



The Keys Academy Trust

Code of Conduct Policy

Date: April 2014

Review: November 2017

1. Policy statement

- 1.1. Earley St Peter's CE Primary School believes that it is essential for standards of conduct at work to be maintained to ensure delivery of quality services and also to protect the well-being of all its employees and pupils. The following policy will make sure that all employees are aware of the standards set by the School.

2. Purpose

- 2.1 The purpose of this policy is to establish, and encourage all employees to achieve, high standards of conduct at work, and to help provide a fair and consistent way of dealing with alleged failures to observe them.

- All employees in the Earley St Peter's School are expected to give the highest possible standard of service to the public. Employees should conduct themselves with integrity, impartiality and honesty. Breaches of conduct and personal behaviour will be dealt with under the Policy and Guidance for Discipline.
- All employees in the School have an absolute duty to promote and safeguard the welfare of children in the school, and to take appropriate action where they consider that a child may be at risk of suffering harm.
- Teachers are in addition bound by the code contained in the Teachers Standards which come into effect on 1 September 2012. (See Appendix 2 and 3). While Teachers are bound by the code, the School consider the principles to apply to all staff employed in the School and not exclusive to teachers.

3. Scope

- 3.1. The policy applies to all employees and temporary/casual workers of the School including volunteers.

4. Equal Opportunities

- 4.1. Our Equal Opportunity Policy reflects one of the School's core values. All employees are entitled to fair treatment by others, and to be treated with respect and dignity. In return, they are expected to treat others in this way.

5. Other Supporting Policies

- 5.1 To assist the School the following policies exist in conjunction with the Code of Conduct Policy

- Child Protection/Safeguarding
- Disciplinary
- Anti Bullying
- Complaints
- Equal Opportunities
- Internet Use
- Smoking
- Data Protection

6. Confidentiality

- 6.1 Employees must not disclose official/confidential information. Employees must not use information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Also for information relating to patents and intellectual property.
- 6.2 Information on pupils may not be disclosed without the consent of the child's parent, or where a child is of reasonable understanding, the child. The only exceptions to this are:
- To safeguard the welfare of the child, information may be disclosed in accordance with the school's child protection policy, the Berkshire Authorities' Child Protection Guidance, and Working Together To Safeguard Children (DfE March 2010).
 - Where information is requested by the Police to detect or prevent offending.
 - Where otherwise allowed to be disclosed by a legal obligation (for example, to give information to a child protection case conference), or an Order of a Court.
- 6.3 It may not be appropriate to agree to maintain confidentiality, where to do so would cause harm or allow unacceptable practices to persist. For further information see the Whistleblowing Policy.

7. Disclosure of information

- 7.1 Employees of the School may in the course of their duties have access to confidential information. The law requires that certain types of information must be available to LA Members, auditors, government departments, service users and the public.
- 7.2 Employees must not use any information obtained during their employment for personal gain or benefit, nor should they pass it on to others who might use it for personal advantage.

8. Disclosure of personal information relating to employees/pupils/public

8.1 Many employees have access to personal information relating to other employees, pupils and other members of the public. All employees must treat this information in a discreet and confidential manner (the Data Protection Act 1998) and adhere to the following guidelines:

- Written records and correspondence should be kept securely at all times.
- Information relating to staff/pupils/public must not be disclosed either orally or in writing to unauthorised persons.
- Information relating to pupils/public must not be given over the telephone unless the caller has given details of their right to ask for such information. Employees should check on the caller's right to information by obtaining their telephone number and calling back to check their identity or by asking for a written request for information.
- Confidential matters relating to staff/pupils/public should not be discussed in areas where they may be heard by passers-by, i.e. corridors, reception, lifts, staff room, etc.
- Any breach of confidentiality may be regarded as misconduct and be subject to disciplinary action, see the Discipline Policy.

8.2 As a general rule employees should not make statements or write letters to the media, if in doubt they should refer such matters to their Head Teacher.

9. Additional activities including conflict of interest

9.1 Additional activities

9.1.1 For the purposes of the Working Time Regulations employees who have more than one employment (either inside or outside the School) should seek their Head Teacher's approval, this should be reviewed annually. Before undertaking another job, employees must also inform their manager of other work undertaken so that the total level of work undertaken can be monitored. Managers should also find out if prospective employees have secondary employment that may prevent them from performing their job with the School to the standards desired.

9.1.2 The policy does not bar all outside work, however, all employees must be clear about their contractual obligations and must not take outside

employment that conflicts with the School's interests or damages the School's interests or reputation.

9.2 Conflict of Interest

9.2.1 All employees should ensure before they undertake additional employment that there is no conflict of interest with their duties or with the School's interests.

9.2.2. The public expects transparency and accountability in how decisions are made. The School expects its employees to give the highest possible standard of service and to avoid any situation where private and School interests may conflict. An employee, who believes that she or he is in a situation that may cause a conflict of interest, should discuss their situation with their Manager/Head Teacher.

9.2.3 Where this is not declared and there is a clear conflict of interest this may be considered misconduct. Where there is a financial/other benefit to the employee it may be seen as gross misconduct. Where there is a likelihood of dismissal for inappropriate personal interest, it is the responsibility of the School to demonstrate that there is a genuine financial risk in continuing to employ the employee in the same capacity. An investigation will be necessary before beginning such a course of action. Below are further examples of what constitutes personal interest:

- Employees must exercise fairness and impartiality when dealing with all parents, pupils, customers, suppliers, other contractors and sub-contractors and no part of the local community should be discriminated against.
- Employees who have access to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- Employees, who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a private or domestic relationship with them, must declare that relationship to their manager.

9.2.4 Employees must also declare an interest where:

- An employee has membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct.
- Where an employee allocates school places to an acquaintance or relative

9.3 The Bribery Act 2010

9.3.1 Under the Bribery Act 2010) it is an offence to offer or receive bribes or improper inducements for any purpose.

The Council defines bribery as ‘an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage’.

9.3.2 There are four key offences under the Act:

- bribery of another person
- accepting a bribe
- bribing a foreign official and
- failing to prevent bribery.

9.3.3 Employees must not:

- offer, promise or give a bribe
- request, agree to receive, or accept a bribe
- bribe a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

9.3.4 It is a criminal offence for employees to use a third party as a means to direct bribes to others. Employees must not encourage bribery either directly or indirectly.

9.4.5 Where employees believe that this policy has been breached they should report it to their line manager or for confidential reporting use the whistle-blowing policy. The consequences of breaching the policy for employees and managers will be disciplinary action and may also result in a criminal penalty.

10. Inventions and Patents

10.1 The Patents Act 1977 as amended by the 1988 UK Copyright, Designs and Patents Act states that inventions and patents, e.g. plans, reports, designs, unique processes or software, etc. are the property of the employer if:

- They have been made in the course of the employee's normal duties; or
- They have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or
- It was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

11. Relationships

11.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

12 Contact with Pupils and other Young People

12.1 The DfE have produced an advisory document called 'Guidance for Safer Working Practice for adults who work with children and young people'. The governing body have endorsed this guidance and staff are expected to be guided by it. See Appendix 4.in policy folder.

The guidance includes information on dealing with

- Infatuations
- Social Contact
- Physical Contact
- Physical Education and other activities which require physical contact
- Showers and Changing
- Pupils in Distress
- Behaviour Management
- Care, Control and Physical Intervention
- Sexual Contact with Young People
- One to One Situations
- Overnight Supervision and Examinations
- Transporting Children
- Educational Visits and After School Clubs
- First Aid and Administration of Medication
- Intimate Care

- Sensitive areas of the Curriculum
- Photography, Videos and other Creative Arts

13. Appointment and Management of staff

- 13.1 Employees involved in the recruitment of internal and external staff must ensure that the decision to appoint is based on merit, (see the Recruitment and Selection Policy). An appointment that is based on anything other than the ability of the candidate to do the job may leave the School vulnerable to allegations of discrimination. Employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship with him or her.
- 13.2 For the purposes of this guidance the definitions of partners/relatives are ongoing personal and emotional relationships, marriage and close family members.
- 13.3 It is the policy of the school that spouses/partners will not be employed where there will be a line management relationship between them relating to discipline, promotion or pay adjustments and/or where they will be employed together in the area of contracts or finance. This will ensure that our parents and staff feel confident that decisions within the School are made in a fair and equitable way based on the reasonable application of professional judgement. Equally managers and supervisors will want to ensure that their decisions are not influenced by personal considerations. The requirement of managers to maintain confidentiality may also put strains on personal relationships.
- 13.4 Responsibility, managers must investigate the situation and discuss the issues with the employees concerned. Where there is evidence that the working relationship will cause a conflict of interest i.e. where the service involves financial and/or contract work the manager must look for an alternative post for one of the employees involved. The decision of who should move to an alternative post must be based on the degree of impact the loss of either employee would have on the particular service. Each case must be decided on its merits to ensure that the decision made is on objective and reasonable grounds and not unfairly discriminatory.

13.5 There may be the opportunity to retain both employees in the same area if another manager can take on the line management element of the role in the same department or if the work can be re-arranged. A decision can only be made once a full investigation has taken place and the employees have had an opportunity to express their views. Where there is no alternative post or way of working, this may result in dismissal for “some other substantial reason”. Managers must ensure that the decision to redeploy or dismiss is fair and based on measurable criteria. A full investigation must be undertaken before a decision is made. Dismissal is not automatic all other avenues must first be explored.

14. Gifts and Hospitality

14.1 Employees must not accept significant personal gifts. However, there are occasions when children or parents wish to pass small tokens of appreciation to staff, e.g. at Christmas or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value, generally not exceeding the value of £25.00. It is the responsibility of the person receiving the favour to prove that it was not received dishonestly. Employees must ensure:

- When acting in an official capacity they must not give the impression that their conduct both inside and outside work with any person or organisation is influenced by the receipt of gifts, rewards and hospitality or any other such consideration.
- They think about the circumstances in which offers are made and are aware that they may be regarded as owing a favour in return.
- They have permission from their line managers before accepting such offers and are aware that the offers may have to be returned or refused.
- That when gifts or hospitality have to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the School.
- All offers whether or not accepted must be recorded in the Gifts and hospitality register

- Employees must be particularly wary from accepting gifts from a pupil where it is suspected that a pupil has a crush on the employee.

14.2 Employees must not accept offers of hospitality unless there is a genuine need to impart information or represent the School in the community. Offers to attend purely social and 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 should be properly authorised and recorded in the Gifts/Hospitality Register held in the School.

How an employee should react to an offer depends on the type of offer, the relationship between the parties involved and the circumstances in which the gift or hospitality is offered:

- Employees must not be seen to be acting in their own personal interests and need to be careful that their behaviour cannot be misinterpreted.
- An offer of a bribe or commission made by contractors, their agents or by a member of the public must be reported to the line manager. Hospitality from contractors should also be avoided for where employees/team are singled out for example Christmas lunch etc, this may be perceived as preferential treatment.

14.3 No one working for, employed by, or providing services on behalf of the School is to make, or encourage another to make any personal gain out of its activities in any way. Any person becoming aware of a personal gain being made at the expense of the School, contractors or the public should follow the Whistleblowing Policy.

14.4 The acceptance of gifts and hospitality may be a subject of criticism placing the School in a position that it has to defend such action. Consequently, it is essential that all details of gifts and hospitality (except small tokens by children or parents as detailed above) be recorded in the Gifts/Hospitality Register.

15. Sponsorship –Receiving

- 15.1 Where an external organisation wishes to sponsor a School activity, whether by invitation, tender, negotiation or voluntarily, the basic principles concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

16. Matters of Conscience

- 16.1 Where an employee believes he or she is being required to act in a way which is illegal, improper, unethical, or in breach of the School's conventions, which may involve possible maladministration, or which is otherwise inconsistent with the Policy for Conduct he or she should refer to their line or Head Teacher or to the Whistleblowing Policy.
- 16.2 Where an employee is aware, or has evidence of illegal, improper or abusive behaviour of another employee he or she should refer to their line manager or the Policy for Equal Opportunities.
- 16.3 Where an employee is aware, or has evidence of illegal, improper or abusive behaviour of another employee towards a pupil, he or she must notify immediately the head teacher, unless the allegation is against the head teacher, when he or she should bring it to the attention of the Chair of Governors.
- 16.4 Where an employee fails to report such concerns outlined in paragraph 16.3, this may be construed as misconduct and lead to disciplinary action.

17. Personal behaviour

- 17.1 The School believes in treating all employees with respect and trust in a mature, respectful and considerate manner and expects the same approach from employees. The School expects employees to respect the School's property, other employees and their property, suppliers and the public at all

times. Employees also demonstrate the characteristics they are trying to inspire in pupils. Failure to observe the standards of behaviour expected breaks the bond of trust that is fundamental to the employer/employee relationship and may lead to disciplinary action.

- The Discipline Policy will be initiated where any employee is found to be in breach of this Policy. If an employee is found guilty of gross misconduct he or she may face dismissal.

18. Absence from work

- 18.1 All leave should be approved prior to it being taken. This includes parental leave, special leave, etc. Failure to notify absence is unauthorised absence.

19. Poor timekeeping

- 19.1 Managers must set a timekeeping standard that is known to all employees. This standard should be applied consistently with employees arriving and departing from their place of work at the agreed times.

- 19.2 Employees must inform their managers/colleagues of their whereabouts and expected time of return when they are out of the office e.g. off-site meetings/visits etc.

20. Negligence

- 20.1 Negligence arises from failure by the employee to exercise reasonable care in his or her work. Employees must not cause loss or damage through carelessness, negligence, a reckless act or breach of instructions. It is only a disciplinary offence if the individual is considered to be personally responsible.

21. Refusal to obey a reasonable instruction

- 21.1 It is the responsibility of all employees to carry out reasonable instructions. In those circumstances where an employee refuses to obey a reasonable instruction, it will be necessary to investigate the situation and depending on the outcome of an investigation it may result in disciplinary action. See the Whistleblowing Policy, where refusal to carry out a reasonable instruction is linked to a matter of conscience.

22. Social behaviour

22.1 Employees should be aware of the following expected standards of behaviour when attending work related events in and outside of worktime where attendance could be seen as representing the School:

- The Conduct and Personal Behaviour Policy will still apply e.g. regarding drug/ alcohol abuse, harassment and discrimination.
- Consideration and respect for others
- Those in a position of management/supervision should not behave in any way that could undermine their position
- The School should always be seen in a favourable way by the public

22.2 Employees using private vehicles for School business must ensure:

- The vehicle is road worthy and complies with Road traffic/Transport regulations.
- That the vehicle is insured for “business use”
- They are licensed to drive the vehicle
- They do not drive under the influence of drink/drugs or where there is ill health that may impair their ability to drive the vehicle safely.
- They abide by the current Road Traffic/Transport Regulations.

23. Alcohol/drugs

23.1 Employees must ensure that they are not unfit for duty as a result of the effects of alcohol or drugs. Staff should be aware of the lasting effects of

alcohol and drugs both prescription and illegal, and ensure that any consumption of these substances does not impair their ability to discharge their duties. See Appendix 1 for further guidance.

24. Smoking

24.1 Refer to separate smoking policy.

25. Health & Safety

25.1 Employees also have a duty to familiarise themselves with all the safety regulations that apply to their job and the area in which they work. Refer to the School's Safety Policy.

26. Fraud and Corruption

26.1 An employee who commits a fraudulent act is liable to disciplinary action, which may include dismissal and possible criminal prosecution even for a first offence. Fraud is defined as any manipulation of an accounting system or supply system to enable public money or material to be misappropriated.

26.2 Employees involved in the investigation of alleged fraud may be required to sign an additional code of conduct relating to their specific duties.

27. Private use of official facilities

27.1 Employees are not to use official stationery for private purposes and must not carry out private correspondence during working time. Employees are allowed to make private essential telephone calls that cannot be made outside working hours but this privilege must not be abused and the duration of all calls must be kept to a minimum.

27.2 Employees must obtain prior approval from their manager to borrow School property for use to work at home, e.g. laptop computer, printer, etc. When removing School property from the building they may be asked to show evidence of their manager's consent.

28. Reporting of Arrests, Prosecutions, etc.

28.1 Employees must report to their manager details of any arrest or criminal conviction or caution made against them by the Police (except for minor traffic offences, i.e. where they do not mean imprisonment or suspension of his or her driving licence), where the offence is also a breach of discipline and/or may have a direct impact on the employee's job, or where it calls into question their suitability to work with children.

29. False Statements

29.1 Employees must not make any false statement e.g. on subsistence/mileage claims, etc. Where there is evidence of an employee submitting such claims, he or she will be liable to disciplinary action and/or prosecution under the Theft Act 1968.

29.2 Where an employee has witnessed misconduct i.e. a fraudulent activity; he or she will have a duty to report such an incident. See also – the Whistleblowing Policy.

30. Discrimination

30.1 It is the School's policy that all current and prospective employees will have equal opportunity for employment, promotion and training on the basis of relevant ability, qualifications and merit. Employees must ensure that they do not unfairly discriminate on the grounds of gender, race, colour, marital status, national or ethnic origin, nationality, disability, sexuality, age or religion. All job applicants and workers are treated equally and the School are willing to make reasonable adjustments where appropriate for disabled applicants and workers.

31. Harassment/bullying

31.1 The School seeks to provide an environment for all employees, contractors and temporary workers free from harassment, bullying, intimidation and victimisation.

31.2 Disciplinary action will be taken against any employee who is found to have committed a deliberate or unlawful act of discrimination, sexual or racial harassment or bullying. See the Equal Opportunities Policy.

32. Abuse of the e-mail/internet

32.1 The School will not accept any abuse of e-mail/internet or telephones. Such behaviour may result in disciplinary action.

32.2 The downloading, sending or accessing of offensive material that affect the dignity of any individual or group of individuals at work may constitute harassment. Threatening, obscene or harassing messages including chain e-mails and material that will cause offence and/or degrade individuals or

minority groups will constitute a disciplinary offence which may result in dismissal.

32.3 Under the Obscene Publications Act 1959 an employee may have criminal liability if an individual publishes material that could corrupt or deprave the persons likely to see the material, this includes the transmission of data stored electronically.

32. Dress and Appearance

33.1 Dress and Appearance are matters of personal choice and self expression. However, staff should consider the manner of dress and appearance appropriate to their professional role which may be different to that adopted in their personal life. Staff should ensure they are dressed decently, safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegation.

Appendix 1

Alcohol and Drugs Misuse

1. The early identification of an alcohol or drug problem and taking appropriate action will minimise the effect of the problem on the School and other employees and may also help reduce any stress experienced by the individual.
2. It may be very difficult for people to admit they have a problem. There may well be a feeling of shame or fear of reprisals, particularly if they are taking illegal drugs.
3. There is no single symptom of an alcohol or drug problem. The presence of any or some of the following may indicate one (unless the employee is suffering from an undisclosed illness/disability):

Absenteeism

- Excessive sick leave, frequent and unexplained absences and lateness
- Frequent Monday and/or Friday absences
- Excessive lateness especially on Monday
- Leaving work early
- Frequent visits to the cloakroom
- Unexplained absence from post

High rate of accidents

- Frequent accidents at work resulting in injury and/or damage to equipment
- Accidents away from work

Poor work performance

- Difficulty in concentrating
- Taking longer than usual to do tasks
- Having an erratic work pattern

- Difficulty in recalling conversations, instructions or details
- Sticking to routine tasks and avoiding complex ones
- Frequent mistakes
- Improbable excuses for poor work
- Telling lies about performance
- Bad decision making
- Reluctance to accept responsibility

Change in personality and behaviour

- Anxiety
- Depression
- Irritability
- Lethargy
- Mood swings
- A tendency to blame others
- Over-sensitivity to criticism
- Problems relating to colleagues
- Avoiding company
- Changes in attitude to authority

Additional signs

- Smelling of alcohol at work
- Intoxicated at work (slurred speech, unsteadiness)
- Bloodshot eyes
- Shaky hands
- Poor personal hygiene and unkempt appearance
- Frequent borrowing of money
- Loss of driving licence through drink driving

The above is only a guideline, managers must investigate and not make assumptions as similar symptoms may occur in some illnesses. When in doubt managers are advised to contact their Personnel Provider.

4. Managers will encourage employees to seek help as soon as a problem is identified. Consideration will need to be made about the most appropriate action. To help bring any issues into the open a confidential meeting should be arranged with the individual (he/she may be accompanied by either a friend or union representative).

The meeting will need to be handled sensitively and focus on the wish to improve the employee's performance. The purpose should be to encourage the employee to admit there is a problem and explore the cause or reason for the problem.

It is important to establish whether any aspect of the job or stress has made the employee turn to drugs or alcohol.

It should be emphasised that the employee should be encouraged to seek help from a GP or a specialist agency.

5. Employees with a drink or drugs problem should have the same rights to confidentiality and support as they would if they had any other medical condition.
4. If the employee has difficulty in admitting there is a problem, then the Capability Policy and Guidance must be followed.

The consequences of continual poor performance need to be underlined if an employee is not ready to admit or refuses to recognise there is a problem. It is important to try and be supportive for as long as possible, however, where there are risks relating to health and safety action, transferring the employee may be necessary in the short term.

Where an employee continually fails to reach adequate performance levels and fails to accept help and/or improve then it may result in dismissal, through the fair application of the Capability Policy.

Code of Conduct and personal behaviour Declaration

I have read and understood the Code of Conduct. I agree to work within the principles of the Code.

Name.....

Signed.....

Dated.....

Please sign and return to the school along with acceptance of your terms and conditions, prior to commencing employment with the School.