



*'Individual Growth, Individual People'*

Head Teacher: Mrs M A Tyers

# Nottinghamshire School Employee Code of Conduct Policy

## Reviewed November 2018

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## **Copyright**

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*Please also note that any changes to the original policy documentation will require your governing body or trust to re-consult with the secretaries of the recognised trade unions and staff in your school.*

### **1. Introduction**

- 1.1** The Governing Body of the school has adopted this code of conduct on 26<sup>th</sup> April 2016. The SD&P committee of the governing body will review and monitor the impact of the code annually with the head teacher. The next review will take place in September 2018.
- 1.2** The governing body has adopted the policy set out in this document to provide a clear framework for the exercise of its powers and discretions in relation to all staff employed in the school and paid from within the school budget.
- 1.3** This code of conduct should be read in conjunction with the [School Staff Induction Policy](#) and the [Disciplinary Procedure for School staff](#) and the [Whistleblowing and Confidential Reporting Policy](#).
- 1.4** In accordance with the latest DFE 'Keeping Children Safe in Education' statutory guidance this code has been adopted by this school in order for all school staff to be fully aware of the standards of personal and professional conduct in relation to safeguarding children. This policy supports existing school systems to ensure that all children are safe. The code gives a clear framework for staff to understand their responsibilities and will be discussed during the course of their employment, for example at induction and at team meetings to ensure the code is understood by all staff; applied appropriately; monitored and positively promoted in school.

- 1.5 Every member of school staff will be required to read this code of conduct and date and sign to confirm that they have read and understood the document. For new staff it will form part of their induction. Where staff have any questions or concerns about the requirements of this code then advice should be sought from their line manager or the head teacher.
- 1.6 There is an expectation that all employees in this school will conduct themselves in a manner commensurate with the highest standard in order to maintain public trust and confidence in themselves as employees and the school generally, so they are beyond reproach in the performance of their duties.
- 1.7 Each member of school staff has a duty to ensure that the appropriate standards of conduct are upheld both by themselves and by colleagues.
- 1.8 Part of the responsibilities of Ofsted Inspection is to assure safe and secure provision for children, young people and learners across all remits through effective inspection and regulation. Safeguarding the welfare of children is part of Ofsted's core business for all staff, who are expected to be aware of their responsibilities in this regard. A code of conduct is essential to ensure school staff understand the required expectations of them.

## ***2. Consultation and Agreement with the Recognised Trade Unions***

- 2.1 *The Nottinghamshire Newark Orchard School Policy/procedure is recommended for adoption by all community, voluntary aided, voluntary controlled, academy, foundation, and trust schools who purchase their HR Service from Nottinghamshire County Council.*
- 2.2 *This policy/procedure has been agreed with all of the recognised trade unions through the JCNP process and meet legislative requirements.*
- 2.3 *Due to the complexities of this area of employment and education law, governing bodies are strongly advised to adopt the attached policy without amendment. Should, exceptionally, a governing body seek to amend the recommended policy, they will need to consult/negotiate any changes collectively with all the secretaries of the recognised trade unions and confirm any amendments to the local authority. Governing Bodies are strongly recommended to seek advice from the HR service in these circumstances.*

## ***3. Equalities and Equal Opportunities***

- 3.1 *The governing body recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex (gender), sexual orientation, religion or belief, gender re-assignment,*

*pregnancy and maternity, marriage and civil partnership, disability or age. All decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.*

*3.2 The governing body is aware of its responsibilities under the Freedom of Information Act 2000 and to make available this policy to all staff at the school.*

#### **4. Aims of the Policy**

*4.1 The aims of the governing body's Code of Conduct are*

- a) To define the responsibilities and standards required of all who work for and behalf of the School*
- b) To advise staff of the consequences of failing to follow the code of conduct or additional unacceptable behavior*

#### **5. Underlying principles**

**5.1** All school staff must act within the law whilst undertaking their official duties. Staff must not undermine fundamental values, including democracy, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.

**5.2** Teachers must have an understanding of, and always act within, the statutory frameworks (for example *KCSIE and Working Together to Safeguard Children*) which set out their professional duties and responsibilities. Where staff are members of professional bodies, they must also comply with any standards of conduct which are set by that body. The conduct of all teachers must always be in line with the Teacher's Standards and for head teachers, the National Standards of Excellence for head teachers January 2015.

**5.3** Staff must have proper and professional regard for the ethos, policies and practices of the school, and maintain high standards in their own conduct, performance, attendance and punctuality. Staff should ensure that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to act inappropriately or to break the law or the policies and procedures of the school. Staff should always show respect for the rights of others.

**5.4** Staff are expected to provide the highest possible standard of conduct and service. Where staff are aware of any contraventions of this Code, illegality, misconduct or breach of procedure they should notify their head teacher.

**5.5** The Code does not seek to address every possible circumstance, and simply because a particular action is not addressed within the Code, this does not condone that action

by omission. Staff at times will be required to exercise their professional judgement and act reasonably at all times. Where a member of staff is unsure about how to respond to a particular situation guidance and support should be sought from the head teacher, or in the case of concerns about the head teacher, from the Chair of *Governors or their employer*. Where an employee feels unable to report a concern in this way they should refer to the Whistleblowing and Confidential Reporting Policy and /or contact an appropriate external agency, the Nottinghamshire County Council or their own professional body.

- 5.6 A failure to follow this Code could lead to the initiation of the safeguarding / disciplinary procedures.

## 6. Safeguarding

- 6.1 Staff must safeguard children's well-being, in accordance with statutory provisions, the local Safeguarding Children Board procedures and their school's child protection policy. Staff must report any safeguarding concerns immediately to the designated safeguarding lead person in school and ensure the head teacher or chair of governors is informed. All staff have a responsibility to take appropriate action and work professionally with other services accessed by the school as required.
- 6.2 Section 5B of the Female Genital Mutilation Act 2003 places a statutory duty upon teachers, to report to the police cases where they discover that an act of FGM appears to have been carried out on a girl under the age of 18. The teacher should consider and discuss any such case with the school's designated safeguarding lead and involve children's social care as appropriate.
- 6.3 Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism. All staff must work to protect children from the risk of radicalisation and be aware that this is part of the wider safeguarding duties in the school. Staff must intervene to prevent vulnerable people being radicalised and report any such instances or concerns to the head teacher.
- 6.4 All staff must be fully aware of all of the school policies and procedures relating to safeguarding and how to access them. In this school the relevant documents are located or may be accessed in the school office and on the school website. Given their position of trust, all staff must ensure that they do not put themselves in any situation where their conduct or behaviour with any pupil could be misconstrued. Any allegations of inappropriate contact with pupils will be investigated according to the Schools Disciplinary Procedure.
- 6.5 If a child reports any safeguarding concerns to any member of staff, this must be reported immediately to the designated safeguarding lead and head teacher. Staff must not promise confidentiality to a child and always ensure that any actions taken are in the best interests of a child.
- 6.6 All schools should promote a culture of openness, trust and transparency. Where a member of staff has any safeguarding or other concern about the conduct or

behaviour of another member of staff, the concerns must be reported immediately to the head teacher and where appropriate to the designated safeguarding lead. Concerns about the head teacher should be referred to the chair of governors *or their employer*. Serious case reviews publicised recently in the media have highlighted missed opportunities to deal with concerns at an early stage because staff have not shared information with the leadership of the school. It is also important that all staff and volunteers should know how to raise concerns about poor or unsafe practices and potential failures in the school's safeguarding regime through the [Whistleblowing and Confidential Reporting Policy](#) or by directly contacting the Local Authority Designated Officer (LADO).

- 6.7** All staff must be aware that it is a criminal offence under the Sexual Offences Act 2003 (as amended) for anyone to engage in a sexual relationship or grooming for such a relationship with a child aged under 18 with whom they are in a position of trust. It is therefore vital that staff work within appropriate professional boundaries at all times with children and young people with whom they are in a position of trust. If staff, are unsure about what action to take or how they should respond to a particular situation they must immediately contact the designated safeguarding lead/head teacher. Any concerns about an inappropriate relationship between a member of staff and a student/pupil (irrespective of their age) will be fully investigated under the Disciplinary Procedure for school staff as a potential issue of gross misconduct.<sup>1</sup>

## 7. Equality issues

- 7.1** Staff must ensure that equality policies in relation to employment and their duties and responsibilities are adhered to. This school believes in equality and will not tolerate any behaviour which could be construed as harassment, intimidation, unfair discrimination or victimisation, by school staff against pupils, colleagues, parents, governors and other visitors. Staff should not by their actions, manner or speech be discriminatory with regards to a person's age, disability, gender reassignment,

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<sup>1</sup> In the Sexual Offences Act 2003 in terms of grooming the person committing the offence has to be over 18 and the victim under 16. The wording regarding grooming is:

- (1) A person aged 18 or over (A) commits an offence if—  
(a) having met or communicated with another person (B) on at least two earlier occasions, he—  
(i) intentionally meets B, or  
(ii) travels with the intention of meeting B in any part of the world,  
(b) at the time, he intends to do anything to or in respect of B, during or after the meeting and in any part of the world, which if done will involve the commission by A of a relevant offence,  
(c) B is under 16, and  
(d) A does not reasonably believe that B is 16 or over.  
This is from Part 1 Section 15 Meeting a child following sexual grooming etc. of the Sexual Offences Act 2003 (page 7).

In terms of abuse of position of trust: sexual activity with a child then the person committing the offence has to be over 18 and the victim under 18, the wording regarding this is:

- (1) A person aged 18 or over (A) commits an offence if—  
(a) he intentionally touches another person (B),  
(b) the touching is sexual,  
(c) A is in a position of trust in relation to B,  
(d) where subsection (2) applies, A knows or could reasonably be expected to know of the circumstances by virtue of which he is in a position of trust in relation to B, and  
(e) either—  
(i) B is under 18 and A does not reasonably believe that B is 18 or over, or  
(ii) B is under 13.  
This is from Part 1 Section 16 abuse of position of trust: sexual activity with a child (page 7-8).

marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or trade union membership.

## **8. Health and safety**

- 8.1** It is the responsibility of all staff, governors, parents and visitors to the school to take reasonable care for the health and safety of themselves and others and to assist in the creation of a safe work environment.
- 8.2** All visitors to the school will be managed in accordance with the [Guidance on Visitors including VIPs to schools](#)
- 8.3** Staff have a responsibility to inform the head teacher of any medical condition/illness they have during the course of their employment which may impact on their fitness to undertake their duties or on the health and safety of themselves, pupils, other staff, governors of the school or visitors.

## **9. Relationships and contact between school staff - the public, parents and pupils**

- 9.1** All employees should always act in a courteous, efficient and impartial manner towards all individual pupils, groups of pupils, staff, parents, governors, colleagues and other individuals. Staff must always treat pupils with dignity, building relationships rooted in mutual respect, observing proper boundaries appropriate to their position.
- 9.2** Guidance on Safer Working Practice is explicit that staff should not establish or seek to establish social contact with pupils for the purpose of securing friendship or to pursue or strengthen a relationship. This is important because:
  - Such contact can blur the professional boundaries between the staff member and pupil;
  - Such contact can compromise confidentiality;
  - Such contact can place both pupil and the staff member in a position of vulnerability;
  - Pupils at the school may struggle to differentiate between the role of staff member and friend and therefore have expectations which the staff member cannot fulfil.
- 9.3** It is the policy of the school that there will be no personal contact other than in certain exempted circumstances between staff and current/former pupils of school age outside the normal school work environment. This includes non-direct contact such as telephone, text messaging, email or social networking sites. Any proposed work related contact, outside of the normal working environment, must be agreed in advance by the head teacher, be recorded and monitored. Unexpected contact with pupils should be kept to a minimum. E.g. brief greeting. Any transport of pupils must be agreed in line with the school policy and always agreed with the head teacher.
- 9.4** Schools staff should use their professional judgement and correspondence received by a member of staff from former pupils, the public or parents or other significant contact should be discussed with their line manager/head teacher as appropriate and filed with any response in the appropriate school records system.

- 9.5** Staff should be extremely cautious when using social networking sites outside of work and avoid publishing, or allowing to be published, any material, including comments or images which could damage their professional reputation, the reputation of the school, and/or bring the school into disrepute. Where staff do choose to use social networking sites it is strongly recommended that profiles should be set as 'private' and under no circumstances should staff allow access to pupils, their families and/or carers.
- 9.6** Staff should not give their personal details such as home/mobile phone number; home or email address to pupils and be professional at all times in accordance with the ethos of this code.
- 9.7** Where former pupils who are under the age of 18 and still in receipt of education in whatever educational setting make contact with a member of staff, staff must discuss their response to any such significant contact with their current line manager/head teacher.
- 9.8** If a former pupil requires assistance or some form of help that lies outside of school, they should be signposted to the relevant services. However, if the head teacher agrees that further contact with the staff member is relevant and appropriate, a clear plan of involvement, including outcomes and timescales must be drawn up and agreed by the head teacher. The head teacher must ensure adequate support/supervision is available to the staff member and all contact be recorded.
- 9.9** Where a close relationship develops between a member of school staff and an ex-pupil which may raise concerns about the member of staff's suitability to work with children, the head teacher should immediately contact the Local Authority Designated Officer (LADO) for guidance.
- 9.10 All staff members should also be aware that their 'relationships and associations' (including online) may have an implication for the safeguarding of pupils, and if there are concerns about that, this could result in formal action being taken against the staff member.*

## **10. Confidentiality**

- 10.1** All school data and information should be managed in line with legislative requirements, good practice and the agreed school procedures. Staff and governors should be aware that the requirement to maintain confidentiality of information about pupils, their families, colleagues and any matters relating to the school itself apply to all forms of communication, including social networking sites, school and personal email accounts.

## **11. Use of personal mobile phones, laptops and tablets**

- 11.1** Personal equipment, such as mobile phones, or other photographic equipment must not be used at any time in lessons or during other contact with pupils and should be kept securely with other personal belongings.

- 11.2 Individual schools should set out the expected arrangements in writing.
- 11.3 If there is a requirement for staff to take photographs of children for school purposes this must be carried out using equipment provided by the school and with the agreement of the head teacher in line with the agreed school procedures. Information and images should only be retained for as long as required in line with data protection legislation.
- 11.4 Schools should provide staff with school mobile telephones for use on school trips.

## **12. Use of school premises or facilities for work not connected with the school**

- 12.1 School staff must not use the school's premises or facilities for activities which are not connected with their employment at the school, without agreement from the head teacher or governing body. This includes the personal use of the school email, telephones, computers, photocopiers, or other equipment.
- 12.2 Internal email systems and school computer equipment should always be used in accordance with the appropriate school policies.

## **13. Disclosure of information**

- 13.1 Staff must not disclose information given to them in confidence without consent except for that relating to safeguarding of a child which must be passed onto the LADO. Advice should always be sought from their line manager or head teacher on the appropriate use of school data and disclosure of school information, if there is any uncertainty.
- 13.2 Any actions taken by the school must always be in line with the requirements of the *Data Protection Act 2018*, the *General Data Protection Regulations 2018* and the *Freedom of Information Act 2000*. School staff should not use confidential information obtained in the course of their employment with the school for personal use, nor should they pass it on to others who might use it for unauthorised purposes.

## **14. School staff facing criminal charges**

- 14.1 Any member of staff, volunteer or governor who during the course of their employment or duties with the school faces criminal charges or who receives a new caution or conviction must inform their line manager, or in the case of the head teacher, the chair of governors *and their employer*

## **15. Childcare (Disqualification) Regulations 2009**

- 15.1 In accordance with the above Regulations, the school has an agreed policy setting out the legal responsibility to ensure that it does not knowingly recruit or continue to employ, a person in relevant employment, who is disqualified under the Regulations as this would constitute a criminal offence. The relevant checks will be undertaken on

recruitment and disclosure by an existing employee is an ongoing process. Where a member of staff or volunteer becomes aware of relevant information that may lead to disqualification during the course of their employment they must report this information to the head teacher /Chair of Governors immediately.

## **16. Conflict of interest**

**16.1** Staff should declare any personal interest that could bring about a potential conflict with the School's interests. School staff must immediately declare to their head teacher or chair of governors any financial interests or non-financial interests *which could or could be perceived to conflict with their role within the School.*

**16.2** *Staff are required not to take up employment outside of the school conflicts or potentially conflicts with the school's interests. Any staff considering employment with an outside organisation should always seek permission from their head teacher or chair of governors, as appropriate.*

## **17. Acceptance of gifts**

**17.1** *It is reasonable for a member of staff to accept modest gifts from pupils, especially at the end of a school year or at Christmas. Staff should be mindful that by accepting a gift that it could be perceived that they may potentially be influenced, or seen to be influenced in their actions or decisions. The giving or receiving of gifts to or from pupils should be in line with the agreed school policy.*

**17.1** *As stated in paragraph 2.4 this code of conduct does not seek to address every possible circumstance and staff are responsible for exercising professional judgement in referring matters to or seeking advice from the head teacher or governing body as appropriate.*



**JCNP Staffing regulations Working Party**

**Date: September 2018**

**Lead HR Business Partner**

**Francesca Waldrom/Ellen Cottee**

**Review date**

**As per legislative changes**

**Lead HR Senior Business Partner**

**Andy Wilson**