

Code of Conduct for Staff Employed in Schools

1 Scope

This Code of Conduct is recommended for adoption by the governing bodies of community, voluntary controlled, voluntary aided and foundation trust schools.

2 Purpose

The people of Newcastle upon Tyne are entitled to expect high standards of conduct from all employees including those who work in schools. This code of conduct has been drawn up by the local authority in consultation with school governors, head teachers and staff representatives. It outlines the rules that apply to staff employed in schools and provides guidance to help keep to them. Individual schools may have additional rules and these will be brought to the attention of all employees. The code sets out the minimum standards that are expected of employees and provides a framework that will help to prevent misunderstandings or criticism.

3 Roles and Responsibilities

- **Governing body:** The governing body has a general role in ensuring that appropriate standards of conduct are established and maintained. Members of the governing body may also be involved in dealing with specific declarations made by employees under the code.
- **Head teacher:** The head teacher is responsible for ensuring that staff are made aware of the Code of Conduct as part of their induction programme. They will also consider declarations made by the employees under the code and will ensure appropriate action is taken to deal with any alleged breaches.
- **Employees:** All staff employed at the school are required to keep to the standards of this code and carry out their duties honestly and fairly. Failure to do so is a serious matter and could result in disciplinary action including dismissal. Staff should therefore read the document carefully and if they have any queries contact their immediate line manager or head teacher.

4 Policy statement

The local authority endorses the Seven Principles of Public Life proposed by the Committee on Standards in Public Life chaired by Lord Nolan. These are:

Selflessness

People who work for the public should take decisions by thinking only of the public interest. They should not do so in order to gain any benefits for themselves, their family or their friends.

Integrity

People who work for the public should not put themselves under any financial or other obligation to any outside person or organisation that might influence them in carrying out their official duties.

Objectivity

In carrying out public duties, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, choices should only be made on merit.

Accountability

Those working for the public must answer for their decisions and actions to the public and be open to whatever questioning is appropriate to their job.

Openness

People who work for the public should be as open as possible about and give reasons for decisions and actions they take. They should restrict information only when the wider public interest clearly requires this.

Honesty

Those working for the public have a duty to declare any private interests to do with their public duties. They must resolve any possible conflicts of interest in a way which protects the public interest.

Leadership

People who work for the public should promote and support these principles by leadership and example.

The local authority and the governing body also expect employees to operate in accordance with the codes of conduct provided by their relevant professional body.

5 Standards

- All employees are expected to give the highest possible standard of service to the people of Newcastle upon Tyne and to carry out their duties honestly and fairly.
- All employees must report to their head teacher, or in the case of an allegation against the head teacher the chair of governors, anything illegal, improper or a breach of procedure. Employees will not be penalised for doing this as long as they act in good faith. The head teacher or chair of governors must record, investigate and take appropriate action on such reports.

- It is not enough for people working for the public to avoid doing wrong. All employees should avoid anything which could give the impression or appearance of doing wrong.

6 Safeguarding welfare of children and young people

- All staff are required to work within the 'Guidance for Safe Working for Adults who work with Children and Young People' provided by the local authority and any additional guidance provided by the school. This aims to safeguard children and young people and reduce the risk of staff and other adults in schools being falsely accused of improper or unprofessional conduct.
- Staff receiving information about allegations of child abuse should report such information to the head teacher, as set out in the school's Child Protection Policy. If the allegations are against the head teacher, the information should be reported to the chair of governors in accordance with the school's Procedure for Dealing with Allegations of Abuse Made Against Staff, Volunteers and Agency Workers.

7 Disclosure of information

- The law requires that certain types of information must be open to councilors, governors, auditors, government departments, service users and the public. An employee should always check first with the head teacher if they are in any doubt as to whether the particular information should be released. The head teacher may seek advice from the local authority.
- Employees must not use any information they get in the course of their employment for personal gain or benefit. They must not pass information on to others who might use it for their own gain.
- Employees must only give confidential information or documents to those who have a legitimate right to them. They can only give information stored on computer systems in accordance with the requirements of the Data Protection Act 1984, as described in Annex A.
- Employees other than the head teacher should not make statements directly to the press or other media without first obtaining the approval of the head teacher, except in the case of trade union representatives who are communicating with the media in that role. Head teachers should consult with their chair of governors before making statements to the press or other media on major policy issues.

8 Political neutrality

- Employees serve their governing body as a whole and must treat all governors equally and make sure that their individual rights are respected.
- Employees must not allow their own political opinions to interfere with their work.
- Employees may not display political posters, including election material, in areas of school premises or other council buildings which the public has access to. Trade union representatives may display trade union/association views on current issues on the appropriate authorised notice boards within the school.
- Where political views are brought to the attention of pupils within the school or during extracurricular activities they should be in the form of a balanced presentation of opposing views.

9 Relationships

- **With governors:** Mutual respect between employees and governors is essential to good school governance. An employee who believes that a governor has acted improperly towards them may report the matter to their head teacher who will take appropriate action.
- **With the local community and service users:** Employees are expected to be polite, efficient, fair and impartial when they provide services to all groups and individuals within the community they serve.
- **With contractors and suppliers:** All relationships of a business or personal nature outside work with external contractors or suppliers must be declared to the head teacher at the earliest opportunity on form CCES.1. Orders and contracts must be awarded on merit and no special favour should be shown to anyone.

A personal relationship covers: your partner (i.e. your spouse, civil partner or anyone whom you live with, in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.

You have a 'close association' with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding or influencing a matter which affects them.

10 Recruitment and other employment matters

- Employees involved in appointing people to posts should ensure that they follow the school's Recruitment and Selection Code of Practice.

- In order to avoid any possible accusation of bias, employees must not be involved in any appointment where they are related to or have a close personal relationship outside work with the person applying. Staff shall disclose to the head teacher on form CCES.2 any relationship with any person who they know is an applicant for a post at the school.
- Employees should not be involved in, or try to influence, decisions relating to discipline, promotion or pay for any employee who is a relative or with whom they have a close personal relationship outside work.

11 Commitments outside work

- Employees' off-duty hours are their private concern as long as they do not:
 - put their private interests before their duty to the school or local authority;
 - put themselves in a position where their duty and private interests conflict or could appear to conflict; or
 - do anything which could adversely affect their suitability to carry out their duties or the reputation of the school or local authority.
- Teaching staff or support staff graded above N6 (or its equivalent) may not carry out any other business or take up any additional employment without the permission of the governing body. Employees should complete form CCES.3 and submit it to the head teacher. The governing body will not unreasonably prevent you carrying out other employment. However this employment must not, in the view of the governing body, conflict with its interests and specific conditions may be laid down.
- The following conditions apply to all employees regarding their commitments outside work:
 - employees must not carry out private work (whether paid or unpaid) relating to the school or local authority without permission from the head teacher;
 - employees must not carry out any work related to a private interest (including taking or making telephone calls) during normal working hours;
 - an employee must not use the school's facilities or equipment or confidential information; and
 - all approvals will be reviewed and may be withdrawn if thought necessary.
- Some staff, particularly teachers, may wish to use their professional expertise to do other work, for example examination marking or private tuition. It is recognised that this can be of value to the school. The governing body will not normally prevent employees from undertaking

additional employment if it is satisfied that it does not conflict with the interests of or weaken public confidence in the school or local authority.

- The provisions of this section are not intended to apply to trade union officers engaged in legitimate trade union duties and activities.

12 Personal interests

- Employees must declare to the head teacher on form CCES.4 any financial or non-financial interests that could conflict with the school's or local authority's interests.
- Section 117 of the Local Government Act 1972 requires employees to make a formal declaration about any contract with the school or local authority where they have a financial interest, as set out in Annex B. Employees should complete form CCES.5 and sent this to the head teacher. Failure to comply with this is a criminal offence.
- Employees must not be involved in decisions about matters in which they have a personal interest.
- Employees must declare membership of any organisation that is not open to the public, does not have formal membership and has secrecy about rules, membership or conduct. A definition of such an organisation is provided in Annex C. Employees should complete form CCES.6 and sent it to the head teacher or, in the case of the head teacher to the chair of governors.

13 Equality

All members of the local community and employees have a right to be treated fairly and equally. Employees must follow the governing body's policies on equalities.

14 Tendering procedures

- Employees involved in the tendering process or dealing with contractors should make sure that they know the separate roles of client and contractor. A summary of key legal conditions is provided in annex D.
- Employees must deal fairly and impartially with all customers, suppliers and other contractors and sub-contactors.
- Employees who access to confidential information on tenders or costs relating to contractors must not give that information to any unauthorised person or organisation.

15 Corruption

It is a serious criminal offence under the Bribery Act 2010 for employees to corruptly receive or give any gift, loan, fee, reward or advantage or to show favour or disfavour to any person. If an allegation is made it is for the employee to prove that any rewards have not been corruptly gained or given. A summary of the legal provisions appears in Annex E.

16 Use of financial resources

- Employees involved in financial activities and transactions must follow the school's financial regulations and guidance.
- They must use public funds in a responsible and legal way, try to make sure that the school provides value for money to the local community and avoid legal challenges to the school or local authority.

17 Gifts and other benefits

- The offer of gifts or benefits in kind to employees (or their partners or family members) arising from their official duties could cause conflict between their private and public interests.
- Employees should refuse any personal gift offered to them, their partner or family member by
 - any person or organisation you have provided services to in the course of your duties or their partner or family member
 - any person associated with an organization who has, or wishes to have, dealings with the school or local authority.
- Employees must declare any offer on form CCES.7 and say what action they have taken. This should be given to the head teacher or the chair of governors if the offer is to the head teacher. The exception is where the token value of the gift is up to a maximum of £25 such as:
 - gifts made at the end of a courtesy visit to an organisation that are of a promotional nature and of a kind normally given by the organisation;
 - gifts of token value such as diaries, calendars and pens; or
 - gifts of token value given by pupils or parents at Christmas or at the end of term.
- As offering gifts is a common practice in the business world particularly at Christmas time, they should be refused politely. If, for example, a gift is simply delivered to an employee's place of work, there may be a problem returning it, in which case, it should be immediately reported to the head teacher or chair of governors who will decide on the appropriate action.

- Employees who have a caring role or who provide a direct personal service may come across special problems. For example, parents may wish to say thank you by offering gifts or money. This needs to be handled tactfully. Employees should refuse gifts politely and explain why they cannot accept them. Where it has not been possible to return a gift, this must be reported immediately to the head teacher who will give more guidance.

18 Hospitality

- A modest amount of entertainment is a normal part of public life but it is important not to risk undermining public confidence or allow it to appear that it may improperly influence the way employees carry out their duties.
- Employees must be particularly careful if they are offered hospitality by someone who wants to do business with or obtain a decision from the school or local authority. It is important to avoid any suggestion of improper influence. Employees should accept an offer of hospitality only if they genuinely need to go to an event to receive or give information, represent the school in the community or make prior visits to check arrangements, particularly in relation to health and safety (for commercially organised visits, journeys or activities involving pupils).
- Offers should only be accepted to attend purely social, cultural entertainment or sporting occasions if these are part of the life of the community or the school should be seen to be represented.
- If hospitality has to be declined, this should be done politely with an explanation of the rules on hospitality.
- Employees should use form CCES.8 to obtain approval before accepting offers of hospitality from the head teacher or the chair of governors if the offer is made to the head teacher. This is not required if the hospitality is of token value, for example a single drink.

19 Sponsorship

- The above rules relating to gifts and hospitality also apply where an outside organisation wishes to sponsor or is approached to sponsor a school activity. This may be by invitation, tender, negotiation or voluntarily. Employees should be particularly careful when dealing with current or potential contractors.
- Any employee who, or whose partner or family member, would directly benefit from sponsorship of an activity by the school, must declare this on form CCES.5 and send it to the head teacher or the chair of governors in the case of the head teacher.

- Employees must give impartial advice and avoid any conflict of interest where the school gives support in the community through sponsorship, grant aid or financial or other means.

20 Retention and access to declarations

- Declarations made on forms CCES 1 – 8 are subject to the retention periods and access categories set out below:

Declaration	Retention	Access
CCES1 Relationship with external contractor or supplier	Kept for 3 years after end of employment	Public access
CCES2 Relationship with candidate for employment	Kept for 3 years	Internal access
CCES3 Approval for outside interests	Kept for 3 years after end of employment	Internal access
CCES4 Declaration of personal interests	Kept for 3 years after end of employment	Internal access
CCES5 Financial interest in contract	Kept indefinitely	Public access
CCES6 Membership of secret societies or organisations	Kept for 3 years after end of employment	Access controlled by monitoring officer
CCES7 Offers of gifts	Kept for 3 years	Public access
CCES8 Offers of hospitality	Kept for 3 years	Public access

- Public access is allowed in situations that can raise particular public concerns (since they relate to financial interests) and the public interest in being able to see that appropriate declarations are made and the extent to which employees have such relationships overrides the need to protect the personal privacy of employees.
- Internal access by governors, councillors, local authority officers or district audit concerns declarations that relate primarily to the personal interests of employee. This is to maintain a balance between public interest and privacy issues.
- The authority's monitoring officer (the Head of Democratic Services) controls access to declarations of membership of secret societies or organisations. Membership of these organisations is not unlawful. Disclosure is required so that the school and authority can satisfy themselves on matters of propriety that may arise in connection with such organisations. Access will only be provided where the monitoring officer is satisfied that there are reasonable grounds for access in connection with investigations of a complaint or other legitimate concerns.

21 Relationship with other policies and procedures

- **Disciplinary Procedure:** This procedure should be used to deal with an allegation against a member of staff that they have acted in breach of this Code of Conduct.
- **Guidance for Safe Working for Adults who work with Children and Young People:** This sets out the school's arrangements for safeguarding the welfare of children and young people.
- **Child Protection Policy:** This should be followed if an allegation concerns abuse of a child.
- **Procedure for Dealing with Allegations of Abuse Made Against Staff, Volunteers and Agency Workers:** This should be followed if the it is alleged that a member of staff, volunteer or agency worker has abused a child.

22 Monitoring and review

- Feedback is encouraged from governing bodies and head teachers on the effectiveness of this code of conduct. It will be reviewed on a regular basis to ensure it is appropriate in light of recommended best practice and complies with employment law. In the event of any conflict with statute, the legal provisions will have precedence over this policy in all cases.
- Governing bodies should monitor their application of this code of conduct, particularly to ensure that their practices comply with it and are not discriminatory.

Revision Record of Published Versions			
Author	Creation Date	Version	Status
HR Services	30 March 2007	1.0	Approved by Executive Director of Children's Services
Changed by	Revision Date		
HR Services	Autumn 2014	2.0	Amended as per corporate policy update

Annex A - DATA PROTECTION ACT 1998

The Data Protection Act 1998 aims to protect the public from people not using their personal information correctly. The Information Commissioner oversees the Act but it is up to us and our staff to make sure we keep to the conditions of the Act.

The basic conditions of the Act are that personal information held on computer is:

- accurate;
- relevant;
- not excessive for the purposes registered; and
- held for no longer than is needed.

If you are going to give personal information to someone else, you must make sure that you do this according to the conditions of the Act and the conditions of registration. If you give out information regularly, you should make sure you are familiar with the relevant conditions. If you are in any doubt about the requirements of the Act, advice is available from the Council's Data Protection Officer.

Annex B - Section 117 of Local Government Act 1972

- 1 If it an employee becomes aware that they have a direct or indirect financial interest in a contract which the school or local authority has entered into or intends to enter into, they must declare this immediately.
- 2 An employee must not accept any fee or reward other than their normal salary.
- 3 If an employee breaks either of the conditions shown above, they can be prosecuted and fined. The maximum fine is level 4 on the standard scale.

Annex C - Organisations to which rules about personal interests apply

Any lodge, chapter, society, trust or regular gathering or meeting, which:

- (a) is not open to members of the public who are not members of that group;
- (b) includes an obligation on the part of the member to make a commitment of allegiance to the lodge, chapter, society or gathering or meeting; and
- (c) includes a commitment of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

Freemasons are considered to come within this definition.

A lodge, chapter, society, trust, gathering or meeting is not to be regarded as a secret society if it forms part of the activity of a generally recognised religion.

Annex D – Local Government Competition Regulations

The following summarises some of the key principles to be observed:

All staff should:

- avoid acting in a way which restricts or prevents competition or is likely to have that effect;
- do nothing that would distort or inhibit competition; or
- treat outside bidders or contractors equally with the authority's direct service organisation. For example, information given to the direct service organisation about the work which is subject to competition must be made available to all bidders.

Annex E - THE BRIBERY ACT 2010

Under the Bribery Act 2010, it is an offence for you to:-

1. Bribe another person
2. Be bribed
3. Bribe a foreign public official

There is also a 'corporate offence' of failing to prevent bribery. Under this, the Council will be guilty of an offence if an "associated person" bribes someone else intending to obtain or retain business, or a business advantage, for the Council. "Associated persons" may include employees, agents and subsidiaries.