

# FIRTHMOOR PRIMARY SCHOOL



## Code of Conduct for Academy Employees

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## CODE OF CONDUCT

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## CODE OF CONDUCT FOR ACADEMY EMPLOYEES

### 1. PURPOSE

1.1 The purpose of having a Code of Conduct is to:

- To make a clear statement about the standards of conduct expected of employees of the Academy
- To ensure the highest standards of conduct by identifying Academy standards which sit alongside professional codes and guidelines
- Help all employees to act in a way which upholds the Academy's standards and at the same time, protect them from criticism, misunderstanding or complaint.
- To help build trust between the Academy and the people who come into contact with those working for it.

### 2. SCOPE

2.1 This Code of Conduct applies to:

- All employees of the Academy. Employees are as defined in section 230 of the Employment Rights Act 1996 or any subsequent legislation.
- Individuals providing services for the Academy e.g. contractors, agencies, self employed, and those working for the Academy as part of partnerships with the Academy.

2.2 Disregarding this Code will in certain circumstances result in disciplinary action being taken. All employees will be supplied with a copy of this Code, against which their conduct will be measured.

2.3 The Academy's Members and Board of Directors are covered by their own Code of Conduct, which is attached at Annex A.

### 3. STANDARDS AND ATTITUDE

3.1 All employees of the Academy are expected to give the highest possible standard of service to the public, Board of Directors and fellow employees.

3.2 The attitude of employees in dealing with people reflects on the Academy so it is important that they are helpful, polite and courteous. People's impression of the Academy is strongly influenced by the views of the people who work for it. Whether or not employees are aware of it, the comments they make will be accepted by others. Employees, therefore, need to consider carefully the effect of what they say.

3.3 All employees are expected to report to the Head Teacher or supervisor any perceived or anticipated impropriety, breach of procedure or policy of the Academy.

3.4 In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct which may give rise to suspicion.

3.5 There are a number of principles that exemplify the standards that are required. They are set out below. A number of these aspects are dealt with in more detail within this Code.

## **4. THE PRINCIPLES**

### **4.1 Honesty, Integrity, Impartiality and Objectivity**

All employees must perform their duties with honesty, integrity, impartiality and objectivity.

### **4.2 Accountability**

All employees must be accountable to the Academy for their actions.

### **4.3 Respect for Others**

All employees must;

- Treat others with respect
- Not discriminate unlawfully against any person; and
- Treat the Board of Directors professionally.

### **4.4 Stewardship**

All employees must;

- Use any public funds entrusted to or handled by them in a responsible and lawful manner; and
- Not make personal use of property or facilities of the Academy unless properly authorised to do so.

### **4.5 Personal Interests**

All employees must not in their official or personal capacity

- Allow their personal interests to conflict with the Academy's requirements; or
- Use their position improperly to confer an advantage or disadvantage on any person

### **4.6 Declaring Interests**

All employees must comply with any of the Academy's requirements:

- To declare interests; and
- To declare hospitality, benefits or gifts received as a consequence of their employment.

#### 4.7 **Openness**

All employees must NOT:

- disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so; and
- prevent another person from gaining access to information which that person is entitled to by law.

#### 4.8 **Duty of Trust**

All employees must at all times act in accordance with the trust that the public is entitled to place in them.

#### 4.9 **Safeguarding**

All employees must undertake their work in accordance with requirements laid down (for their job) in support of the Academy's duties for safeguarding children and young people.

### 5. **CONFIDENTIALITY AND DISCLOSURE OF INFORMATION**

- 5.1 The Academy recognises the importance of an open, transparent culture with clear communication and accountability. It is the Academy's aim to be as open as possible about all its activities. The law requires that certain types of information must be available to auditors, government departments, service users and the public. Different rules apply in different situations. If an employee is in any doubt as to whether they can release any particular information, they should always check with the Head Teacher<sup>1</sup> first.
- 5.2 The confidentiality of information received in the course of an employees duties should be respected and must never be used for personal or political gain. Employees must not knowingly pass information on to others who might use it in such a way. If an employee believes that information should be disclosed in the public interest they should follow the Confidentiality Reporting Policy before doing so (see below). Failure to do so may result in disciplinary action being taken.
- 5.3 Employees must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, information which is stored whether on computer systems or manually must only be

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<sup>1</sup> Head Teachers can delegate duties to other members of the Leadership Team. For the purpose of this policy the use of the term Head Teacher means Head Teacher or member of the Leadership Team to whom this responsibility has been delegated. In cases relating to the interests of the Head Teacher matters should be referred to the Chair of the Board of Directors.

disclosed in accordance with the requirements of the Data Protection Act 1998 and the General Data Protection Regulations 2018.

- 5.4 Information given in the course of an employee's duties should be accurate and fair and never designed to mislead.

## **6. WHISTLEBLOWING**

- 6.1 Employees are often the first to realise that there may be something seriously wrong within the Academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 6.2 The Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment employees, and those associated with the Academy, who have serious concerns about any aspect of the Academy's work are expected to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 6.3 In order to ensure that this can happen the Academy has adopted a Whistleblowing Policy
- 6.4 The Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Academy rather than overlooking a problem or 'blowing the whistle' outside.
- 6.5 The policy applies to all employees and those contractors working for the Academy on Academy premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Academy in their own premises.
- 6.6 The policy is in addition to the Academy's complaints procedures and other statutory reporting procedures.
- 6.7 The policy has been discussed with the relevant trade unions and professional organisations and has their support.

## **7. POLITICAL NEUTRALITY**

Employees must not allow their own personal or political opinions to interfere with their work and must at all times perform their duties in an objective manner.

## **8. RELATIONSHIPS WITH PUPILS**

- 8.1 It is important that all working relationships, and relationships between employees and pupils, are conducted in a professional manner. It is an abuse

of the professional relationship between an employee and pupil for the employee to:

- Enter into an improper association with a pupil, either inside or outside of the workplace, e.g. school trips, or when using social media such as Facebook, Twitter etc.
- Commit any acts against a pupil which are illegal
- Show undue personal favour or disfavour towards a pupil
- Endeavour to exert an undue influence on personal attitudes, opinions or behaviour which are in no way connected with the work of the Academy

## **9. SAFEGUARDING OF PUPILS/STUDENTS**

9.1 Employees have a duty to safeguard pupils from:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect

9.2 The duty to safeguard pupils includes the duty to report concerns about a pupil to the Designated Lead for Child Protection/Safeguarding. Employees must ensure that they are familiar with the Child Protection/Safeguarding Policy and Whistleblowing procedures.

## **10. BULLYING AND HARASSMENT**

10.1 The Academy is firmly committed to equal opportunities and believes that every employee has the right to work in a safe environment without the fear of discrimination, harassment or abuse. The Academy will not tolerate or condone harassment or bullying in any form.

## **11. APPOINTMENT OF STAFF**

11.1 It is unlawful for appointments to be made on the basis of anything other than the ability of the candidate to undertake the duties of the post. Employees involved in making appointments should do everything possible to ensure that these are made on the basis of merit and in accordance with the prevailing Academy policy on Recruitment and Selection and regulations on safer recruitment.

11.2 In order to avoid any possible accusation of bias, employees must not become involved in any appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, if they are a relative of an applicant, or have a close personal relationship with him or her, nor where they have the opportunity to benefit, directly or indirectly, from an appointment without the express prior approval of the Head Teacher.

- 11.3 In this paragraph 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, stepson, stepdaughter, child of a partner, brother, sister grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding person.
- 11.4 'Partner' means a member of a couple who live together or who are involved in a romantic relationship.
- 11.5 'Close personal relationship' would include a person not employed by the Academy with whom an employee has a close business connection.
- 11.6 Close personal relationships between colleagues and partners who work together can give rise to conflicts of interest. Employees should seek to ensure that such relationships do not encroach on their duties / professionalism as an employee of the Academy.
- 11.7 Employees should disclose if they are working with anyone in a professional capacity who is a relative, partner or with whom they have a close personal relationship with outside of work. The disclosure should be made to the Head Teacher promptly for their consideration.

## **12. THE LOCAL COMMUNITY AND SERVICE USERS**

- 12.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient service delivery to that community in accordance with the policies of the Academy. This may involve dealing with troubled, angry and frustrated parents and carers, although employees are entitled not to be expected to place their personal health, safety and welfare at risk.

## **13. CONTRACTORS**

- 13.1 All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to the Head Teacher at the earliest opportunity.
- 13.2 Orders and contracts must be awarded in accordance with contracting procedures and rules and no special favour should be shown to businesses run by, for example, friends, partners or relatives.

## **14. OUTSIDE COMMITMENTS**

- 14.1 The Academy recognises that employees are entitled to their private lives. However, an employee must not be in a position where their outside commitments present a conflict of interest e.g. exam marking and staff are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not be such as to have the potential for allegations of impropriety to be sustained thereby bringing the Academy into disrepute.



## **15. CONDUCT**

- 15.1 Whether in or outside work, employees must not conduct themselves in any way that creates doubt as to their suitability for their post or brings the Academy into disrepute. This includes conduct which would bring into question their suitability to work with children.
- 15.2 All adults working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.
- 15.3 There may be times, for example, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in the workplace or indicate unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.
- 15.4 Adults in contact with children and young people should therefore understand and be aware that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.
- 15.5 The behaviour of an adult's partner or other family members may raise similar concerns and may require careful consideration by the Academy as to whether there may be a potential risk to children and young people in the workforce.

## **16. DRESS AND APPEARANCE**

- 16.1 An employee's dress and appearance are matters of personal choice and self-expression. However, employees should consider the manner of dress and appearance appropriate to their role which may be different to that adopted in their personal life.
- 16.2 Employees who work with pupils should ensure they are dressed decently, safely and appropriately for the tasks they undertake; this also applies to online or virtual teaching. Those who dress or appear in a manner which could be viewed as offensive or inappropriate will render themselves vulnerable to criticism or allegations.
- 16.3 This means employees should wear clothing which:
- Is appropriate for their role
  - Is not likely to be viewed as offensive, revealing, or sexually provocative
  - Does not distract, cause embarrassment or give rise to misunderstanding
  - Is absent of any political or otherwise contentious slogans

- Is not considered to be discriminatory.

16.4 Jewellery/piercings must be removed where they are a risk to health and safety or where their appearance may be considered inappropriate.

## **17. ADDITIONAL WORK**

17.1 Employees are able to take on work in addition to their existing contract of employment, providing it does not conflict with the performance of their duties in the role for which they are employed. In order to assess whether or not there might be a conflict, employees are required to inform the Head Teacher before taking any outside employment.

17.2 The Academy will not unreasonably stop employees from undertaking additional employment, but this employment must not, in the Academy's view, conflict with or be detrimental to its interests, or weaken public confidence in the conduct of its business.

17.3 An employee who wishes to take on additional work must ensure that:

- (a) the additional hours worked do not contravene the Working Time Regulations or otherwise give the Academy cause for concern about health and safety at work. Details of the Working Time Regulations are available from the Academy's HR provider.
- (b) the outside work does not place the employee in a position where their duties and private interests conflict
- (c) the outside work does not damage, or potentially damage, public confidence in the Academy's conduct or business

## **18. BOOKS, TRAINING MATERIALS AND INTELLECTUAL PROPERTY RIGHTS**

18.1 If an employee writes a book for payment on subjects relating to their work for the Academy they must seek the permission of the Academy in writing through the Head Teacher.

18.2 The Academy retains intellectual property rights for work undertaken by employees. Research, reports, designs, drawings, software and other developments or similar work, when created in the course of an employee's normal duties, remain the property of the Academy. These should not be removed from Academy premises or passed on to third parties by any employee acting in a private capacity without the express consent of the Head Teacher.

## **19. PATENTS AND INVENTIONS**

19.1 Any matter, or thing capable of being patented under the Patents Act 1977, made developed or discovered by an employee, either alone or with others,

whilst in the performance of their duties should be disclosed to the Academy through the Head Teacher and, subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Academy.

- 19.2 Employees must not undertake private or personal work, paid or unpaid, of any description in working hours or on Academy premises unless they have been given specific permission by the Head Teacher. Where approval is given any payments will be made in accordance with the Academy's Pay Policy.

## **20. REFUSAL OF A REQUEST TO TAKE ON ADDITIONAL WORK**

- 20.1 If an employee has their request to take on additional work refused and wishes to challenge this, they should speak to the Head Teacher or consider raising a grievance under the Academy's Grievance Procedure.

## **21. COMPUTER/IT USE**

- 21.1 The Academy wants employees to use computers to the full and to feel competent and comfortable about doing so. However, it is essential that computers are used appropriately. Any reference to computers should be taken to mean all computer equipment and any associated technology.

## **22. MISUSE OF COMPUTERS/IT**

- 22.1 Employees should not receive correspondence, telephone calls and messages in the Academy related to outside work or private interests.
- 22.2 An employee who is aware or suspects that abuse of computers, email or the internet is taking place is under a duty to report this immediately to the Head Teacher.
- 22.3 The Academy will monitor the use of computers/IT etc. without notice. A record of any sites accessed by staff is automatically stored on the system and may be examined later if misuse is suspected.
- 22.4 Any suspected breach of the Computer/IT policy will be investigated and dealt with under the Academy's Disciplinary Policy.
- 22.5 In accordance with Safer Working Practices an employee who needs to contact a pupil or parent and does not have access to a work phone and there is no alternative, should always use 'caller withheld' to ensure the pupil or parent are unable to identify the employee's personal contact details.

## **23. USE OF SOCIAL NETWORKING SITES**

- 23.1 The growing popularity of personal web logs (blogs) and social networking sites, such as Facebook and Twitter, may raise issues for the Academy, particularly where employees choose to write about their work and the Academy in which they are employed.

- 23.2 Employees should ensure that the content of their blogs/social networking sites does not bring the Academy into disrepute or breach their obligations in relation to confidentiality and appropriate behaviour.
- 23.3 Employees should not access personal blogs/social networking sites during working hours. When accessing such sites outside working hours employees are advised not to write about their work or make reference to the Academy on external web pages. Where an employee chooses to do so he/she should make it clear that the views expressed are his/hers only and do not reflect the views of the Academy. In addition employees must adhere to the rules below.
- 23.4 Employees must not:
- Disclose any information that is confidential to the Academy or any third party or disclose personal data of information about any individual/colleague/ pupil/parent which could be in breach of the General Data Protection Regulations 2018;
  - Disclose any information which is not yet in the public arena;
  - Post illegal material, e.g. material which incites racial hatred;
  - Link their own blogs/personal web pages to the Academy's website;
  - Include any information, sourced from the Academy, which breaches copyright;
  - Make defamatory remarks about the Academy, colleagues, Board of Directors, pupils and parents;
  - Publish any material or comment that could undermine public confidence in the individual as an employee of the Academy or in their position of trust within the community; and/or
  - Misrepresent the Academy, by posting false or inaccurate statements about the work of the Academy.

## **24. PERSONAL INTERESTS**

- 24.1 Employees may have a variety of personal interests, which may from time to time impact on their role for the Academy. To protect the Academy and the employee from any accusations of wrong doing the Academy has in place a number of safeguards which demonstrate that these interests are not allowed to influence the way the Academy conducts its business.
- 24.2 Whatever an employee's role within the organisation, they must declare to the Head Teacher any financial or non-financial interests which could bring about conflict with the Academy's interests.
- 24.3 If employees are in any doubt about a potential conflict of interest, they should

bring the matter to the attention of the Head Teacher so that a decision can be made as to how best to proceed.

- 24.4 Employees must not make, or become involved with, any official or professional decisions about matters in which they have a personal interest.

## **25. GIFTS AND HOSPITALITY**

- 25.1 Employees may from time to time, in the course of their work, encounter situations where individuals, including pupils, or organisations may offer gifts, money, awards, prizes, hospitality or other benefits. Whilst most are well meant and innocent, nationally there have been instances of benefits being offered and accepted for corrupt purposes to secure improper advantage.
- 25.2 Casual gifts offered to employees by contractors, organisations, firms, parents/carers or individuals such as calendars, diaries, pens, food, drink, flowers and other small gifts below (or perceived to be below) the value of £25 can be accepted.
- 25.3 Employees should decline any personal gift offered to them, or to a member of their family, with a value (or perceived value) of £25 and over.
- 25.4 When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice, particularly at Christmas time and the end of term.
- 25.5 Employees who corruptly receive or give gifts, money, awards, prizes, hospitality or other benefits will face disciplinary action. When giving gifts on behalf of the Academy, employees should aim to ensure that the value of the gift is reasonable, is within the Scheme of Delegation of financial powers, the decision is fully documented, and has due regard to propriety and regularity in the use of public funds.
- 25.6 Employees need to exercise discretion when accepting offers of hospitality particularly when the host is seeking to do business with the Academy or who may stand to benefit in some way from dealing with the Academy.
- 25.7 Offers of hospitality should only be accepted where there is a clear benefit to the Academy in doing so e.g. networking, building contacts. If there is no or limited benefit, employees should not attend.
- 25.8 Hospitality offered by charitable or social organisations, usually in connection with an invitation to speak to the body, can be accepted.
- 25.9 Employees should report to the Head Teacher any offer of hospitality before it is accepted.
- 25.10 A Gifts and Hospitality checklist is provided at Annex C and a sample form to record any gifts and hospitality is provided at Annex D.

## **26. CORRUPTION**

- 26.1 Employees must be aware that bribing another person or receiving a bribe are serious criminal offences under the Bribery Act. Penalties include fines and / or

imprisonment for up to 10 years.

- 26.2 The offence of 'bribing another person' will be committed if an employee offers, promises or gives financial or other advantage to another person with the aim of inducing or rewarding them perform an activity or function improperly. The activity or function could relate to an external business or commercial activity or any public function (for instance done in house or by another public sector body).
- 26.3 For employee's own protection, if anyone makes an approach which seems to them, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, this should be reported to the Head Teacher.

## **27. SPONSORSHIP – GIVING AND RECEIVING**

- 27.1 Where an outside organisation wishes to sponsor an Academy activity or project, whether by invitation, tender, negotiation or voluntarily, the basic principles concerning the acceptance of gifts and hospitality apply. They should only be accepted where the hospitality involved is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant.
- 27.2 Where the Academy wishes to sponsor an event or services, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full prior disclosure to Head Teacher of any such interest. Similarly, where the Academy through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **28. TENDER PROCEDURES**

- 28.1 Employees should exercise fairness and impartiality when dealing with all customers, contractors and subcontracts.
- 28.2 Employees responsible for engaging or supervising contractors and who have previously had, or currently have, a relationship in a private or domestic capacity with a particular contractor, must declare that relationship to the Head Teacher.
- 28.3 If employees become privy to confidential information on tenders or costs relating to external contractors, they must not disclose that information to any unauthorised person or organisation.
- 28.4 All 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 any capacity.

- 28.5 Employees must not buy items for personal use using the Academy's contracts with external contractors.

## **29. FINANCE POLICY**

- 29.1 All employees involved in financial activities and transactions on behalf of the Academy, including budgetary control, operation of bank accounts, payments of accounts, payments of salaries and wages, petty cash and orders of works, goods or services must follow the Academy's Finance Policy.
- 29.2 They must ensure that they use public funds entrusted to them in a responsible and lawful manner and strive to ensure value for money.

## **30. EQUALITY**

- 30.1 All members of the local community, parents and carers, and other Academy employees have a right to be treated with fairness and equity. Employees should become familiar with and observe all Academy policies relating to equality issues in addition to the requirements of the law.

## **30. CONTACT WITH THE PRESS AND MEDIA**

- 31.1 Employees are not permitted to give reports or speak to the press and media, unless this is an aspect which is clearly required within their role, or they have been given permission to do so by the Head Teacher on matters relating to their employment within the Academy. Employees with this responsibility must guard themselves against declaring a view which is contrary to a position taken by the Academy Board and which may be deemed to be critical of that decision.
- 31.2 Outside of working hours, an employee is entitled to voice their opinion on issues affecting the local community e.g. at a neighbourhood forum. However, employees have a general duty of care to avoid a conflict of interest and should not criticise, damage or act in any way against the Academy.
- 31.3 A Trade Union official or member may be asked to comment by the media on, for instance, an industrial dispute. Any opinion expressed should be clearly given in their capacity as a Trade Union official or member.

## **31. TALKS TO OUTSIDE BODIES, RADIO AND TELEVISION INTERVIEWS, CONTRIBUTIONS TO PUBLICATIONS, ETC.**

- 31.1 Where an employee is invited to give a talk to an outside body, or participate in a broadcast, or contribute an article to a professional journal, or the like, on a matter related to their employment or on a personal interest which would be relevant to that employment, the following guidelines apply:
- a) Acceptance of such an invitation shall be at the discretion of the Head Teacher. In the event of a Head Teacher wishing to follow this course of action, it shall be at the discretion of the Chair of the Board of Directors.

- b) Unless an employee is officially representing the Academy, they should make it clear that they are speaking or contributing on a personal basis and that their views do not necessarily represent those of the Academy.
- c) Employees should avoid commenting on matters which could be regarded as contentious or sensitive so far as the Academy is concerned, especially in cases where what is said is being reported.
- d) Provided that an employee gives talks on relatively isolated occasions, they shall, at the discretion of the Head Teacher be permitted:
  - To retain any fee received (on the assumption that any preparatory work will have been undertaken in the employee's own time), and
  - To be absent for the purpose of giving the talk, interview etc., without the necessity of taking annual leave, if the invitation entails being absent during working hours, providing the absence from work is reasonable and does not adversely impact on the delivery of education / their work.

32.2 When an employee wishes to undertake paid lecturing on a regular basis additional to their employment with the Academy, they should follow the same procedure of that specified for undertaking additional work.

## **32. SMOKING AND VAPING**

32.1 It is the policy of the Academy that all our workplace buildings are smoke- free, and all employees have the right to work in a smoke-free environment. Smoking and vaping are prohibited in all enclosed areas and/or non-designated areas without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, cafeterias, staff rooms, stairs, restrooms, Academy -owned or leased vehicles and all other enclosed facilities. Failure to adhere to this instruction may result in disciplinary action being taken.

32.2 Definitions: Smoking refers to the use of traditional tobacco products. Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices. These are commonly called e- cigarettes, e-pipes, e-hookahs and e-cigars.

## **33. DRUG AND ALCOHOL MISUSE**

33.1 It is the responsibility of **all** employees to report to work fit for duty without impairment from alcohol and/or illegal drugs.

33.2 It is a disciplinary offence for employees to consume alcohol and/or use illegal drugs during working hours or whilst on duty.



- 33.3 Any employee representing the Academy at official functions/meetings, whether within the working day or when attending evening seminars, meetings, etc. are reminded of the need to maintain appropriate standards of conduct at all times.
- 33.4 Where there is a belief that an employee is under the influence of alcohol and/or illegal drugs, the Head Teacher will ensure that the employee is escorted home safely and make arrangements to interview them on the next working day.

## **35. NOTIFICATION OF CRIMINAL INVESTIGATIONS AND OTHER REQUIRED DISCLOSURES**

- 35.1 The Code of Conduct places a general obligation on all employees to disclose information which is relevant to their capability, capacity and suitability to carry out the duties and responsibilities for which they are employed. This general obligation applies irrespective of the role undertaken by the employee and is not limited to information which relates to a conviction, caution, reprimand or warning.
- 35.2 For employees undertaking roles for which a Disclosure and Barring Service (DBS) check is required there is a specific obligation on them to disclose any convictions, cautions, reprimands or warnings that they receive which are relevant to their employment.
- 35.3 For the avoidance of doubt an employee must immediately inform the Head Teacher, if during their employment with the Academy they are:
- Included on the Disclosure and Barring Service (DBS) Children's Barred List;
  - Disqualified from working with children under the The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (**See Annex D**)
  - Advised that they are under investigation for a criminal act (including road traffic offences)
  - Arrested in connection with a criminal act
  - Notified that criminal charges are being considered against them
  - In receipt of a summons to appear before a Court of Law for an alleged offence
  - Found guilty and convicted of any offence
  - Receive a police caution
  - Are involved in any other matter which it would be reasonable to think would impact upon their role and or professional standing
  - Employees who are required to drive as part of their duties must also declare any penalties received in connection with motoring offences.
  - **Failure to disclose this information may be treated as a disciplinary offence.**
- 35.4 The Head Teacher will consider any possible effects of these matters on an individual's employment, discuss this with HR as appropriate and take relevant action.

- 35.5 After having undertaken a risk assessment and taking advice as appropriate the Head Teacher will put in place precautionary measures for the protection of the employee, pupils/students and the Academy. Precautionary action may include restriction of duties, temporary redeployment, temporary change of work base or, if none of these options are practicable, suspension with pay. The Head Teacher is responsible for consulting with authorised officers/legal/HR as appropriate and taking relevant action.
- 35.6 Following careful consideration of the available evidence, any action taken will be fair and reasonable in the circumstances.

## **36 LOW LEVEL CONCERNS**

- 36.1 In accordance with Part Four of Keeping Children Safe in Education, a low-level concern is defined as behaviour towards a child that does not meet the harm threshold, as outlined in 1.7 above, but is a concern that an adult, working in or on behalf of the Academy, may have acted in a way that:
- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work
  - does not meet the threshold or is otherwise not considered serious enough to consider a referral to the LADO
- 36.2 Examples of low-level concerns could include, but are not limited to:
- being over-friendly with children
  - having favourites
  - taking photographs of children on their mobile phone
  - engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- 36.3 The governing body is committed to creating and embedding a culture of openness, trust and transparency in which the school's values and expected behaviours, as set out in this policy, are adhered to, monitored and reinforced by all staff. All adults have a duty to report low-level concerns, in addition to concerns that meet the harm threshold, to those with designated safeguarding responsibilities to ensure matters are dealt with promptly and appropriately. The Board of Directors will manage all such concerns in accordance with Part Four of Keeping Children Safe in Education.
- 36.4 In the event that an adult has found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards, the adult should self-refer to those with designated safeguarding responsibilities. The Board of Directors is committed to creating an environment where staff are encouraged and feel confident to self-refer

## **37 SEXUAL CONTACT WITH CHILDREN AND YOUNG PEOPLE AND ABUSE OF TRUST**

- 37.1 A relationship between an adult and a child or young person is not a relationship between equals; the adult has a position of trust, power or

influence. There is potential for exploitation and harm of children or vulnerable young people and all adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Adults must not use their position to gain access to information for their own advantage and/or a pupil's or family's detriment or use their power to intimidate, threaten, coerce or undermine pupils. Adults must not use their status or position to form or promote relationships with children (whether current pupils or not), that are of a sexual nature, or which may become so.

- 37.2 Adults should maintain appropriate professional boundaries and avoid behaviour that might be misinterpreted by others. They should report any incident with this potential to an senior manager. This is as relevant in the online world as it is in the classroom; staff engaging with pupils and/or parents online have a responsibility to model safe practice at all times.
- 37.3 Any sexual behaviour or activity, whether homosexual or heterosexual, by an adult with or towards a child/pupil or young person, is illegal. Children and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether there is consent or not. Where a person aged 18 or over is in a specified position of trust with a child or young person under 18 years, the Sexual Offences Act 2003 makes it an offence for that person to engage in sexual activity with or in the presence of that child or to cause or incite that child to engage in or watch sexual activity.
- 37.4 Sexual behaviour includes non-contact activities, such as causing a child or young person to engage in or watch sexual activity or the production of indecent images of children. 'Working Together to Safeguard Children', Appendix A defines sexual abuse as "...forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening..."
- 37.5 Adults must not have sexual relationships with pupils or have any form of communication with a child, which could be interpreted as sexually suggestive or provocative i.e., verbal comments, letters, notes, texts, electronic mail, phone calls, social networking contact or physical contact. The adult should not make sexual remarks to, or about, a child or discuss their own sexual relationships with or in the presence of pupils. Adults should take care that their language or conduct does not give rise to comments or speculations. Attitudes, demeanour and language all require care and thought.
- 37.6 There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child or young person and manipulate that relationship so that sexual abuse can take place. Adults should be aware that conferring special attention without good reason or favouring a pupil has the potential to be construed as being part of a 'grooming' process, which is a criminal offence.

## **38 USE OF TECHNOLOGY FOR ONLINE/VIRTUAL TEACHING**

- 38.1 Staff should use school devices and contact pupils only via the pupil school email address / log in. This ensures that the school's filtering and monitoring software is enabled.
- 38.2 In deciding whether to provide virtual or online learning for pupils, senior leaders will take into account issues such as accessibility within the family home, the mental health and wellbeing of children, including screen time, the potential for inappropriate behaviour by staff or pupils, staff access to the technology required, etc. Virtual lessons will be timetabled and senior staff, DSL and / or heads of department will be able to drop in to any virtual lesson at any time – the online version of entering a classroom.
- 38.3 Staff engaging in online learning should display the same standards of dress and conduct that they would in the real world; they should also role model this to pupils and parents. The following points should be considered:
- think about the background; photos, artwork, identifying features, mirrors – ideally the backing should be nondescript
  - staff and pupils should be in living / communal areas – no bedrooms
  - staff and pupils should be appropriately dressed
  - filters at a child's home may be set at a threshold which is different to the school
  - resources / videos must be age appropriate – the child may not have support immediately to hand at home if they feel distressed or anxious about content
- 38.4 It is the responsibility of the staff member to act as a moderator; raise any issues of suitability (of dress, setting, behaviour) with the child and / or parent immediately and end the online interaction if necessary. Recording lessons does not prevent abuse. Staff will adhere to the Academy's policy on recording of online lessons. If a staff member believes that a child or parent is recording the interaction, the lesson should be brought to an end or that child should be logged out immediately.
- 38.5 If staff need to contact a pupil or parent by phone and do not have access to a work phone, they should discuss this with a senior member of staff and, if there is no alternative, always use 'caller withheld' to ensure the pupil / parent is not able to identify the staff member's personal contact details

**Code of Conduct for Members and Directors****1. Introduction**

- 1.1 Members, Directors and the Head Teacher of the Academy have collective responsibility for ensuring the successful operation for achieving the Academy Object (advancing, for the public benefit, education in the United Kingdom) for their Academy.
- 1.2 Members and Directors have a strategic role in running the Academy and are responsible for appointing the majority of employees. Members and Directors are responsible for the day-to-day operation of the School. This includes ensuring the Academy provides a high standard of education, managing the Academy's finances and business affairs and entering into contracts on behalf of the Academy. Members and Directors are responsible for the local operation and performance of the Academy. The Head Teacher is responsible for the day-to-day organisation and management of the Academy, for implementing agreed policies, plans and procedures, for delivering the curriculum and for ensuring the Academy's strategic objectives are achieved. It is important that all parties are aware of their own and others' roles and responsibilities in contributing to the successful operation of the Academy.
- 1.3 This Code of Conduct aims to set out the expectations for Members and Directors, to support them in their work.

**2 General**

- 2.1 Members and Directors must always act in the best interests of the Academy and its students. They must also be aware that, as Members and Directors of a public institution, they have broader responsibilities to the wider community and should consider carefully how their decisions may affect other schools and organisations. They must also take into account the need to ensure public accountability for the actions of the Board of the Academy.

**3 Commitment**

- 3.1 Members and Directors need to be mindful that their role will require a significant commitment of both time and energy.
- 3.2 Members and Directors will be expected to regularly attend meetings of the Board of the Academy and their subsidiary committees. They should ensure they attend meetings promptly and for the full duration. They should ensure they are prepared for meetings by reading all papers beforehand.
- 3.3 Members and Directors should attend appropriate training courses, including induction, to aid their development. They should also ensure that they advise the Clerk of their individual and collective training needs, so that these can be taken into account when training is planned.

- 3.4 All Members and Directors should involve themselves actively in the work of the Board and be willing to carry out their fair share of responsibilities, including serving on committees and working parties, and taking on links with curriculum subjects and areas of special responsibility.
- 3.5 Members and Directors should make every effort to get to know the Academy well and take opportunities to visit and become involved in its activities (with the agreement of the Head Teacher).

## **4 Relationships**

- 4.1 Members and Directors should operate as a team and actively promote constructive working relationships. They should listen to and respect the views of others and must always be loyal to collective decisions made by the Board. Every Member and Director has a right to express their views openly within meetings but should ensure that discussion relates to matters for discussion.
- 4.2 Every Member and Director has equal status, irrespective of their appointing body (i.e. parents, staff or members), and should be supported to play a full and active part in the work of the Academy.
- 4.3 Members and Directors should develop effective working relationships with the Head Teacher, Senior Leadership Team, Teachers, Support Staff, parents / carers, other schools, the Department for Education, the Local Authority, other relevant agencies and the local community and should explore any appropriate partnership or collaboration arrangements.

## **5 Confidentiality**

- 5.1 Every effort should be made to ensure open and transparent governance. All decisions reached at Board meetings will be made public through minutes and reports, unless there are clear and exceptional reasons for withholding information.
- 5.2 Individual Members and Directors should observe complete confidentiality in relation to discussions at meetings. Any data/information concerning staff or pupils and any other matters that is deemed to be personal and sensitive should also be treated with complete confidentiality and in accordance with the General Data Protection Requirements (GDPR) 2018 and other relevant legislation.
- 5.3 Individual Members and Directors should observe complete confidentiality in all matters arising from visits to the Academy or involvement in its activities. Members and Directors should exercise the highest degree of caution when involved in sensitive issues arising from the operation of the Academy.

## **6 Conduct**

- 6.1 Members and Directors must accept collective responsibility for all decisions taken by the Board and should never speak out against decisions, in public or in private, outside of the the Board.
- 6.2 Individual Members and Directors must be aware that they do not have the legal authority to act or speak on behalf of the Academy, except when the Academy Board has given them delegated authority to do so. In such cases, the Academy Board will usually remain responsible for any decisions made.
- 6.3 Members and Directors must engage fully in collective consideration of any issues and take into account all relevant factors, including the views of staff, parents / carers, pupils, community and any other interested parties, as well as any guidance issued by relevant local and national government departments.
- 6.4 Members and Directors must act fairly and without prejudice and the overall good of the Academy must be considered over any personal feelings or individual concerns.
- 6.5 No Member or Director should use their position to benefit themselves or other individuals or agencies. Members and Directors should also bear in mind the potential for a perceived personal or financial conflict of interest and ensure that any conflicts of interest are declared as appropriate.
- 6.6 Members and Directors should be aware of and act in accordance with appropriate legislation and policies. In particular, they should be aware of Freedom of Information requirements, complaints guidance and employment legislation.

## **7 Disqualification**

- 7.1 Members and Directors may become disqualified from continuing to hold office in accordance with the Academy's Articles of Association. Some people are disqualified by law from acting as charity trustees, subject to waiver provisions. It is normally an offence to act as a trustee while disqualified unless the Charity Commission has given a waiver.
- 7.2 It is the responsibility of individuals who hold, or are applying for, a Member and Director position, to declare that they are not disqualified from holding that position. If they are disqualified they need to apply for a waiver and will not be able to act in that position until a waiver is granted. The Charity Commission's guidance on the disqualification rules can be viewed [here](#).
- 7.3 Further guidance on the safeguarding arrangements covering governors and the safeguarding responsibilities of governing bodies and proprietors is provided in Keeping Children Safe in Education 2021 (KCSIE). Additionally it should be noted that school governors in maintained schools are also subject to additional arrangements and can also be disqualified from holding office

(i.e. being a governor in maintained schools) under regulation 17, schedule 4 of the School Governance (Constitution) (England) Regulations 2012.

- 7.4 Members and Directors may be removed from office by the body that appointed them but this will always be used as a last resort.



## GIFTS AND HOSPITALITY

### Checklist for considering whether to accept a gift or hospitality

The question in all cases is one of judgement, and the following checklist of queries should help employees to decide whether a gift or an offer of hospitality should be accepted or declined.

- (a) Is the value of the gift or hospitality £25 or over?
- (b) If under £25 is it intended as an inducement?
- (c) Is the extent of the hospitality, or nature of the gift reasonable and appropriate?
- (d) Does the donor have any form of contractual relationship with the Academy does it provide goods or services to the Academy of any kind?
- (e) Is the invitation/gift directed to a large group of unrelated individuals or open to the public, or has an individual been targeted because of their employment with the Academy and the nature of their role?
- (f) What is thought to be the motivation behind the invitation/gift?
- (g) For hospitality does the employee wish to attend if so why? Is it because there will be genuine benefits to the Academy in terms of networking and contracts gained? Or is a desire to go centered around personal enjoyment.
- (h) Would acceptance of the invitation be, in any way, inappropriate or place the employee under pressure in relation to any current or future matter involving the Academy?
- (i) For gifts is there a difficulty in returning the gift? If it would cause offence can the gift be given to charity?

If an employee decides to accept a gift over £25 they must declare this to the Head Teacher. If an employee declines a gift of over £25 the Head Teacher should also be informed and the reasons for the gift being declined should be recorded.

## RECORD OF GIFTS AND HOSPITALITY

Date received	Detail of gift/hospitality	Person who received gift/hospitality	Gift/hospitality given by e.g. name and/or company	Reason for gift/hospitality e.g. as part of promotion	Destination of gift e.g. returned, used in raffle, etc	Authorising signature

## Disqualification Under the Childcare Act 2006 – Amended Regulations

The government is introducing new legislation (The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.)

The arrangements set out in the guidance are **additional** to the arrangements in place to safeguard and promote the welfare of all children set out in:

- [Keeping children safe in education \(publishing.service.gov.uk\);](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/681212/Keeping-children-safe-in-education.pdf)
- [Statutory framework for the early years foundation stage \(publishing.service.gov.uk\);](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/681212/Statutory-framework-for-the-early-years-foundation-stage.pdf)
- and
- [Working Together to Safeguard Children 2018 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/681212/Working-Together-to-Safeguard-Children-2018.pdf)

There are a number of reasons that a person may be disqualified from working with children under the Childcare Act 2006. Staff can be disqualified by

- inclusion on the Disclosure and Barring Service (DBS) Children's Barred List;
- being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the 2018 Regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation);
- certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2018 Regulations;
- refusal or cancellation of registration relating to childcare, or children's homes, or being prohibited from private fostering, as specified in Schedule 1 of the 2018 Regulations;
- being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 Regulations if it had been done in any part of the United Kingdom.

Also, under the legislation a person is disqualified if they are 'found to have committed' an offence which is included in the 2018 Regulations (a 'relevant offence') this includes:

- being convicted of a relevant offence;
- on or after 6 April 2007, being given a caution for a relevant offence; or
- on or after 8 April 2013, given a youth caution for a relevant offence.

The new legislation also makes other changes in some of the relevant offences. The **new offences** added to the list since the June 2016 guidance are:

- Criminal Justice and Courts Act 2015 – including care workers ill-treating or wilfully neglecting an individual
- Female Genital Mutilation Act 2003 – including conducting FGM and assisting a girl to conduct FGM on herself

- Modern Slavery Act 2015 – including holding a person in slavery or servitude and requiring a person to perform forced or compulsory labour
- Psychoactive Substances Act 2016 – supplying or offering to supply a psychoactive substance to a child
- Serious Crime Act 2015 – possessing a paedophile manual and engaging in controlling or coercive behaviour in an intimate or family relationship
- Terrorism Act 2000 – including belonging to a proscribed organisation and committing an act of terrorism
- Terrorism Act 2006 – including encouraging terrorism, circulating a terrorist publication and directing a terrorist organization

If an individual is disqualified under the act they can apply for a waiver from Ofsted.

### **Staff covered**

Staff are covered under the above legislation if they are employed or engaged to provide **early years childcare** (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception year) or **later years childcare** (this covers children above reception age but who have not attained the age of 8) in nursery, primary or settings, **or if they are directly concerned with the management of such childcare**. This includes:

**Early years provision** - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during the normal school day and outside of school hours for children in the early years age range; and

**Later years provision** (for children under 8) - staff who are employed to work in childcare provided by the school outside of the normal school day for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

Staff who are directly concerned in the management of early or later years provision are covered by the legislation. Schools/academies will need to use their judgement to determine who is covered, but this will include the Head Teacher, and may also include other members of the school's leadership team and any Head Teacher, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

Volunteers and casual workers (including individuals on work experience) who are directly concerned with the management of childcare provision, and/or who work on a regular basis, whether supervised or not, in relevant childcare, are within the scope of the legislation and are covered by this guidance.

## **Staff who may be covered**

Staff who are not employed to directly provide childcare, are not covered by the legislation. Similarly, most staff who are only occasionally deployed and are not regularly required to work in relevant childcare will not automatically come within the scope of the legislation. Schools/academies should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice from their HR provider, the authority's designated officer, safeguarding lead officer or adviser when appropriate. A record of the assessment should be retained on the employee's personnel file and a copy supplied to the individual concerned. In general individuals undertaking the following roles would normally be excluded:

- caretakers;
- cleaners;
- drivers;
- transport escorts;
- catering; and
- office staff.

School governors and proprietors are not covered by the legislation, unless they volunteer to work in relevant childcare on a regular basis, or they are directly concerned with the day-to-day management of such provision. Further guidance on the safeguarding arrangements covering governors and the safeguarding responsibilities of governing bodies and proprietors is provided in KCSIE. Additionally it should be noted that, whilst out of scope of these regulations, school governors in maintained schools are also subject to additional arrangements and can also be disqualified from holding office (i.e. being a governor in maintained schools) under regulation 17, schedule 4 of the School Governance (Constitution) (England) Regulations 2012.

## **Staff not covered**

This means that staff employed who work in the following roles are not covered, i.e. staff who:

- only provide education, childcare or supervised activity during school hours to children above reception age; or
- only provide childcare or supervised activities out of school hours for children who are aged 8 or over; and
- have no involvement in the management of relevant provision.