must forward all fees to the employing school. Any expenses incurred will be reimbursed through the normal procedures.

Employees in receipt of 'fees' in respect of undertaking work and/or lecturing to an outside organisation/person(s) may retain the 'fees' providing:

- A preparation and delivery of the work is undertaken outside working hours (unless covered below);
- B equipment and/or materials are not being provided by the school or Local Authority;
- C the employee is not acting as a representative of the school or Local Authority.

Where the work or lecture is undertaken during working hours the equivalent working hours must be re-arranged, in agreement with the Headteacher/line manager to accommodate the employee's request or annual leave, flexi leave or time off in lieu must be used. The employee concerned may also be granted unpaid leave, subject to the agreement of the Headteacher/Chair of Governors in consultation with the HR provider.

It will need to be clarified whether any such work is being carried out on behalf of the school or solely on an employee's private undertaking. Refer to Section 12 of the school's Pay Policy.

### **Politically Restricted Posts (PoRPs)**

#### **Legal Background**

The Local Government and Housing Act 1989 (LGHA) introduced the principle of Politically Restricted Posts (PoRPs) in local authorities. This Act had the effect of restricting the political activities of certain local authority employees. The LGHA was amended in 2009 by the Local Democracy, Economic Development and Construction Act 2009.

#### **Restricted Posts**

Posts may be politically restricted because

- they are specified as PoRPs in accordance with the legislation; or
- it has been determined that they fall within the sensitive duties related criteria of the legislation

#### **Specified Posts within Sheffield City Local Authority**

**These post holders are politically restricted without the right of appeal**

#### **Statutory Officers**

The Head of the Paid Service (Chief Executive)  
Director of Children's Services under Children's Act 2004 (Executive Director CYPF)  
Director of Adult Services under LASSA 1970 (Executive Director Communities)  
Chief Finance Officer under Section 151 of LGA 1972 (Executive Director of Resources)  
The Monitoring Officer (Deputy Chief Executive)

#### **Non Statutory Chief Officers**

Officers reporting directly to the Head of the Paid service excluding secretarial/clerical support.

#### **Deputy Chief Officers**

An officer reporting directly or is directly accountable to one or more of the statutory or non statutory Chief Officers.

#### **Officers Exercising Delegated Powers**

Officers whose posts are specified by the authority in a list maintained in accordance with section 100G (2) of the Local Government Act 1972.

## **Assistants for Political Groups**

### **Sensitive Duties Posts within Sheffield City Local Authority**

The duties of a post under a local authority fall within this subsection if they consist of or involve one or both of the following sensitive duties i.e.

- giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; or where the authority are operating executive arrangements, to the executive of the authority, to any committee of that executive; or to any member of that executive who is also a member of the authority
- speaking on behalf of the authority on a regular basis to journalists or broadcasters

These post holders can appeal against political restriction on the grounds that the criteria have been wrongly applied.

Teachers and Headteachers are exempt from political restriction, whatever their role.

A list of all Politically Restricted Posts within Sheffield City Local Authority is held by the relevant Proper Officer (Chief Executive). Any modifications to this list must be reported and recorded accordingly.

### **Restrictions on Post Holders**

Employees in PoRPs are debarred from standing for or holding elected office as

- Local Councillors
- MPs
- MEPs
- Members of the Welsh Assembly
- Members of the Scottish Parliament

These restrictions are incorporated as a term in the employee's contract of employment under Section 3 of the Local Government (Politically Restricted Posts) Regulations 1990.

They are also restricted from:

- Canvassing on behalf of a political party or a person who is or seeks to be a candidate
- Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party

## **Appeals against inclusion on the list of politically restricted posts**

Post holders who are politically restricted because they hold specified posts have no right of appeal.

- Appeals are made to the Head of Paid Service
- Post holders of sensitive posts that are politically restricted may appeal on the grounds that the authority has wrongly applied the duties-related criteria
- Appeals may be made by the current post holder or by an individual who has been offered employment in a politically restricted post
- There is no timescale during which a post holder must make an appeal
- To appeal, employees should send a letter formally seeking exemption and a job description to the Monitoring Officer (Deputy Chief Executive), Town Hall, Pinstone Street, Sheffield, S1 2HH
- If the appeal is successful, the Monitoring Officer will notify HR Connect at Capita, so that it may be noted on the records for the individual and for the post

Please Note: This document is a summary, if you require further details or are unsure about any of the content please contact the Director of HR, Town Hall, Pinstone Street, Sheffield S1 2HH.