



# Code of Conduct for Employees

Committee/Person(s) Responsibility: **Senior HR Manager**

Distribution: **Visible Learning Website**

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Policy written by Ellie Green and approved at the Trustees Board meeting May 2014. This policy is reviewed when there is a change in statutory requirements or every 3 years.

## Document Reviews

Version	Date	Approved/ Reviewed	Comments	Initial
1.0	April 2014	May 2014		EG

# Code of Conduct

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## **Policy Statement**

This code of conduct provides clear guidance on the expectations of behaviour and attitudes in school and applies to everyone who is actively involved in the work of The Education Fellowship.

## **Underpinning Principles**

The public is entitled to expect the highest standards of behaviour from The Education Fellowship employees.

Employees represent The Education Fellowship and are trusted to act in a way which promotes the organisation's interests and protects its reputation. Employees should work, and be seen to work in an open and transparent way.

Employees are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions. Employees should always ask their line manager for advice if they are not sure of the appropriate action to take.

Employees should discuss and/or take advice promptly from their line manager or another senior member of employees over any incident, which may give rise to concern.

Records should be made of any such incident and of decisions made/further actions agreed, in accordance with policy for keeping and maintaining records.

Employees should apply the same professional standards regardless of gender or sexuality.

All employees should know the name of their designated safeguarding lead, be familiar with local child protection arrangements and understand their responsibilities to safeguard and protect children and young people.

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

**This document must be read in conjunction with the Statutory Guidance - Keeping Children Safe in Education (Department for Education September 2016)**

## **Introduction**

All employees and adults have a crucial role to play in shaping the lives of young people. They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring. This guidance has been produced to help employees establish the safest possible working environments. The aims are to safeguard young people and reduce the risk of employees being falsely accused of improper or unprofessional conduct.

This code of conduct:

-  Sets out minimum standards of behaviour for employees;
-  Provides guidelines to help maintain and improve standards;
-  Aims to protect the reputation of both employees and The Education Fellowship;
-  Aims to protect the rights and interests of children and young people involved with The Education Fellowship.

This code of conduct is not exhaustive and does not replace the general requirements of the law, common sense and good conduct.

This code of conduct should be read in conjunction with a number of policies and schemes relating to conduct which are set out at the end of this document.

This policy applies to all employees of The Education Fellowship.

All employees are required to:

-  read this policy
-  ensure they understand it
-  ask if there are any points that are unclear
-  sign and return the sheet confirming that they have received, read and understood it and will comply with it
-  use this code of conduct, alongside other policies, to guide them in their role

Breach of this code of conduct may lead to disciplinary action, which could result in dismissal. Please refer to the disciplinary procedure for more information.

## **Duty of Care**

All employees are accountable for the way in which they exercise authority; manage risk; use resources; and protect pupils from discrimination and avoidable harm.

All employees have a duty to keep young people safe and to protect them from physical and emotional harm. An employee that demonstrates integrity, maturity and good judgement in part exercises this duty through the development of respectful, caring and professional relationships between employees and children or young people and behaviour.

Academies and parents have legitimate expectations about the nature of professional involvement in the lives of pupils. When individuals accept a role that involves working with children and young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers have a duty of care towards their employees under the Health and Safety at Work Act 1974 which requires them to provide a safe working environment for employees and guidance about safe working practices. The Act also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings.

## **Safer working practice**

All adults who work with children and young people in education settings must have a clear understanding of acceptable and desirable conduct to protect both pupils and adults.

Adults working in the school must work and be seen to work in an open and transparent way. They should discuss and/or take advice promptly from their line manager or another senior member of staff about any incident which could give rise to concern. This would include for example reporting infatuations by a pupil for that or another member of staff, to ensure that such situations can be handled promptly and sensitively.

Adults must treat all pupils equally, and must not appear to build 'special' relationships or confer favour on particular pupils

The essential questions to ask before taking a course of action with a pupil are:

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

The course of action should **only** be taken if the answer to **all** of these questions is 'yes'.

There is excellent detailed guidance on the kinds of specific issues that frequently arise in schools set out in the document 'Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings (DCSF March 2009)', and staff should familiarise themselves with this.

## Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all employees with children and young people in education settings are in positions of trust in relation to the young people. A relationship between an employee and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and employees have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Wherever possible, employees should avoid behaviour, which might be misinterpreted by others, and report and record any incident with this potential.

Where a person aged 18 or over is in a position of trust with a child under 18, it is 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.

## Social Contact

Staff should not establish or seek to establish social contact with children or young people for the purpose of securing a friendship or to pursue or strengthen a relationship. Even if a young person seeks to establish social contact, or if this occurs coincidentally, the employee should exercise her/his

professional judgment in making a response and be aware that such social contact could be misconstrued.

Employees should not give their personal details such as home/mobile number; home or e-mail address to children or young people. Nor should employee seek to make contact with or accept requests from children or young people through social media. Internal e-mail systems should only be used in accordance with policy and any communications should take place within the parameters of the working day.

## Interests

Conflicts of interest may occur if a decision made within The Education Fellowship affects an employee, or close friends and relatives, either positively or negatively.

Interests could include involvement with businesses, which have existing or proposed contracts with the organisation;

*Employees should ask themselves the question "Would a member of the public think that they or their family would benefit from the connection between their personal interest and their employment with The Education Fellowship?"*

*If the answer is yes then they must declare their interest to their Director in writing.*

Interests could also include:

-  Land or property ownership
-  Relationships with people involved
-  Acting as a governor for another school or academy
-  Involvement with an organisation, which may oppose a The Education Fellowship policy or be in direct competition with The Education Fellowship

Employees may hold their own personal and political views but must act professionally at work and not allow these views to interfere with their work.

## Outside Commitments

Employees should ensure that their activities outside work do not conflict with their duty to The Education Fellowship.

All staff should inform their line Manager before engaging in any other business or accepting additional employment.

Any additional employment should not conflict with the organisation's interests or have the potential to bring The Education Fellowship into disrepute.

Employees may not set up a business, or accept a job with a business, which is in direct competition with The Education Fellowship.

Any secondary employment must not be carried out during an employee's contracted The Education Fellowship working hours, nor whilst on standby for official call out purposes unless such employment can be undertaken from their home.

It is an employee's responsibility to monitor the number of hours they work and to ensure that they are rested and refreshed and able to carry out their role with The Education Fellowship. On average employees should not work more than 48 hours in total each week unless they have opted out of the Working Time Regulations.

## **Confidentiality**

Employees must take all reasonable steps to ensure that the loss, destruction, inaccuracy or improper disclosure of information does not occur as a result of their actions.

Employees must not disclose personal or financial information about any other employee without the express consent of that individual.

Confidential information, belonging to The Education Fellowship, should not be disclosed to any person not authorised to receive it.

Employees must not use any information obtained in the course of their employment to cause damage to The Education Fellowship or for personal gain or benefit. Nor should they pass information on to others who may use it in such a way.

Employees should also be aware that under Section 13 Education Act 2011 that it is a criminal offence to disclose the identity of a teacher who is the subject of an allegation of a criminal offence made by or on behalf of a pupil until a teacher is charged with this offence. This includes disclosing any information that could make that person identifiable.

## **Time, facilities and publications**

Employees must spend all of their contracted hours working for The Education Fellowship.

Employees may not make personal use of The Education Fellowship property or facilities (stationery, photocopiers, car parks etc.) unless authorised to do so by their line manager. Computers and software may only be used in line with the School Technical Security Policy and the Acceptable Usage Policy.

Employees may only use the Trusts telephones to make private calls in exceptional circumstances, and with the permission of their line manager.

Any public funds entrusted to an employee must be used in a responsible and lawful manner.

Employees who want to publish any material that they have written in connection with their duties or in which they describe themselves as holding a position within the Trust must first gain the consent of their Director.

If, in the course of their work, an employee creates a copyright work (for example a procedures manual or a software programme); patentable invention; design capable of registration; this would become the property of The Education Fellowship and, if appropriate, they would be required to cooperate in the registration formalities.

## **Equality**

The Education Fellowship is firmly committed to the principles of equality and diversity and has a positive duty to promote these within the community it serves.

Employees must treat colleagues, pupils, parents, carers, governors and members of the public and the local community with respect and must not discriminate unlawfully against any person.

Employees involved in making appointments should ensure that decisions are based only on the ability of the candidate to undertake the duties of the post. If any applicant is a close personal friend or relative they should not be involved in the appointment process.

## **Employment of Relatives**

There may be occasions when The Education Fellowship will be the employer of both partners in a marriage or close relationship, or of very close relatives.

It will also apply to strong or lasting personal relationships and to same sex relationships and civil partnerships.

In this respect, there are circumstances where this is of significance and consequently where difficulties could arise. In particular, this will apply where there is a possibility of partners or close relatives working in posts, which have a direct line management relationship. For example, one may be involved in appointing, managing, counselling, appraising or disciplining the other, or both could be members of the same management group.

In such circumstances there may be potential for a division of loyalty or allegations of favouritism or nepotism, which should be avoided wherever possible. However, the requirements of the Equality Act 2010 must be observed, and selection for appointment, training and promotion must not be affected by marital or family status. Nor should an employee's right to privacy be infringed. It is important that working arrangements are seen to be fair and that they are fair in practice.

The Board has ultimate responsibility for making appointment decisions. However the CEO must ensure that where relatives or partners are allowed to work together any decisions about appointment or promotion are fair are seen to be fair, and do not involve the relative or partner.

Employees have a responsibility to raise the issue with their Line Manager/the CEO if they believe they may be placed in a difficult situation because of their work and family/personal relationship. Where employees form close relationships at work, they should raise the issue discreetly with their Line Manager/the CEO to discuss whether any adjustment to working arrangements would be necessary.

The Board of Trustees should give due consideration to any potential conflict of interest that might arise out of the employment of a relative or an individual who is in a relationship with a member of the Board or with another member of staff.

The Board's written consent is required for a related person to be appointed in a position where the relationship means that one directly supervises the other; or the appointing manager is a relative or in a relationship with the applicant.

Appropriate arrangements must be in place for making:

-  Employment decisions where the appointing manager is a relative or in a relationship with the applicant

- 👤 Performance management and pay recommendations where an employee directly supervises a relative or partner
- 👤 Pay or contractual changes that a relative or partner could be required to authorise

No related persons should be appointed to jobs where one is involved in the ordering of goods and services and the other passes the invoices for payment.

Where there are existing relationships between employees (pre policy), the Board should review the arrangements to ensure that they meet the principles of this policy.

If you are uncertain about a particular situation, please contact the CEO or his delegated authority.

## **Gifts, Hospitality and Sponsorship**

It is an offence under the Prevention of Corruption Acts for employees to accept gifts, loans, fees or rewards as an inducement to act in a certain way in their official capacity.

Employees must not accept any fee or reward for work done other than their pay and allowances as set out in their contract of employment except as set out below.

- 👤 Employees may accept small items (e.g. inexpensive pens, diaries, flowers, chocolates). They should check the process for this with their line manager
- 👤 Employees may only accept an offer of a more significant gift (as a guide worth more than £25) or hospitality (e.g. visits, meals, sporting events etc.) if there is a genuine need to do so in order to represent the organisation in the community

Gifts, benefits and hospitality offered to employees or members of their family as a consequence of their employment must be declared to their line manager in writing, whether accepted or not.

Employees should never accept significant gifts or hospitality from pupils, parents, carers, and actual or potential contractors or outside suppliers.

If an external organisation wishes, or is sought, to sponsor an organisational activity the rules concerning acceptance of gifts or hospitality apply.

Particular care must be taken when dealing with contractors or potential contractors. The CEO must be involved in any decision.

Where TEF wishes to sponsor an event or service no employee or member of their family must benefit unless full disclosure of interest has been made to the CEO. All sponsorship must be recorded.

Dress and personal protective equipment

Employees should ensure that their dress is appropriate to the professional nature of their role, the activities they are involved in and any health and safety requirements related to these.

Suitable personal protective equipment will be issued and must be worn where a risk assessment indicates it is appropriate.

## **Misconduct**

All employees should conduct themselves in a professional manner at work. Serious misconduct and/or criminal offences committed during or outside of working hours, which bring them or The Education Fellowship into disrepute may be the subject of disciplinary action, which could lead to dismissal.

It is essential that employees inform their line manager of any police investigation, charge, caution, reprimand, fine or conviction immediately, whether or not this is related to their work. All such disclosures will be handled sensitively and in confidence but may result in a suspension from duties while an investigation takes place.

## **Further advice and information**

The Education Fellowship also operates a number of policies relating to conduct at work, which employees are required to follow and which include but are not limited to:

-  Disciplinary procedure
-  Personal use of social media policy
-  School Technical Security Policy
-  Acceptable Usage Policy
-  Whistleblowing Policy
-  Dignity at Work Policy
-  Equality and Diversity Policy
-  Child protection and safeguarding policy

## **Additional recommended guidance**

Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings (Safer Recruitment Consortium, October 2015)