

Code of Conduct for Schools and Academies

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Consultation	This code of conduct has been subject to consultation with recognised schools trade unions and formally agreed following the September 2017 JCNC with a recommendation that this framework code of conduct be adopted by Somerset Schools & Academies. Whilst not itself amounting to a disciplinary code, any failure to follow the code of conduct set in this document may, depending upon circumstances, give rise to disciplinary action.

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Pre-ambule (This does not form part of the Code of Conduct)

Keeping Children Safe in Education (DfE 2022) makes specific reference to Staff Codes of Conduct where it states all "*staff members should be aware of systems within their school or college which support safeguarding, and these should be explained to them as part of staff induction. This should include:*

- *the child protection policy;*
- *the staff behaviour policy (sometimes called a **code of conduct**); and*
- *the role of the designated safeguarding lead."*

Copies of policies and a copy of part one of Keeping Children Safe in Education (DfE 2022) should be provided to staff at induction.

The document goes on to say:

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

98. This should include:

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

Although many schools do have "Code of Conduct Policies", others have a number of policies which when taken together could be viewed as governing staff behaviour.

OFSTED clarified their view in December 2016 and concluded that there is "no expectation that schools need to have policies relating to staff behaviour in any particular format. What is important is that schools have this covered somewhere in their policies and procedures and that all staff are aware of this. Inspectors will want to know how schools have ensured that staff know what is expected of them and may ask to see how this is covered but should not be giving the impression that this needs to be a single policy document or in the form of a code of conduct."

As a result, the "Code of Conduct" document below provides a template for individual schools to use and develop to support staff in understanding the expectations the school has of them and understanding their responsibilities. It should not be viewed as a stand-alone document, but one of a number of mechanisms to enhance understanding of expectations of staff, volunteers, management and governance and signpost members of the school community to specific responsibilities placed on them.

Schools should ensure that any policies referred to (especially under Additional Requirement) have been adopted by the Governing Body and are actively promoted to staff and made easily accessible to staff.

CODE OF CONDUCT

1. Introduction

The school's reputation and the trust and confidence of the community in its integrity is of vital importance. It must discharge its day to day responsibilities with openness and honesty. This code of conduct is presented to assist staff employed in the school and volunteers (including governors) in carrying out their day to day responsibilities in accordance with legal requirements placed upon them and any policies adopted by the school.

2. Status of the Code of Conduct

This Code of Conduct applies to all employees of the school and those individuals volunteering within the school. Throughout the document, reference is made to employees referring or reporting issues to the Head Teacher/Chair of Governors. Where the employee is the Head Teacher they should refer or report issues to the Chair of Governors.

3. General

Employees and volunteers of the school should remember their responsibilities to the local community and adopt a courteous, high quality, efficient and impartial approach to all groups and individuals with whom they come into contact in the course of their work. Such courtesy and efficiency should be shown to all people with whom employees and volunteers deal remembering that all opportunities need to be taken to enhance the reputation of the school whether locally, nationally, or internationally.

Employees and volunteers of the school must carry out their duties objectively, professionally, to the best of their ability and in an impartial manner. Employees and volunteers of the school are entitled to expect that no other colleague or governor will seek to pressure or persuade them to carry out their duties in any other way. Where it is alleged that such action has taken place, the Head Teacher and Chair of Governors will investigate the allegation if requested to do so.

There may be occasions when employees, carrying out their duties for the school, find themselves at odds with national government advice or guidance. In such circumstances, it is particularly important that they are seen to behave with complete objectivity and impartiality obtaining managerial and professional advice and guidance where appropriate. They are entitled to expect to receive the unequivocal support of senior managers in so doing.

As a general rule of thumb, employees and volunteers at the school should act in accordance with three key guiding principles:

- Ensure that their conduct complies with these standards, the spirit of these standards, the school's policies and the law.

- Ensure that their conduct is never influenced by personal gain.
- Ensure that their conduct could not give any reasonable person cause to question their motives.

4. **Confidentiality & Openness**

As employees and volunteers of the school, individuals may be privy to information which is confidential. Any express or implied responsibility to keep information confidential should be respected by employees and volunteers and there should be awareness that such responsibility might arise from the nature of the information itself, e.g. child protection disclosure. It will, however, be extremely rare that employees and volunteers will be unable to share confidences with either the Head Teacher or the Chair of Governors.

Employees and volunteers should not use information obtained in the course of their time at the school for personal gain or benefit, nor should they pass it on to others who might use it in such a way. When employees and volunteers are acquainted with confidential information belonging to the school, they must not disclose that information to any person not authorised to receive it unless such material must by law be made available to specific parties e.g. in child protection cases to the Local Authority Designated Officer (LADO), Police or Social Services and disclosure of financial information to Internal or External Auditors.

5. **Relationships**

Mutual respect between governors and staff is essential to good school management. Close personal familiarity between individual governors and employees should be avoided wherever possible, as it can be detrimental to the relationship and prove embarrassing to other governors and employees.

Employees and governors will ensure that appointments are made on the basis of merit and in accordance with the school's policies and procedures. Merit is determined on the basis of matching the chosen candidate with a job specification and ignoring all other extraneous considerations, e.g. close personal relationships with governors or other employees. Employees in the course of their duties should not be involved in the appointment, pay adjustment, approval of expenses, promotion or discipline of partners, relatives or close friends.

Close personal relationships between employees and/or governors should not be permitted to influence decisions made and must be declared at the earliest opportunity.

Section 16 of The Sexual Offences Act 2003 provides that it is an offence for a person aged 18 or over to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual.

Employees and volunteers working within a school would be deemed to be in a position of trust and must conduct themselves in accordance with the statutory requirements of the guidance "Keeping Children Safe In Education" (DfE 2022) and must not engage in a staff/pupil relationship that extends beyond the professional requirements of their role in any circumstance. Employees and volunteers at the school are required to adhere to the school's safeguarding and child protection policies.

It should be noted that communicating with pupils who attend the school over social media could be viewed as developing / attempting to develop an inappropriate relationship. As such specific regard should be given to the school's ICT Acceptable User & Social Media Policy. As a general rule staff and volunteers should not engage in communication with pupils of the school over Social Media unless explicitly agreed by the school and for the purpose of fulfilling their professional duties. Any communication should remain professional in nature. If staff are unsure of the appropriateness of any communication, they should discuss this with the Head Teacher.

Relationships with contractors or potential contractors who are engaged or may be engaged to carry out work at the school should be made known and in the case of governors, an interest declared to the Head Teacher or Chair of Governors in accordance with the legal requirements in respect of declaring financial interest.

6. Political Neutrality

All employees and volunteers of the school are required to be politically neutral and must not allow their own personal or political opinions to interfere with the way in which they carry out their work or duty to implement the policies.

Under the Education (No 2) Act 1986 the Governing Body and the Head Teacher are required to ensure that where political issues are brought to the attention of pupils, they are offered a balanced presentation of opposing views.

7. Personal Interests

Employees must declare to the Head Teacher and/or Chair of Governors financial and any other interests that they consider could bring about direct conflicts with the school's interests, including membership of any organisation not open to the public which requires of members any form of commitment or allegiance and which has secrecy about rules and membership or conduct.

8. Other Employment

The Governing Body will not unreasonably stop employees from undertaking additional employment, but such employment must not, in the view of the Governing Body, conflict with or act in a way which is detrimental to the school's interest or have the effect of weakening public confidence in the proper conduct of the school.

The Head Teacher and Governing Body expect that all staff employed in the school will give full commitment to the school whilst employed there and will not take up other employment which may directly impact on their ability to fulfil their contractual requirements.

9. **Gifts & Hospitality**

A potential source of conflict between private and public interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties.

Apart from the exceptions listed below, an employee or volunteer of the school should refuse any personal gift offered to him or her or to any family member by any person or organisation who is involved with the school. Any such offer should be reported to the Head Teacher or to the Chair of Governors if the offer is to the Head Teacher.

The exceptions are:

- (a) gifts of a token value often given at Christmas time such as diaries, confectionery, calendars, pens etc. or by children at Christmas or the end of an academic/term year or after a particular event;
- (b) gifts of a promotional nature on the conclusion of any courtesy visit to/by a business or organisation of a sort normally given by that firm.

Employees should only accept offers of hospitality including invitations to functions, meals and site visits if there is a genuine need to impart or receive information or represent the school and/or the community, e.g. careers events. Offers to attend social or sporting functions at another's expense should be accepted only when these are part of the life of the community or where the school should be seen to be represented perhaps including occasions when a genuine business benefit may be obtained by the school as a result. Such visits should be properly authorised by the full Governing Body and recorded on a maintained register e.g. Log Book, Governing Body minutes and must not be excessive in the context of the occasion or the justification for attendance. If an employee is in any doubt about the propriety of accepting a gift, advice should be sought from the Head Teacher or Chair of Governors.

Employees of the school should not accept significant personal gifts, services or other benefits from contractors and service providers such as drink, cars, holidays, tickets etc. Where unsolicited gifts are received, they should be drawn to the attention of the Head Teacher or Chair of Governors who will keep a record of circumstances.

As well as receiving gifts, staff and volunteers should also be aware of the potential issues in relation to providing gifts to children. In normal circumstances gifts should not be given to individual children as this could, unintentionally, be viewed as extending or attempting to extend a relationship beyond the professional

requirements of the role. As such, if you feel a gift is appropriate, explicit agreement should be gained from the Head Teacher with regards to the reason and nature of any gift.

10. **Equal Opportunities**

The school is committed to ensuring equal opportunities in employment and provision of education and believes that an effective equal opportunities policy is an essential means of increasing the value of its personnel by developing the potential of all its individual employees. The school's equal opportunities policy is designed to ensure that no employee or job applicant should receive less favourable treatment than another because of a protected characteristic as defined by the Equality Act 2010 i.e. age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief, sex or sexual orientation. All employees and volunteers must comply with both the spirit and letter of the Equality Act and the school's equal opportunities policy and treat all members of the public and work colleagues with respect and fairness.

Employees and volunteers should be fully aware of the school's commitment to equal opportunities and the employment of disabled persons.

Employees should note that the following acts may be unlawful as well as constituting misconduct liable to disciplinary action (which could in some cases include summary dismissal):

1. Discriminating improperly in the course of their employment against members of the public, clients, stakeholders, fellow employees, job applicants or in respect of job transfer or promotion applications, because of a protected characteristic as listed above.
2. Instructing, causing or inducing, or attempting to induce, staff, volunteers and governors to practice unlawful discrimination.
3. Verbal or physical harassment of a nature that is offensive to the victim.
4. Victimising individuals who have made allegations or complaints of discrimination or harassment or who have provided information about such discrimination or harassment.

For its part, the school will investigate any allegation of discrimination or harassment and will take action as appropriate.

11. **Health & Safety**

The school (and the Local Authority where the LA is the employer) share a legal obligation to protect the health, safety and welfare at work of all its employees and others in the workplace. Equally, employees should at all times be aware of and fulfil

their legal responsibility to protect their own and others health, safety and welfare at work. This legal obligation is supported by the school's health and safety policy.

12. **Post-Employment**

The duty of fidelity which each employee owes to the school and which requires an employee to act in an honest fashion and not in a manner which will harm the school may, in certain respects, continue following the end of the employee's employment. For example, even though they are no longer employed by the school, a former employee must not disclose confidential information which belongs to the school.

Certain employees may have access to intellectual property (such as copyright and materials which belong to the school). An employee might even have contributed to the creation of that intellectual property during a period of employment. However, where part or whole of that property belongs to the school it cannot be used by a former employee for any purpose without the agreement of the school as appropriate.

13. **Additional Requirement**

Although this code of conduct highlights overall expectations, staff are also expected to be aware of, and adhere to, other key legislation, professional standards, policies, procedures and guidance in order to effectively carry out their duties during the course of their employment. Of particular importance we would highlight the following documents and advise staff and volunteers to familiarise themselves with them where appropriate to their role:

Keeping Children Safe in Education (DfE 2022) – All staff and volunteers must have at least read Section 1 of this document:

Child Protection Policy

Confidential Reporting Code (Whistleblowing)

Equal Opportunities Policy

Health & Safety Policy

National Standards of Excellence for Head Teachers

Teachers' Standards

Professional Standards for Teaching Assistants (Non-Mandatory, Non-Statutory)

Governance Handbook

ICT Acceptable User & Social Media Policy

Dignity at Work Code of Practice

Individual schools should ensure any policies listed above have been adopted by the Governing Body and all staff and volunteers are made aware of them and have easy access to them.